

# CHAPTER 7

## TRAFFIC CODE

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**7.01 STATE TRAFFIC LAWS ADOPTED** (Rep. & Recr. Ord #1749 – 6/3/85; Am. Ord. #2623 – 4/7/08; Am Ord. #2682 – 1/10/11). Except as otherwise specifically provided in this chapter, the statutory provisions in Section 30.07, Chs. 110, and 340 to 348, Wis. Stats., together with all related orders, rules and regulations of the Department of Transportation contained within the Wisconsin Administrative Code, 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.

**7.015 SCHOOL BUS WARNING LIGHTS** (Cr. Ord. #1748 – 6/3/85).

Notwithstanding the provisions of §346.48(2) (b) 2., Wis. Stats., as adopted by reference in sec. 7.01 of this chapter to the contrary, school bus operators may 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 not traffic signals and such persons must cross the street or highway before being loaded or after being unloaded

**7.02 OFFICIAL TRAFFIC MANUAL AND CONTROL DEVICES; PROHIBITED SIGNS, SIGNALS AND MARKERS.**

(1) DUTY OF THE DIRECTOR OF PUBLIC WORKS 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 of this chapter, require the erection of traffic control devices for enforcement, the Director of Public Works 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 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 MANUAL. (Amend. Ord. #2419 – 11/5/01)

(a) Official Traffic Manual Established. There is hereby established for the City of West Bend an Official Traffic Manual in which is indicated all existing stop signs, arterial intersections, yield signs, special speed limits, one-way streets, no parking areas, restricted parking areas, and all other restrictions or limitations contained in this chapter and

which the laws of the State of Wisconsin require the erection or use of official traffic control devices to enforce such restrictions or limitations. The Official Traffic Manual was established on October 1, 1984 and revised in April 2001. Following the April 2001 revisions, the Official Traffic Manual contains only the current restrictions, limitations and other specific regulations. All such restrictions and limitations set forth in said Official Traffic Manual are hereby adopted by reference.

(b) Additions to Manual. The Council may, from time to time, make additions to or deletions from the Official Traffic Manual and the Chief of Police shall keep such Official Traffic Manual current. Every addition to said Official Traffic Manual made after October 1, 1984, shall indicate the number of the authorizing resolution and the date the appropriate official traffic control device was erected, and every deletion shall indicate the number of the authorizing resolution.

(bm) Temporary Speed Limits and Other Traffic Regulations. (Cr. Ord. #2252 – 5/20/96; Am. Ord. #2317 - 7/13/98) The City Engineer, in accordance with sound engineering practices and in consideration of the kind, speed and volume of traffic, duration of operations, and exposure to hazards, may establish temporary speed limits and otherwise regulate, warn or guide traffic for the duration of any construction, maintenance, utility, and emergency operations on any highway in the City, and she shall install or cause to be installed official traffic control devices giving notice of such limits and regulations. The Chief of Police shall make appropriate changes to the Official Traffic Control Manual as required under this subsection at the request of the City Engineer.

(c) Manual to Be Maintained. (Amend. Ord. #2419 – 11/5/01) The Official Traffic Manual shall be maintained and displayed in the office of the Police Department, Department of Public Works, City Clerk and the office of the City Attorney. The Chief of Police shall make appropriate authorized changes on said Manual 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 Manual 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 Manual 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 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 sub. (4) below.

(4) **REMOVAL OF UNOFFICIAL SIGNS, SIGNALS, MARKERS AND TRAFFIC CONTROL DEVICES.** The Chief of Police may direct the Director of Public Works to 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 Director of Public Works 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 THROUGH HIGHWAYS DESIGNATED.** (Rep. & Recr. Ord. #2528 – 6/14/04; Am. Ord. #2587 - 3/27/06). In the interest of public safety and pursuant to the authority granted by Wisconsin law, the following streets within the City are hereby designated as through highways.

1. Barton Avenue, from Main Street to the northern City limits
2. Chestnut Street, except at Main Street
3. Creek Road
4. Decorah Road
5. Indiana Avenue, from Washington Street to Decorah Road
6. Jefferson Street, from Main Street to the western City limits
7. Kilbourn Street
8. Main Street, from Walnut Street to the southern City limits and from Franklin Street to the northern City limits
9. Paradise Drive
10. Park Avenue
11. Progress Drive
12. River Road
13. Rusco Road
14. Salisbury Road
15. Scenic Drive West
16. Schmidt Road
17. Silverbrook Drive, except at Hawthorn Drive, Decorah Road and Chestnut Street

18. Veterans Avenue
19. Walnut Street, from 7<sup>th</sup> Avenue to Main Street
20. Washington Street
21. Wildwood Road
22. 7<sup>th</sup> Avenue, except at Decorah Road
23. 18<sup>th</sup> Avenue, except at Jefferson Street
24. Schloemer Drive, from 18<sup>th</sup> Avenue to 7<sup>th</sup> Avenue except at Silver brook Drive
25. Sand Drive from Decorah Road to CTH G

**7.04 SAFETY ZONES AND ISLANDS, TRAFFIC LANES AND LOADING ZONES.**

The Chief of Police is hereby authorized to establish safety zones and islands, loading zones and traffic lanes of such kind and character and at such places as deemed necessary for the protection of persons using the public streets. The Board of Public Works, upon the recommendation of the Chief of Police, is hereby authorized and empowered to erect and maintain or cause to be erected and maintained such pavement markings, structures and/or signage as may be deemed necessary to mark the areas designated pursuant to this section consistent with the provisions of this chapter.

**7.05 HEAVY TRAFFIC ROUTES.** (Am. Ord.# 2827 – 3/23/19) (Rep. & Recr. Ord. #2528 – 6/14/04).

(1) ROUTES DESIGNATED. The following streets and parts of streets within the City are hereby designated heavy traffic routes:

- (a) Such street as is designated as U.S. 45
- (b) Such street as is designated as S.T.H. 33
- (c) Such street as is designated as S.T.H. 144
- (d) Continental Drive
- (e) Corporate Center Drive
- (f) Creek Road, from Schoenhaar Drive to its western terminus
- (g) (Rep. Ord. # 2529 – 7/12/04) (Recr. Ord. #2533 – 8/9/04)

Decorah Road East of South Main Street

- (h) Enterprise Street
- (i) Indiana Avenue between E. Washington Street and Water Street
- (j) Lang Street
- (k) Main Street, from Walnut Street to the southern City limits
- (l) Main Street, from Franklin Street to the northern City limits
- (m) Paradise Drive
- (n) Parkway Drive
- (o) Progress Drive
- (p) River Road
- (q) Rolfs Avenue from E. Washington Street to Creek Road
- (r) Rusco Road, from Progress Drive to the eastern City limits
- (s) Schmidt Road
- (t) Schoenhaar Drive, from Creek Road to its southern terminus
- (u) Stockhausen Lane
- (v) Stonebridge Circle
- (w) Stonebridge Road, from Paradise Drive to its southern terminus
- (x) Trenton Road
- (y) Water Street
- (z) Wildwood Road
- (aa) Wingate Street
- (bb) 18<sup>th</sup> Avenue, from Washington Street to the southern City limits

(2) TRAVEL PROHIBITED. (Am. Ord. #2603 - 12/18/06). No vehicle, except a motor bus, which is not equipped with pneumatic tires or has a registered vehicle weight, as defined in sec. 7.08(4)(c) of this Code, exceeding 12,000 pounds shall be operated or moved on any street or alley not a part of the heavy traffic route designated in sub. (1) above 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 and 348.16(3), Wis. Stats.

(3) SIGNS. The Director of Public Works shall cause to be secured and erected appropriate signs to give notice of the heavy traffic routes.

**7.06 SPEED RESTRICTIONS.** The speed restrictions set forth in the West Bend Official Traffic Manual are hereby adopted by reference.

**7.07 LIMITED TIME PARKING RESTRICTIONS.** (Ord. Am. #2260 - 9/16/96).

(1) ESTABLISHED IN TRAFFIC MANUAL. The limited time parking restrictions set forth in the Official Traffic Manual are adopted by reference.

(2) DISTRICT PERMITS.

(a) Persons whose principal residences abut a street within the district specified in this subsection may obtain a permit to park their vehicles therein without regard to official signs limiting parking to two hours. All other parking restrictions including but not limited to parking prohibitions and 24-hour and winter parking restrictions shall apply to vehicles with such permits.

(b) The district includes: (Am. Ord. #2334 – 4/5/99; Am. Ord. #2378 – 10/16/00).

1. Acadia Avenue north of Decorah Road
2. Eastern Avenue between Redwood Street and Decorah Road
3. Imperial Court from Redwood Drive to Kilbourn Ave.
4. James Court
5. Janet Place from Juniper Court to James Court
6. Judith Court
7. Juniper Court from Redwood Drive to Kilbourn Avenue
8. Madison Avenue from Decorah Road to Hillcrest Street
9. Redwood Street from Eastern Avenue to Acadia Avenue
10. River Road from Decorah Road to Kilbourn Street
11. Sheridan Drive from Redwood Drive to Kilbourn Avenue

12. Hillcrest Street

13. (Cr. Ord. #2387 – 1/15/01) 8th Avenue from Elm Street to Cedar Street.

(c) Applications for a permit shall be accompanied by a currently valid vehicle registration certificate and the permit fee, which shall be \$5 per five year period or any portion thereof with no reduction for partial periods.

(d) A Permit shall be valid from August 1 of a year ending with a 1 or 6 to July 31 of the next year ending with a 1 or 6. It shall be valid for only one vehicle and attached to and displayed on the vehicle as directed by the Chief of Police. A permit shall be valid for parking on the street upon which the permittee's principal residence abuts, except if the residence abuts on two or more streets, it shall be valid only on the street shown as the permittee's address on both the application and the vehicle registration certificate. It ceases to be valid if the ownership or leasehold of the vehicle is transferred or terminated or if the owner or lessee changes his or her principal residence.

## **7.075 PERMIT PARKING LOTS** (Created Ord. #2508 – 12/15/03).

### (1) GENERAL PERMIT REQUIREMENTS.

(a) (Am. Ord. #2684 – 3/7/11). Application. Prior to the issuance of any permit, the City Clerk's Office must be provided with the name of the person to whom the permit is to be issued, the business where the person is employed, and the license plate number(s) of the person's vehicle(s). The permit fee, as specified from time to time by the Common Council, must be paid at the time of application. It is the responsibility of the permit holder to notify the Clerk's Office of vehicle or license plate changes. Permits are issued on a first come, first served basis. If there are no permits available, a waiting list will be established. Persons on the waiting list will be contacted on a first come, first served basis when a permit becomes available.

(b) Term. (Am. Ord. #2772 – 8/1/2015) Permits are sold on a monthly, semi-annual and annual basis. The permit year runs from January 1 to December 31.

(c) Renewal of Permits. Persons or businesses holding annual permits are given the opportunity to renew these licenses each year. Any annual permit that is not renewed, or any open permit, will go on sale the second Monday in June of each year. These permits will be sold on a first come first served basis.

(d) Transfer of Permit Prohibited. Transfer or assignment of a permit from one person to another, except within a business holding the permit, is prohibited.

(e) Discontinued Use of Permit. When a permit holder no longer needs or uses the parking permit, it should be turned in to the Clerk's Office. At that time, the



parking permit will be offered to the next person/business on the waiting list. No refund shall be issued to the original permit holder upon turning the permit in to the Clerk's Office.

(f) Exhibition of Permit. The permit shall be placed in the vehicle so that it is visible to persons outside of the vehicle.

(2) **PARKING LOTS**. Any person parking a vehicle in the following parking lots must comply with the permit requirements of the section:

(a) ). Lithia Parking Lot. (Am Ord. #2684 – 3/7/11). A permit is required for the parking lot located at the northeast corner of West Washington Street (State Highway 33) and North Main Street between the hours of 9:00 a.m. and 5:00 p.m., Monday through Friday.

(b) ). Hickory Street Parking Lot. (Am. Ord. #2684 – 3/7/11). A permit is required for the parking lot located at the northeast corner of Hickory Street and 7<sup>th</sup> Avenue between the hours of 7:00 a.m. and 5:00 p.m., Monday through Friday.

(c) Walnut Street Parking Lot (Am. Ord. #2684 – 3/7/11). A permit is required for the southernmost three rows of the parking lot located at the northwest corner of Walnut Street and 5<sup>th</sup> Avenue between the hours of 9:00 a.m. and 5:00 p.m., Monday through Friday.

(d) (Repealed Ord. #2684 – 3/7/11)

(e) Overflow Parking. Persons issued a parking permit for the Hickory Street Parking Lot may, if no parking space is available in the Hickory Street Parking Lot, park in the southernmost row of Tier 1 parking in the Walnut Street Parking Lot for up to twelve hours without being subject to the Tier 1 parking regulations. The exemption from the Tier 1 parking regulations shall be effective only if a valid permit for the Hickory Street Parking Lot is plainly visible on the vehicle.

**7.08 MISCELLANEOUS PARKING RESTRICTIONS.** In addition to parking prohibited in the City of West Bend Official Traffic Manual, no vehicle shall be parked in violation of any of the provisions of this section.

(1) **TWENTY FOUR HOUR PARKING PROHIBITED** (Am. Ord. #1994 – 5/21/90). No person shall park a vehicle, nor shall any owner of a vehicle permit a vehicle to be parked on any public street, alley, public parking lot or any public parking place maintained by the City for a period longer than 24 consecutive hours without the vehicle being moved at least 75 feet.

(2) **ALL NIGHT PARKING REGULATED**. (Am. Ord. #2614 - 7/2/07; Am. Ord. #2664 – 12/7/09). No person shall park any vehicle between the hours of 3:00 A.M. and 6:00 A.M. of any day on any of the following streets:

- (a) Main Street, from Washington Street to Poplar Street.
- (b) Fifth Avenue, from Main Street to Walnut Street.
- (c) Sixth Avenue, from Main Street to Walnut Street.
- (d) Cedar Street, between Main Street and 7th Avenue.
- (e) Elm Street, between 6th Avenue and 7th Avenue.
- (f) Hickory Street, between Main Street and 7th Avenue.
- (g) Walnut Street, between Main Street and 7th Avenue.
- (h) Mill Street, on the south side of the street, between Main Street and Service Drive except for 6 parking spaces east of the driveway behind 243 North Main Street.

(3) WINTER PARKING REGULATIONS (Rep. & Recr. Ord. #1824- 10/27/86; Am. Ord. #2664 – 12/7/09). Beginning at 11:00 P.M. on December 1 and ending at 6:00 A.M. on April 1, no person shall park in any public street, alley or highway of the City between the hours of 11:00 P.M. and 6:00 A.M. from December 1 to April 1, except that if not otherwise prohibited by this chapter, vehicles may be parked on the streets on the even-numbered side of the street on those nights which at 11:00 P.M. bear an even calendar date and continue to the following 6:00 A.M. and on the odd-numbered side of the street on those nights which, at 11:00 P.M., bear an odd calendar date and continue to the following 6:00 A.M.

(4) HEAVY VEHICLE PARKING REGULATIONS (Rep. & Recr. Ord. #1743 – 5/6/85; Rep. & Recr. Ord. #2327 -1/11/99; Am. Ord. #2603 - 12/18/06).

(a) Restrictions. Except as provided in par. (b), the following types of vehicles shall not be parked on any street between the hours of 12:00 A.M. and 6:00 A.M. of any day:

1. Any vehicles having a registered vehicle weight in excess of 12,000 pounds;
2. Mobile homes as defined in sec. 340.01(29), Wis. Stats.;
3. Motor buses as defined in sec. 340.01(31), Wis. Stats.;
4. Motor homes as defined in sec. 340.01(33m), Wis. Stats.;
5. School buses as defined in sec. 340.01(56), Wis. Stats.;
6. Semitrailers as defined in sec. 340.01(57), Wis. Stats.; or

7. Any trailer that is not attached to another licensed vehicle.

(b) Exceptions. The parking restrictions of this subsection do not apply when:

1. Any of the exceptions to stopping and parking restrictions in sec. 346.50 Wis. Stats., are applicable;

2. (Repealed)

3. The parked vehicle is a trailer that is owned or used by a unit of government;

4. The parked vehicle is a construction or demolition trailer being used for construction work in the immediate area; or

5. The parked vehicle is a public service vehicle

(c) Definitions. As used in this subsection, the following words shall be defined as follows:

1. **PUBLIC SERVICE VEHICLE**. Any vehicle owned by a public utility as defined in sec. 196.01(5), Wis. Stats., or a telecommunications carrier, as defined by sec. 196.01(8m), Wis. Stats., or any authorized emergency vehicle as defined in sec. 340.01(3), Wis. Stats., or any vehicle used for towing by a licensed towing service.

2. **REGISTERED VEHICLE WEIGHT**. The maximum weight of a vehicle and its contents as reported by the vehicle's registration information provided by the Wisconsin Department of Transportation.

(5) (Rep. Ord. #2742 – 08/24/2013)

(6) **PARKING IN ALLEYS REGULATED**. All parking in alleys which obstructs traffic is prohibited, except in alleys in the business district for the purpose of loading or unloading freight.

(7) **PARKING IN DRIVEWAYS PROHIBITED**. 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 prohibit parking.

(8) **STREET MAINTENANCE**. (Am. Ord. #2305 – 1/26/98) Whenever it is necessary to clear or repair a City roadway or any part thereof, the Street Department shall post such highways or parts thereof with appropriate signs prohibiting parking. 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.

(9) DESIGNATED PARKING SPACES. (Am. Ord. #2672 – 4/19/2010). The Board of Public Works may have lines or markings painted upon the curb and/or upon the street or parking lot surface for the purpose of designating a parking space. Approval of a street design and/or awarding the contract to construct a street shall constitute approval by the Board of Public Works of any lines or marking designating parking spaces included in the street design or plans. It shall be unlawful to park any vehicle across any line or marking or to park vehicle in such position that the same shall not be entirely within the area designated by such lines or markings.

(10) PARKING BETWEEN CURBS ONLY (Cr. Ord. #1896 – 6/13/88; Am. Ord. #2011 – 11/5/90).

(a) On streets with curbs, no person shall park or leave standing any vehicle on the street outside of the paved area between the curbs, except as provided in par. (b) below.

(b) Vehicles may be parked between the sidewalk and curb in single family and 2-family residential districts if all of the following conditions are met:

1. The distance between the sidewalk and the roadway is at least 18 feet.
2. The vehicle is parked on a paved driveway.
3. No part of the vehicle extends over the roadway or the sidewalk.
4. No part of the vehicle is within 25 feet of intersecting street or alley right of way lines.

(11) PARKING ON UNPAVED SURFACES PROHIBITED (Cr. Ord. #2739 – 6/1/13). Except as otherwise permitted by the Zoning Code, off-street parking of motorized vehicles and all other vehicles requiring registration with the Wisconsin Department of Motor Vehicles shall be in an enclosed building or on a paved driveway or parking area.

## **7.085 DOWNTOWN PARKING REGULATIONS.** (Cr. Ord. #2452 – 9/16/02).

### (1) DEFINITIONS.

(a) Commuter Vehicle. A motor vehicle parked in the Downtown Commuter Impact Zone by a person employed in, but not a resident, thereof.

(b) Downtown Commuter Impact Zone. The area defined as the Downtown Business Improvement District generally bordered on the north by Washington Street; on the west by 9<sup>th</sup> Avenue, south to Cedar Street then east to the alley between 7<sup>th</sup> Avenue and 8<sup>th</sup> Avenue; on the south by Chestnut Street; and on the east by Veterans Avenue, Auxiliary Court and Kilbourn Avenue.

(c) Shopping Permit. A parking permit issued by the West Bend Downtown Association under the authority of the West Bend Police Department to be displayed in a Commuter Vehicle parked within the Downtown Commuter Impact Zone to identify that the owner or user of the Commuter Vehicle is parked in the Downtown Commuter Impact Zone as a visitor or shopper and not for employment purposes.

(d) (Am. Ord. #2463 - 12/23/02; Am. Ord. #2506 – 12/15/03; Am. Ord. #2526 – 5/24/04; Am. Ord. #2555 – 2/21/05). Tier 1 Parking Zone. The area within the Downtown Commuter Impact Zone to be used primarily for parking by customers and visitors in the Downtown Commuter Impact Zone. The Tier 1 Parking Zone is defined by the map entitled “Downtown West Bend Parking Regulations” created by the City’s Department of Community Development dated February 16, 2005 which map is adopted by reference and made a part of this chapter. The Tier 1 Parking Zone may further be defined by the placement of signs in the designated Tier 1 Parking Zone.

(e) (Am. Ord. #2463 - 12/23/02; Am. Ord. #2506 – 12/15/03; Am. Ord. #2526 – 5/24/04; Am. Ord. #2555 – 2/21/05). Tier 2 Parking Zone. The area within the Downtown Commuter Impact Zone that is intended to be used primarily for parking of Commuter Vehicles. The Tier 2 Parking Zone is defined by the map entitled “Downtown West Bend Parking Regulations” created by the City’s Department of Community Development dated February 16, 2005 which map is adopted by reference and made a part of this chapter.

(2) TIER 1 PARKING ZONE REGULATIONS.

(a) Unlimited parking in any designated parking space within the Tier 1 Parking Zone shall be allowed for all vehicles except Commuter Vehicles so long as the parking complies with all other parking regulations of this Code, the Official Traffic Manual, and Wisconsin Statutes.

(b) Exceptions for Commuter Vehicles.

1. Parking by Commuter Vehicles within the Tier 1 Parking Zone may be allowed only if the Commuter Vehicle displays a Shopping Permit issued by the West Bend Downtown Association and the owner or operator of the Commuter Vehicle is actually within the Downtown Commuter Impact Zone for a purpose not related to that person’s employment within the Downtown Commuter Impact Zone.

2. Those business owners within the Downtown Commuter Impact Zone that have a driveway adjacent to their building may allow Commuter Vehicles to park

in that driveway or on the street blocking that driveway even if located within the Tier 1 Parking Zone.

3. Loading and unloading of Commuter Vehicles within the Tier 1 Parking Zone may be allowed for a reasonable and legitimate length of time so long as the Commuter Vehicle has its emergency flashers on to designate it as a loading or unloading vehicle.

4. (Cr. Ord. #2506 – 12/15/03). Vehicles displaying a current and valid delivery vehicle permit may park within the Tier 1 Parking Zone provided that the vehicle is being used by the business for making deliveries on that day.

(c) The Tier 1 parking regulations shall be in effect during the hours of 9:00 a.m. to 5:00 p.m. Monday through Friday. No Tier 1 parking regulations shall be in effect on Saturdays, Sundays and holidays.

(3) TIER 2 PARKING ZONE REGULATIONS. Unlimited parking of all vehicles, including Commuter Vehicles, is allowed in any designated parking space in the Tier 2 Parking Zone at all times so long as the parking complies with all other parking regulations of this Code, the Official Traffic Manual, and Wisconsin Statutes.

(4) IDENTIFICATION OF COMMUTER VEHICLES.

(a) All businesses within the Downtown Commuter Impact Zone shall register with the West Bend Police Department the make, model, color and license plate number of the primary vehicle owned by and/or used by the business's employees and owners. This information shall be provided for all employees including, but not limited to, full-time and part-time employees and temporary and permanent employees. Those vehicles registered shall be listed as Commuter Vehicles within the computer maintained by the West Bend Police Department.

(b) Upon receiving the registration of a Commuter Vehicle, the West Bend Police Department shall inform the West Bend Downtown Association and authorize the West Bend Downtown Association to issue a Shopping Permit and Commuter Vehicle sticker to the owner of the Commuter Vehicle. The Commuter Vehicle sticker shall be prominently displayed on the rear of the Commuter Vehicle.

(c) It shall be the responsibility of each business to update the list of Commuter Vehicles registered to that business within 30 days after a new employee starts working for the business, a former employee's employment ends, or a current employee obtains a new vehicle. All changes shall be effective on the date of the actual change rather than on the date that the updated information is provided to the West Bend Police Department.

(5) PENALTIES. (Am. Ord. #2543 – 11/8/04).

(a) The parking of a Commuter Vehicle in violation of this section shall subject the owner or user of the Commuter Vehicle as registered with the West Bend Police Department to a parking ticket with a minimum fine of \$30. A parking ticket issued under this section may be dismissed if the person receiving the parking ticket provides proof in the form of a valid Shopping Permit issued to that person by the West Bend Downtown Association and evidence of a legitimate shopping purpose. Such evidence may include a receipt for purchases made during the time the Commuter Vehicle was parked in the Tier 1 Parking Zone, a letter from that person's employer verifying that the person receiving the parking ticket was not working for his/her employer at the time the parking ticket was issued, or some other evidence to prove a legitimate shopping purpose.

(b) Businesses that fail to register Commuter Vehicles with the West Bend Police Department or fail to update the list of Commuter Vehicles registered to that business as required by this section shall be subject to a forfeiture as provided in sec. 25.04 of this Code, in addition to and not in lieu of any other penalty or sanction imposable under this Code or other applicable rules and regulations.

(6) DELIVERY VEHICLE PERMITS (Cr. Ord. #2506 – 12/15/03). The City Clerk may issue one delivery vehicle permit per business for a vehicle used by the business to make deliveries related to the business. In order to qualify for a delivery vehicle permit, the business must be located within the Downtown Commuter Impact Zone and offer delivery service as a normal part of its business activity as evidenced by advertising. Permits cost \$20 per month and are issued on an annual basis with the permit term beginning on July 1 and ending on June 30. Prorated monthly permits will be issued for applications received by the Clerk on or after August 1.

# Downtown West Bend Parking Regulations



-  TIER I
-  TIER II



Dept. of Community Development  
GIS Services Group  
Map Created By: D. Weibelhaus  
February 16, 2005  
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**7.09 SNOW EMERGENCY REGULATIONS.** (Rep. & Recr. Ord. #2305  
– 1/26/98)

(1) DEFINITIONS.

(a) Snowstorm. A snowstorm which produces traffic congestion or impedes the operation of emergency vehicles.

(b) Emergency Vehicles. Includes police cars, fire fighting apparatus, ambulances, rescue squad cars, snow removal equipment and machinery, and any other emergency vehicles.

(c) Emergency Thoroughfare. Any street, alley, lane or public highway which may be used by an emergency vehicle.

(2) DECLARATION OF EMERGENCY. The Mayor or, in his absence, the President of the Council, the Director of Public Works or the Chief of Police, in such order of priority, may, when necessary, declare a state of public emergency and the duration thereof. Declarations of emergency shall be made by public proclamation.

(3) NOTICE OF EMERGENCY. The Mayor or other authorized officials, as stated in sub. (2) above, may proclaim the state of emergency through the medium of TV, radio, the press, placards, audible signals or other means of public communication.

(4) DURATION OF EMERGENCY. Such emergency shall continue for 48 hours or until such earlier time as the Mayor or other authorized official has declared the snow removal operation completed.

(5) PARKING REGULATIONS DURING EMERGENCY. Whenever a snow emergency has been declared, as provided in this section, no person shall park a vehicle on any public street, alley, public parking lot or highway of the City.

(6) EMERGENCY POWERS. Notwithstanding the provisions of sub. (5) above, the Director of Public Works is authorized to erect temporary "no parking" signs during the existence of snow emergency, as defined by this section, and it shall be unlawful for any person to park, or suffer to be parked, any vehicle of any kind or description upon any public street, alley, public parking lot or highway where such temporary "no parking" signs have been erected.

**7.10 REMOVAL OF ILLEGALLY PARKED VEHICLES.** (Am.  
Ord. #2614 - 7/2/07).

(1) 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 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 the police impound lot, any storage garage or rental parking grounds or any facility of the person providing the towing services.

(2) (Am. Ord. #2630 – 7/7/08). Pursuant to its authority under sec. 349.13(3), Wis. Stats., the City hereby establishes a towing charge forfeiture. Whenever a vehicle is lawfully towed by or at the direction of the police department, the owner or operator of the towed vehicle shall forfeit a towing charge equal to the City’s actual cost for the towing services as documented by an invoice, receipt or other document from the company or person who towed the vehicle and a storage charge of \$10.00 per day.

## **7.11 ABANDONED VEHICLES.** (Rep. & Recr. Ord. #2214 – 7/10/95)

(1) **ABANDONMENT OF VEHICLES PROHIBITED.** No person shall leave unattended on any public highway or any public or private property in the City any motor vehicle, trailer, semi-trailer or mobile home as defined in sec. 340.01, Wis. Stats., whether or not registered under Ch. 341, Wis. Stats., for such time and under such circumstances as to cause it reasonably to appear abandoned.

### (2) **PRESUMPTION OF ABANDONMENT.**

(a) Unattended Vehicles. Any such vehicle left unattended for more than 48 hours on any public highway or property or on any private property where parking is prohibited or restricted, without the permission of the authority or owner in charge thereof, is deemed abandoned and constitutes a public nuisance.

(b) Inoperable and Unregistered Vehicles. Any such vehicle which is disassembled, dismantled, inoperable, wrecked or unregistered and any parts thereof stored or remaining in the open on any public highway or property, or on any private property not utilized as a vehicle junk or salvage yard permitted under this Code, may be determined by the Police Department to be abandoned and to constitute a public nuisance.

(c) Enclosed and Covered Vehicles. (Am. Ord. #2364 - 3/27/00) This subsection does not apply to such vehicles located on private property, not in violation of this Code, if enclosed completely in a building.

(3) **EXEMPTION.** Any owner or operator of a registered vehicle which becomes disabled or inoperable for any reason, who is unable to remove it from any highway or public property not a prohibited or restricted parking area, shall notify the Police Department within 12 hours of such occurrence of the location of the vehicle and transfer and deliver clear title to the vehicle to the City together with towing costs for junking the vehicle, and thereupon shall be exempt from the provisions of this section. When so

requested by the owner or operator, the Chief of Police is authorized to remove and junk such vehicle directly from its location.

(4) **IMPOUNDMENT OF ABANDONED VEHICLES.** Any vehicle found abandoned in violation of this section shall be impounded by the Police Department until reclaimed or disposed of under sub. (5) below, except if the Chief of Police determines that the towing costs and storage charges for the impoundment would exceed the value of the vehicle, it may be disposed of by private sale or junked by the Chief of Police directly from its location and prior to the expiration of the impoundment period unless the vehicle is stolen or otherwise needed for evidence or another reason. All substantially complete vehicles in excess of 19 model years of age shall be disposed of in accordance with sub. (5) below.

(5) **DISPOSAL OF ABANDONED VEHICLES.**

(a) Reclamation of Vehicles. Any vehicle abandoned in violation of this section and impounded shall be retained in storage for a minimum of 10 days after notice by certified mail has been sent to the owner as defined in sec. 340.01, Wis. Stats., and to any secured party of record of their right to reclaim it upon payment of the towing cost and accrued storage charges. Such notice shall contain the information set forth in sec. 342.40, Wis. Stats.

(b) Vehicles Not Reclaimed. Any vehicle not reclaimed by the owner or lien holder under par. (a) above may be disposed of by sealed bid or auction sale in accordance with sec. 342.40, Wis. Stats., except if the Chief of Police determines that the value of the vehicle is \$500 or less, it may be disposed of by private sale or junked by the Chief of Police. A list of vehicles to be sold shall be made available by the Chief of Police to any interested person or organization upon request.

(c) Removal of Vehicles; Forfeiture of Interest. The purchaser of any vehicle sold under this subsection shall have 10 days after the sale date to remove it from storage and shall pay a reasonable storage charge for each day it remains in storage after the second business day subsequent to the sale date. The purchaser shall forfeit all interest in the vehicle, and it shall be deemed to be abandoned and may be sold again, if it is not removed within 10 days after the sale date.

(d) Title to Vehicles. Upon sale of an abandoned vehicle under this subsection, the Chief of Police shall furnish the purchaser with a completed form designed by the State Department of Transportation enabling the purchaser to obtain a regular certificate of title. Within 5 days after the sale or disposal of a vehicle under this subsection or sub. (4) above, the Chief of Police shall advise the department of its disposition on a form supplied by the department.

(e) Claims Barred; Exception. The sale of a vehicle under this subsection or sub. (4) above shall bar forever all prior claims thereto and interest therein except that, at any time within 2 years after the sale, any person claiming ownership or another financial

interest in such vehicle may present a claim to the Council setting forth any facts necessary to establish the ownership or interest and to demonstrate that failure to reclaim the vehicle prior to sale was excusable neglect. The Council may allow such claim only to the extent of the claimant's interest in the vehicle and in an amount not to exceed the proceeds of the sale.

(6) **INVENTORY REQUIRED.** The Police Department shall maintain an inventory of all vehicles disposed of under this section, whether by sealed bid, auction sale, private sale or junking, including the dates and methods of disposal, the consideration received for the vehicles, if any, and the names and addresses of the persons taking possession of the vehicles.

(7) **OWNER LIABILITY.** The owner of any abandoned vehicle except a stolen vehicle is responsible for the abandonment and liable for the costs of any charges of its impoundment and disposal. Costs and charges not recovered from its sale may be recovered by the City in a civil action against the owner.

**7.12 LEAVING KEYS IN IGNITION PROHIBITED.** No person shall permit a motor vehicle in his custody to stand or remain unattended on any street, alley or in any other public place except an attended parking area unless the starting lever, throttle, steering apparatus, gear shift or ignition of said vehicle is locked and the key removed.

**7.13 UNNECESSARY NOISE.** (Rep. & Recr. Ord. #1815 – 8/4/86; Renumbered & Am. Ord. #2318 - 7/27/98).

(1) **GENERALLY.** No person shall make unnecessary and annoying noises with a motor vehicle by squealing of tires, excessive acceleration of engine, or emission of loud exhaust system noise.

(2) **RADIOS OR OTHER ELECTRIC SOUND AMPLIFICATION DEVICES.** (Cr. Ord. #2318 – 8/3/98)

(a) Except as otherwise provided in sec. 347.38(1) of the Wis. Stats., no person may operate or park, stop, or leave standing a motor vehicle while using a radio or other electric sound amplification device emitting sound from the vehicle that is clearly audible under normal conditions from a distance of 50 or more feet, unless the electric sound amplification device is being used to request assistance or warn against an unsafe condition.

(b) This subsection does not apply to any of the following:

1. The operator of an authorized emergency vehicle, when responding to an emergency call or when in the pursuit of an actual or suspected violator of the law or when responding but not returning from a fire alarm.

2. The operator of a vehicle of a public utility, as defined in sec. 11.40(1) (a), Wis. Stats.

3. The operator of a vehicle that is being used for advertising purposes.
4. The operator of a vehicle that is being used in a community event or celebration, procession, or assemblage.
5. The activation of a theft alarm signal device.
6. The operator of a motorcycle being operated outside of a business or residence district.

(3) USE OF DYNAMIC BRAKING DEVICES PROHIBITED. (Cr. Ord. #2427 - 3/11/02).

(a) Definition. A dynamic braking device, commonly referred to as “jake” brakes, “jacob’s” brake, engine brake or compression brake, means a device primarily on trucks for the conversion of the engine from an internal combustion engine to an air compressor for the purpose of braking without the use of wheel brakes.

(b) Use Prohibited No person shall use a motor vehicle within the city limits where the dynamic braking device is in any way engaged or activated on such motor vehicle or any unit a part thereof, except for emergency situations for the purpose of avoiding a collision with another object or vehicle.

### **7.131 CRUISING** (Cr. Ord. #2008 – 9/17/90).

(1) DEFINITIONS. In this section, the following words and phrases have the designated meanings unless the context clearly indicates a different meaning:

(a) (Am. Ord. #2070 – 5/18/92). "Cruising" means driving a motor vehicle in the same direction past a traffic control point on a street in the designated area three (3) or more times within a two (2) hour period between the hours of 8:00 p.m. and 4:00 a.m. in a manner and under circumstances manifesting a "purpose" of unnecessary, repetitive driving in such area. Among the circumstances which may be considered in determining whether such purpose is manifested are that such person or any other person present in the vehicle attempts to gain the attention of other motorists or pedestrians or engages them in conversation, whether by hailing, arm waving, horn blowing, or another action or device; that such person or any other person present in the vehicle enters or exits the vehicle directly from or to another vehicle driven in or parked in close proximity to the designated area; that such person or any other person present in the vehicle violates state or municipal traffic regulations or municipal ordinances; or that such person has declared his or her purpose for driving to be that of cruising. The violator's conduct must be such as to demonstrate a specific intent to cruise. No arrest shall be made for a violation of this section unless the arresting officer first affords an opportunity to explain such conduct; and no person shall be convicted of violating this section if it appears at trial that the explanation given was true and disclosed a lawful purpose, not unnecessary, repetitive driving. Lawful purposes

include traveling to a specific destination by a person whose residence address is in the designated area or by a person whose business or employment requires driving in the designated area, and operating an official emergency or police vehicle in the designated area.

(b) Designated Area. Main Street, between Paradise Drive and Washington Street.

(c) Traffic Control Point. A point on a street in the designated area selected by a police officer for the purpose of enforcing this section.

(2) **CRUISING PROHIBITED**. No person shall cruise. The person having care, custody or control of a motor vehicle shall be considered the person cruising regardless of whether that person was actually driving the motor vehicle all or any of the times it passed the traffic control point. For the purposes of this section the person having care, custody or control of a motor vehicle shall mean the owner of the vehicle if present in the vehicle at the time of the violation or the person operating the vehicle if the owner is not present.

(3) (Rep. Ord. #2070 – 5/18/92).

## **7.132 EXHIBITION DRIVING** (Cr. Ord. #2579 - 12/5/05)

(1) **PRIMA FACIE EVIDENCE**. It is prima facie evidence of exhibition driving when a motor vehicle stops, starts, accelerates, decelerates or turns at an unnecessary rate of speed so as to cause tires to squeal, gears to grind, soil to be thrown, engine backfire, fishtailing or skidding, or, as to two-wheeled or three-wheeled motor vehicles, the front wheel to lose contact with the ground or roadway surface.

(2) **EXHIBITION DRIVING PROHIBITED**. No person shall do any exhibition driving on any street, parking lot or other public or private property, except when an emergency creates necessity for the operation to prevent injury to persons or damage to property.

## **7.14 OBSTRUCTION OF RAILROAD CROSSINGS.**

(1) **TIME LIMITATIONS**. It shall be unlawful to stop any railroad train, locomotive or railroad car upon or across any highway or street crossing or to cause obstruction of vehicular traffic on public streets at such crossing by the stopping, leave standing, switching or otherwise maintaining constant railway use at such crossing longer than 5 continuous minutes, or for more than 7 minutes out of any 12 continuous minutes.

(2) **PENALTY**. Either the owner or any conductor, engineer, switchman, brakeman or other employee or agent in charge of, or otherwise responsible for, such offending railroad locomotive or car who shall violate the provisions of this section shall, upon

conviction, pay the City a forfeiture of not less than \$50 nor more than \$150 for each such violation, and a violation for each 12 minute period shall constitute a separate offense, plus the cost of prosecution, and, in default of payment, shall be imprisoned not less than 5 days nor more than 15 days in the County jail.

**7.15 TRAFFIC AND PARKING REGULATIONS ON SCHOOL DISTRICT GROUNDS.** Pursuant to the provisions of §118.105, Wis. Stats., the following regulations shall apply to the grounds of the West Bend School District located within the City.

(1) (Rep. Ord. #2610 - 3/26/07).

(2) **SPEED LIMITS.** No person shall at any time operate a motor vehicle upon the West Bend School District grounds at a speed in excess of 15 miles per hour.

(3) (Rep. Ord. #2610 - 3/26/07)

(4) (Rep. Ord. #2610 - 3/26/07)

(5) (Cr. Ord. #2610 - 3/26/07) Where signs are erected by the West Bend School District giving notice of traffic or parking restriction on school premises, no person shall violate those restrictions.

## **7.16 REGULATION AND LICENSING OF BICYCLES.**

(1) **DEFINITION.** The term "bicycle", as used in this section, shall mean a device propelled by the feet acting upon pedals and having wheels, any 2 of which are not less than 14 inches in diameter.

(2) **REGISTRATION REQUIRED.** (Am. Ord. #2208 – 5/22/95). No City resident shall ride or use a bicycle having wheels of 20 or more inches in diameter upon any public highway, street, alley, pedestrian way or mall unless it is registered as herein provided. The transferee of ownership of a registered bicycle shall register it within 2 working days following such transfer.

(3) **REGISTRATION PROCEDURE.** (Am. Ord. #2208 – 5/22/95). A bicycle shall be registered by completion of a registration application at the Police Department setting forth the owner's name and address, a complete description of the bicycle and any other required information, and by payment of the appropriate registration fee. Upon registration the department shall issue a sticker to be permanently affixed to the bicycle in such a manner as it may require, unless the bicycle is being transferred to a different owner and bears an intact sticker.

(4) **BICYCLE REQUIRED TO BE IN SAFE CONDITION.** No bicycle shall be registered that is not in safe mechanical condition. It shall be the responsibility of persons

16 years of age or older, or a parent or guardian of a child under 16 years of age, to inspect such bicycle to determine if it is in safe mechanical condition and legally equipped.

(5) REGISTRATION FEES. (Am. Ord. #2208 – 5/22/95; Am. Ord. #2694 – 10/1/11). The registration fee for each bicycle shall be \$10 for an indefinite registration period. Registration shall be transferable upon a transfer of ownership for a fee of \$5. The fee for replacement of a non-intact registration sticker not accompanied by a transfer of registration shall be \$5.

(6) (Rep. Ord. #2208 – 5/22/95).

(7) RULES FOR OPERATION OF BICYCLES.

(a) Every person operating a bicycle in the City shall be subject to all applicable provisions of this chapter and to applicable State statutes relating to equipping and operating bicycles.

(b) (Amend. Ord. #2406 - 8/6/01). Bicycles may be operated on sidewalks except in any area zoned B-2 Central Business District. Bicycles on sidewalks shall be operated at a low rate of speed and shall yield the right of way to pedestrians.

(8) WARNING. The first time a child is detained by a law enforcement officer for violation of any of the provisions of this section, his parent, guardian or person having such legal custody may be advised as to the provisions of this section and further advised that any violation of this section occurring thereafter by this child or any other child under his care or custody may result in a penalty being imposed as hereinafter provided.

(9) PENALTIES

(a) Persons Under 12 Years of Age (Am. Ord. #1962 – 7/24/89; Am. Ord. #2208 – 5/22/95). Any person under 12 years of age who violates any of the provisions of this section shall be reprimanded at the discretion of the police officer in a manner prescribed as follows:

1. The officer may, when appropriate, issue a warning card to the parents of a juvenile who is detained for a violation of any of the provisions of this section, informing them of the violation.

2. The violation shall be considered a matter of record and the appropriate police department juvenile incident report completed for referral to the juvenile division. At that time a determination will be made as to whether to refer the matter to the juvenile court for further action or to summon the offender, accompanied by a parent or guardian, to police headquarters to discuss the nature of the violation, or

3. The violation shall not be considered a matter of record and the bicycle shall be impounded for a period of time not to exceed 30 days.



(b) Persons 12 Years of Age or Over (Am. Ord. #1962 – 7/24/89; Am. Ord. #2208 – 5/22/95). Any person 12 years of age or over who violates any of the provisions of this section shall be reprimanded or cited at the discretion of the police officer in a manner prescribed as follows:

1. The violation shall not be considered a matter of record and the operator shall be warned or referred to the Youth Service Officer, who may order a parental conference, or

2. For any violation of Ch. 346, Wis. Stats., applicable to bicycles, the violator may be issued a citation and be required to appear in court or post bond in the amount as prescribed by the uniform bond schedule.

(c) Persons 18 Years of Age or Over (Am. Ord. #1962 – 7/24/89). Any person 18 years of age or over who violates any of the provisions of this section shall be issued a citation and shall be required to appear in court or post bond in the amount prescribed by the uniform bond schedule.

(10) **IMPOUNDING** (Am. Ord. #1962 – 7/24/89). Whenever any bicycle shall be impounded for violations of the provisions of this section, it shall be surrendered at the Police Department at the expiration of the impoundment period to the parents or the guardian of the offender. In the case of the seizure of a bicycle because it has been found in the possession of a person not the legal owner thereof and the bicycle is not reclaimed by the legal owner thereof, it shall be sold at public auction after the expiration of 120 days from the date of seizure. Notice containing a description of the bicycle shall be published in a newspaper circulating in the City at least one week prior to the date of the sale. The proceeds of the sale shall be remitted to the City Treasurer.

**7.165 LOW SPEED VEHICLES.** (Cr. Ord. #2636 – 10/6/08; Am. Ord. #2692 – 8/20/11).

(1) Low-speed Vehicle, as used in this Code, is a motor vehicle that meets the definition in section 340.01(27h) of the Wisconsin Statutes.

(2) (Am. Ord. #2692 – 8/20/11). Subject to the requirements set forth herein, individuals may operate low-speed vehicles on any street within the City that has a posted speed limit of 35 miles per hour or less.

(3) (Am. Ord. #2692 – 8/20/11). All operators of low-speed vehicles shall comply with all traffic statutes, regulations and ordinances contained in this chapter, including the provisions of state motor vehicle laws incorporated herein, except those provisions which by their express terms have no application to low-speed vehicles.

(4) (Am. Ord. #2692 – 8/20/11). Any person operating a low-speed vehicle within the City shall hold a valid driver’s license.

(5) (Am. Ord. #2692 – 8/20/11). If a low-speed vehicle’s specifications are less than 35 miles per hour, the operator shall place a slow moving vehicle sign on the low-speed vehicle before operating it on any street within the City.

## **7.17 SNOWMOBILES.**

(1) STATE SNOWMOBILE LAWS ADOPTED. (Rep. & Recr. Ord. #2143 – 2/28/94). Except as otherwise specifically provided in this chapter, the statutory provisions of Ch. 350, Wis. Stats., describing and defining regulations with respect to snowmobiles for which the penalty for violation thereof is a forfeiture, and exclusive of any regulations for which the penalty is a fine or term of imprisonment, are hereby adopted under the authority granted by sec. 350.18, Wis. Stats., and made a part of this section by reference as if fully set forth herein. Any act required or prohibited by any statute incorporated herein by reference is required or prohibited by this section. Any future amendments, revisions or modifications of any statute incorporated herein shall be a part of this section.

(2) (Repealed Ord. #2623 – 4/7/08)

(3) OPERATION OF SNOWMOBILES ON PUBLIC PROPERTY.

(a) Snowmobile Routes and Trails. Except as provided in secs. 350.02 to 350.045, Wis. Stats., no person shall operate a snowmobile upon any public right of way or on any other public property in the City, unless designated by the Board of Public Works and marked as a snowmobile route, or authorized by the Parks and Recreation Commission and marked as a snowmobile trail or permitted in City Parks.

(b) Sidewalks, Pedestrian Ways and Malls. No person shall operate a snowmobile on any sidewalk, pedestrian way or mall in the City, except that they may be crossed at a right angle to gain access to property where operation is permitted under this section.

(4) ONLY SNOWMOBILES TO OPERATE ON SNOWMOBILE TRAILS. No person shall operate any vehicle except a snowmobile on any snowmobile trail in the City.

### **7.171 REGULATION OF PLAY VEHICLES AND IN-LINE SKATES.** (Cr. Ord. #1917 – 9/19/88; Am. Ord. #2210 – 6/5/95).

(1) DEFINITIONS.

(a) "In-line skates" has the meaning set forth in sec. 340.01(24m), Wis. Stats.

(b) "Play vehicle" has the meaning set forth in sec. 340.01(43m), Wis. Stats., and does not include bicycles regulated under sec. 7.16 of this Chapter.

(2) **PEDESTRIAN RIGHT OF WAY.** Every person riding in or upon a play vehicle or in-line skates on a sidewalk, pedestrian way or mall shall yield the right-of-way to any pedestrian and exercise due care when passing any pedestrian.

(3) **PROHIBITED AREAS FOR PLAY VEHICLES AND IN-LINE SKATES.** No person shall ride in or upon a play vehicle or in-line skates in the following areas:

(a) On any portion of any street, alley, sidewalk, pedestrian way or mall in any area zoned B-2 Central Business District.

(b) (Am. Ord. #2433 – 5/6/02) In addition to the prohibited areas under secs. 346.78 and 346.94(17), Wis. Stats., on the roadways of Barton Avenue north of Main Street, Veterans Avenue, Main Street, and Washington Street, except while crossing a roadway at a crosswalk

(c) (Am. Ord. #2379 – 11/27/00) On any parking lot owned by the City or on any property posted by means of a sign or signs prohibiting the riding of play vehicles or in-line skates, unless with the express permission of the owner or occupant in charge of such area.

**7.172 ALL-TERRAIN VEHICLES.** (Cr. Ord. #2623 – 4/7/08). Except as otherwise specifically provided in this chapter, the statutory provisions of Section 23.33, Wis. Stats., together with all related orders, rules and regulations of the Department of Natural Resources contained within the Wisconsin Administrative Code describing and defining regulations with respect to all-terrain vehicles for which the penalty for violation thereof is a forfeiture, and exclusive of any regulations for which the penalty is a fine or term of imprisonment, are hereby adopted under the authority granted by Sec. 23.33(11), Wis. Stats., and made a part of this section by reference as if fully set forth herein. Any act required or prohibited by Section 23.33, Wis. Stats., is required or prohibited by this section. Any future amendments, revisions or modifications of Section 23.33, Wis. Stats., shall be a part of this section.

**7.18 PENALTY.** The penalty for violation of any provision of this chapter shall be a forfeiture as hereafter provided together with statutory court costs and penalty assessment, if applicable.

(1) **STATE FORFEITURE STATUTES.** (Am. Ord. #2143 – 2/28/94). Forfeitures for violation of any statutory provision in Ch. 340 to 348 and 350, Wis. Stats., shall conform to the forfeiture permitted to be imposed for violation of the statutes adopted by reference, including any variations or increases for subsequent offenses.

(2) **STATE FINE STATUTES.** The forfeiture for violation of any statute adopted by reference hereunder for which the penalty is a fine shall not exceed the maximum fine permitted under such statute.

(3) LOCAL REGULATIONS (Am. Ord. #2008 – 9/17/90). The penalty for violation of this chapter other than those specified in subs. (1) and (4) of this section shall be as provided in sec. 25.04 of this Code.

(4) PENALTY FOR PARKING VIOLATIONS. (Am. Ord. #2121 – 7/19/93; 2322 - 9/28-98 eff. 1/1/99; Am. Ord. #2384 - 12/18/00; Am. Ord. #2496 – 10/6/03 eff. 12/1/03; Am. Ord. #2695 – 10/1/11 – eff. 11/1/11). The forfeitures for parking violations, other than those violations contained in the Statutes as adopted by reference in sec. 7.01 of this chapter, and notwithstanding any other penalty provided in this chapter, shall be as follows together with the costs of prosecution:

(a) \$20 for

1. Parking overtime;
2. Restricted parking downtown 3:00 a.m. to 6:00 a.m.;
3. On-street overnight winter parking;
4. Parking without permit;
5. Parking prohibited;
6. Restricted parking as posted;
7. Double parking;
8. Parking in loading zone;
9. Parking on wrong side of street;
10. Improper parking in alley;
11. Parking across sidewalk;
12. Parking too close to corner;
13. Parking blocking driveway;
14. Parking blocking crosswalk;
15. Parking over lines;
16. Parking too far from curb;
17. Parking in undesignated area; or
18. Any unlisted city parking violation.

(b) \$20 for:

1. Parking at fire hydrant;
2. Parking on or blocking bus stop; or
3. Parking on private property.

(bn) (Cr. Ord. #2543 – 11/8/04). \$30.00 for parking in a permit parking lot without a permit.

(c) (Am. Ord. #2497 – 10/6/03 eff. 12/1/03). \$100.00 for parking in barrier-free zone.

(d) \$35 for illegal parking of heavy vehicles.

(e) The amount of the forfeiture for any violation listed in this section shall be doubled if not paid within 7 days of issuance of the ticket for the violation.

(f) All violations: program costs. In addition to the applicable forfeiture, failure to pay the forfeiture within 28 days of issuance of a ticket will result in an assessment of \$10 for the cost of using the state traffic violation and registration program and related procedures under sec. 345.28, Stats.

## **7.19 ENFORCEMENT.** (Rep. & Recr. Ord. #2269 – 12/16/96)

(1) **AUTHORITY AND PROCEDURE.** The Chief of Police and police officers shall enforce all of the provisions of this chapter in accordance with §§345.20 to 345.61 and Ch. 800, Wis. Stats. Community service officers and Parking Authority attendants are authorized to issue parking tickets for parking violations.

(2) **UNIFORM TRAFFIC CITATION.** The uniform traffic citation created by §345.11, Wis. Stats., shall be used for all moving traffic violations and parking violations, except as provided under sub. (3).

(3) **PARKING TICKET.** (Am. Ord. #2534 – 8/23/04; Am. Ord. #2554 – 2/21/05). A parking ticket in the form prescribed by the Chief of Police may be used for all violations of parking prohibitions, regulations and restrictions under this chapter, in conformity with §345.28, Wis. Stats. It shall specify the amount of the applicable forfeiture and provide for payment by delivery or mailing to the Police Department.