

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, WI 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 statewide 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, require the erection of traffic control devices for enforcement the Chief of Police, with the cooperation of 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 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 Village.

(2) OFFICIAL TRAFFIC MAP.

(a) Official Traffic Map established. There is hereby established for the Village of Belmont an Official Traffic Map, dated December 1, 1981, upon which is indicated as of said date, all existing stop signs, arterial intersections, yield signs, speed zones and school crossings 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. All such restrictions and limitations set forth on said Official Traffic Map are hereby ratified and affirmed.

(b) Additions to Map. (revoke & reconstituted) The Village Board 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 from and after the effective date of this ordinance shall be shown upon an Update List which is kept with the Official Traffic Map and which shall be a part of such Official Traffic Map. Such additions shall indicate the number of the authorizing ordinance or resolution and the date the appropriate official traffic control device was erected. All deletions from the Official Traffic Map shall be kept and shown in the same manner.

(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 map 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 Village 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) of this section.

(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 Village Board for review and certification at its next regular meeting following the imposition of the charge. Any charge not paid on or before the next succeeding November 15 shall be placed upon the tax roll for collection as other special municipal taxes.

7.03 SPEED LIMITS. (amended Ord. #185) The Village Board hereby determines that the speed limits on all Village streets shall be 25 miles per hour except as follows:

- (1) On Mound Avenue, 35 miles per hour from the intersection of First Capitol Drive, north to the Village limits.
- (2) On Platteville Avenue, 35 miles per hour from the intersection of Mound Avenue, west to the Village limits.
- (3) On Platteville Avenue, 30 miles per hour from the intersection of Mound Avenue, east to the Village limits.
- (4) On Highway 126, 30 miles per hour from Platteville Avenue, south to the Village limits.
- (5) On First Capitol Drive, 35 miles per hour 385 feet west of Welcome Center Drive, west to the Village limits.
- (6) All alleys in the Village have a designated speed of 10 miles per hour.
- (7) On all school property, the Village designates a speed of 10 miles per hour. Village limits.

7.04 THROUGH HIGHWAYS DESIGNATED.

(1) In the interest of public safety and pursuant to the authority granted by Wisconsin law, the following highways or portions thereof are declared to be through highways:

- (a) Platteville Avenue, from the east Village limits to the west Village limits, except the stop sign on the southeast corner of the intersection with Mound Avenue.
- (b) Mound Avenue, from the north Village limits to the intersection with Platteville Avenue.

(2) DESIGNATION OF LOCATION OF STOP AND YIELD SIGNS. In the interest of public safety, the Village Board, by resolution has designated the location of stop and yield signs within the Village and has ordered the installation of such signs. In addition, the location of such signs is indicated on the Official Traffic Map of the Village pursuant to sec. 7.02 of this chapter.

(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 Sec. 346.46, WI Stats. Operators approaching intersections at which a yield sign has been installed shall yield the right of way to other vehicles as required by Sec. 346.18(6), WI Stats.

7.05 HEAVY TRAFFIC ROUTES. ROUTES DESIGNATED. (revoke, reconstitute, and create) The following highways or parts thereof within the jurisdiction of the Village are hereby designated heavy traffic routes:

- (a) Platteville Avenue, from the east Village limits to the west Village limits.
- (b) Mound Avenue, from the north Village limits to the intersection with Platteville Avenue.
- (c) Commerce Street, from Mound Avenue to Cherry Street.
- (d) Spring Street, from Commerce Street to Liberty Street.
- (e) Liberty Street, from the west Village limits to the east Village limits.
- (f) Cherry Street, from Commerce Street to Union Street.
- (g) Union Street from Cherry Street to Quarry Street.
- (h) County Trunk Highway G, from Platteville Avenue to east Village limits.

(2) RESTRICTIONS ON USE OF OTHER STREETS BY HEAVY TRAFFIC. No person shall operate or move a vehicle, except a motor bus, which is not equipped with pneumatic tires or has a combined vehicle load weight exceeding 10,000 pounds on any highway not part of the heavy traffic route designated in sub. (1) of this section, except for the purpose of obtaining orders for, or moving or delivering supplies or commodities to or from a place of business or residence which has an entrance thereon; provided, in no event shall the weight of vehicle and load on any street not defined or designated as a heavy traffic route under sub. (1) exceed the limitations pertaining to class "A" highways or deliveries on class "B" highways established by the Wisconsin Statutes.

(3) Revoked

7.06 PARKING PROHIBITED AT ALL TIMES. (revoked and reconstituted)

(1) Parking is 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, in all areas designated by no parking signs or by solid yellow paint on curbs.

(2) NO PARKING EXCEPT FOR AUTHORIZED VEHICLES. Except as herein permitted, no person shall park, stop or leave standing any vehicle, unless authorized by an official traffic control sign, and except for school buses and vehicles loading and unloading

handicapped persons during school hours, on the east side of Wood Street in front of the grade school. No-parking signs shall be placed by the Village in the above location. This subsection shall not be construed as limiting or replacing any of the restrictions on parking designated elsewhere in this Code.

(3) **ANGLE PARKING.** Angle parking is permitted at the following locations:

(a) (deleted)

(b) On the north side of Commerce Street between Mound Ave. and Spring Street.

(4) **MISCELLANEOUS PARKING RESTRICTIONS.**

(a) Street Maintenance. Whenever it is necessary to clear or repair a Village roadway or any part thereof, the 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) 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.

(c) Parking Vehicles With Motor Running. No person shall park or leave standing any motor vehicle with the motor or refrigerator unit running for more than 5 minutes within 300 feet of any residence within the Village between the hours of 10:00 P.M. and 7:00 A.M.

(d) Night Parking Restrictions. When signs have been erected at, or reasonably near, the corporate limits as provided in Sec. 349.13 WI Stats., no person, except physicians on emergency calls, shall park any vehicle from 12:00 A.M. to 6:00 A.M. from November 1 to April 15 on any street in the Village of Belmont, except on odd-numbered days on that side of any street on which the buildings are odd numbered and on even numbered days on that side of the street on which the buildings are even numbered, except where the Village Board designates by ordinance other specific parking regulations with regard to particular streets.

(5) **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. 7.13(4) of this chapter, the owner or operator of a vehicle so removed shall pay the cost of towing and storage.

(6) **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 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 the appropriate penalty.

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

7.07 ABANDONED VEHICLES.

(1) ABANDONMENT OF VEHICLES PROHIBITED. No person shall abandon any vehicle unattended within the Village 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 48 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 or a vehicle in an appropriate storage place or depository maintained in a lawful place and manner authorized by the Village.

(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 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 therefore 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 Department of Transportation of such sale or disposition of 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 Village Board 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 Village Board 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 Village 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 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 Village 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 a contractor engaged by the Village for towing of disabled vehicles. The provisions of sub. (11) shall apply to any vehicle removed under this subsection.

(15) PENALTY. In addition to the cost of impounding and disposing of an abandoned vehicle, any person convicted of abandoning a vehicle in the Village shall be subject to a forfeiture of not less than \$50 nor more than \$100 plus the cost of prosecution.

7.08 ACCIDENT REPORTS. (Amended Ord. #161)

(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 \$1,000 or more, shall, within 10 days after such accident file with the Chief of Police a copy of the report required by Section 346.70, WI Stats.

(2) ACCIDENT REPORTS. 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 Section 346.73, WI Stats. Such reports shall not be used as evidence in any trial or proceeding.

7.09 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.

7.10 PARKING DURING SNOWSTORM EMERGENCY.

(1) **EMERGENCY DECLARATIONS.** The Village Board hereby declares that an emergency exists in the Village whenever a snowfall during any period of 24 hours or less reaches a depth of three inches or more. 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.** (amended) 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 covers the Village, 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 upon any street in the Village; 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 Sec. 66.325, WI 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 and the Police Chief are hereby authorized to cause the towing away of vehicles parked in violation of this section. Any person violating this subsection shall be liable for the cost of towing, and shall be subject to prosecution and penalty as provide in Section 7.13 and 7.14 of this chapter.

(5) **PENALTY.** (revoked)

7.11 TRAFFIC AND PARKING REGULATIONS ON SCHOOL DISTRICT GROUNDS. Pursuant to the provisions of Sec. 118.105, WI Stats., the following regulations shall apply on the grounds of the Belmont School District located within the Village.

(1) **HIGH SCHOOL PARKING.** All parking on the grounds of the Belmont School District from 7:30 A.M. to 4:30 P.M. shall be restricted to areas designated for parking, by the School Board. When signs are erected by the School Board giving notice of such restrictions, all persons shall park only in areas designated and signed for visitor parking. There shall be no parking on said grounds between 11:00 P.M. and 6:00 A.M., except when school functions extend past 11:00 P.M. on such nights there shall be no parking one hour after the function has concluded.

(2) **SPEED LIMITS.** No person shall at any time operate a motor vehicle upon the Belmont School District High School grounds at a speed in excess of 10 miles per hour.

(3) **VEHICLES PROHIBITED AT SPECIFIED TIMES.** No person shall at any time

operate a motor vehicle, other than a school bus and emergency vehicle, in or upon any drive designated by sign "for buses only" during the hours of 7:30 A.M. to 9:00 A.M. and during the hours of 3:00 P.M. to 4:30 P.M. on any weekday during the months school is in session.

7.12 SNOWMOBILES AND OTHER OFF-HIGHWAY VEHICLES. (Revoke & Reconstitute)

(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. (Rep. and Rec. Ord. #124)

- (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) 350.13 Uniform trail signs and standards
- (i) 350.135 Interference with uniform trails and standards prohibited
- (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 Operators
- (mm) 350.101 to 350.107 Operating a Snowmobile while Intoxicated Prohibited
- (n) 350.15 Accident and Accident Reports
- (o) 350.17 Enforcement
- (p) 350.19 Liability of Land Owners
- (q) 350.99 Parties to a Violation

(2) APPLICABILITY OF RULES OF THE ROAD TO SNOWMOBILES. (revoked and reconstituted) The operator of a snowmobile upon a highway shall, in addition to the provisions of Chapter 350, Wisconsin Statutes, be subject to the following sections of the Wisconsin Statutes: 346.04, 346.06, 346.11, 346.14(1), 346.18, 346.19, 346.20, 346.21, 346.24, 346.26, 346.27, 346.33, 346.35, 346.37, 346.39, 346.40, 346.44, 346.46, 346.465, 346.47, 346.48, 346.485, 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(9).

(3) SNOWMOBILE AND OTHER OFF-HIGHWAY VEHICLE OPERATION IN VILLAGE RESTRICTED.

(a) General. It shall be unlawful to operate any snowmobile or any other motor-driven craft or vehicle principally manufactured for off-highway use on the Village streets, alleys, parks, parking lots, or on any public lands or private lands or parking lots held open to the public. The operator shall at all times have the consent of the owner before operation

of such craft or vehicle on private lands.

Exceptions.

1. a. (Rep. & Rec. Ord. #101 & #154) Snowmobiles may be operated on the designated and marked snowmobile route described as follows: from the point at which the Pecatonica Trail meets Cushman Drive, Cushman Drive to Plum St., Plum St. to Commerce St., Commerce St. to Chestnut St., Chestnut St. to U.S. Hwy 151 and from the Pecatonica Trail to the northwest corner of land owned by Steven G. Spensley, diagonally across the northwest corner of such land to County Highway G, across County Highway G to property owned by Patrick D. Keyes and Edward M. Keyes, along the south side of such property parallel with Liberty St. for approximately 1,000 yards.

b. (rev. & reconst. #154) Exceptions. Snowmobiles may be operated on other Village Streets for the purpose of traveling the shortest distance between the operators residence and the designated and marked snowmobile trail.

2. (Revoked Ord. #154)

(4) HOURS OF OPERATION RESTRICTED. No person shall operate a snowmobile or other off-highway vehicle anywhere within the Village between the hours of 2:00 A.M. and 7:00 A.M.

(5) 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.

(6) OPERATION WHILE UNDER INFLUENCE PROHIBITED. Sec. 346.63, WI Statutes, shall apply to the operation of a snowmobile any place within the Village.

(7) WRITTEN CONSENT OF OWNER REQUIRED. The consent required under Sec. 350.10(6), (11), (12) and (13), WI Stats., and in sub. (3) above 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.

(8) (created 05/95) STATE STATUTES REGARDING ALL-TERRAIN VEHICLES ADOPTED. The following Wisconsin statutes are hereby adopted by reference. To ensure uniformity, and future amendments or changes in such statutes are also hereby adopted by reference.

- (a) 23.33 (1) Definitions.
- (b) 23.33 (3) (a), (c) and (g) Rules of Operation.
- (c) 23.33 (3g) Use of Headgear.
- (d) 23.33 (4) Operation On or Near Highways.
- (e) 23.33 (4c) Intoxicated Operation of an All-Terrain Vehicle.
- (f) 23.33 (4g) Preliminary Breath Screening Test.
- (g) 23.33 (4j) Applicability of the Intoxicated Operation of an All-Terrain Vehicle Law.
- (h) 23.33 (4L) Implied Consent.
- (i) 23.33 (4p) Chemical Tests.
- (j) 23.33 (5) Age Requirements, Safety Certification Program.
- (k) 23.33 (6) Equipment Requirements.
- (l) 23.33 (7) Accidents.

(9) ALL-TERRAIN VEHICLE ROUTES. (rev. and rec. Ord. 190) The following streets in the Village of Belmont are hereby designate all-terrain vehicle routes:

- a. All of Spring Street;
- b. All of Highland Street;
- c. Commerce Street from Spring Street to Highland Street;
- d. Liberty Street from Spring Street west to the Village limits.

(10) (created 5/95) HOURS OF OPERATION ON ALL-TERRAIN VEHICLE ROUTE. No operation of all-terrain vehicles on the all-terrain vehicle route in the Village of Belmont shall take place between the hours of 9:00 P.M. and 7:00 A.M. No operation of all-terrain vehicles on the Pecatonica Trail in the Village of Belmont shall take place between the hours of 1:00 A.M. and 7:00 A.M.

7.13 PENALTY. Any person who violates any provision of this chapter or any order, rule or regulation made hereunder shall be subject to the penalty set forth in the VILLAGE OF BELMONT SCHEDULE OF PENALTIES which is a part of the Village Ordinance or such other penalty or amount as the Court or Village shall deem appropriate in accordance with Section 20.04.

7.14 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 Municipal Court of the Village of Belmont in accordance with the provisions of Ch. 300 and Sec. 345.20(2)(b), WI 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 Sections 346.71 through 346.73, WI Stats. Violations of Sec. 346.71 through 346.73, WI 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 Village Attorney shall recommend a citation for use in enforcing the non-moving traffic offenses in this chapter. When approved by the Village Board, 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. 7.06 and 7.07 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 sub. (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.

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 Village Attorney for prosecution pursuant to law.

3. Deposits Returned to Clerk-Treasurer. Police personnel receiving deposits for non-moving traffic violations under this subsection shall pay over such deposits to the Chief of Police. By the end of the next work day the Chief of Police shall pay over such deposits to the Clerk-Treasurer. Such payment shall be accompanied by an itemized statement for each deposit.

7.15 REFERENCE 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 1993-94 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.

7.16 COMPRESSION BRAKES PROHIBITED.

(1) No person shall use motor vehicle brakes within the village limits of the Village of Belmont which are in any way activated or operated by the compression of the engine of any such motor vehicle or any unit or part thereof.

(2) Any person violating the provisions of this ordinance shall have committed a traffic offense and a penalty shall be imposed as provided in Section 20.04(6) of the Municipal Code of the Village of Belmont.

(3) The Director of Public Works is authorized to post appropriate signs consistent with the provisions of this ordinance.

(4) All other terms and provisions of Chapter 7 shall remain in full force and effect unless specifically modified herein.

(5) This ordinance shall be in full force and effect from and after its passage and publication as required by law.