

CHAPTER 4

TRAFFIC CODE

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4.01 STATE TRAFFIC LAWS ADOPTED

(1) The provisions of Chapter 340 through 348 and 350 are adopted and made a part of this section by reference of the provisions of these chapters, so incorporated, shall be a violation of this section and forfeitures consistent with the fines imposed in those chapters shall be assessed.

(2) Reference to specific Statutory sections whenever used in this chapter shall mean the Wisconsin Statutes, Laws of 1995-1996. Any future amendments, revisions or modifications of the statutes incorporated or made reference to herein are intended to be made part of this section in order to secure uniform statewide regulation.

(3) Penalties The penalty for violation of any provision of this chapter shall be a forfeiture as hereafter provided together with costs under [§345.27](#).

(a) State Forfeiture Statutes Forfeiture for violation of CO 340.01 to CO 348.28 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.

(b) 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.

(4) Enforcement Procedures This chapter shall be enforced according to [§66.12](#), Chapter 299 and [§345.20](#) to [§345.33](#).

(a) Deposit Any person arrested for a violation of this chapter may make a deposit of money as directed by the arresting officer at the office of the Clerk of Court or mailing deposit to such place. The arresting officer or the person receiving the deposit shall comply with §343.27, or, if the deposit is mailed, the signed statement required under §343.27 shall be mailed with the deposit. The arresting officer or the person receiving the deposit shall notify the arrested person, orally or in writing, that:

1. If he fails to appear in court at the time fixed on the citation, he will be deemed to have tendered costs not to exceed the amount of the deposit.

2. If he fails to appear in court at the time fixed on the citation and if the court does not accept the deposit as a forfeiture, he will be summoned into court to answer the complaint.

i. The amount of the deposit shall be determined in accordance with the deposit schedule established by the Board of County Judges.

ii. The arresting officer or the person receiving the deposit shall issue the arrested person a receipt thereof as required by §345.26(3)(b).

3. If a deposit schedule has not been established, the arresting officer shall require the alleged offender to deposit not less than the minimum forfeiture permitted under this ordinance.

(5) Stipulation of No Contest Any person charged with a violation of this chapter except CO 346.62(1) and CO 346.63(1), may at the time of the alleged violation or within five (5) days thereafter make a stipulation of no contest pursuant to §345.27. Such person shall at the time of entering into the stipulation make the deposit as required under subsection two (2) of this section. A person who has mailed or filed a stipulation under this subsection may, however, appear in court on the appearance date.

All of section 4.01 is hereby re-adopted on April 3, 1979. Further, all of the state statutes adopted as the legislature amends any of the incorporated statutes, the City of Augusta shall automatically adopt any such statutory amendments upon their effective dates.

4.02 SPEED LIMITS

The speed limit on all streets in the City of Augusta shall be made to conform to the speed restrictions set forth in §346.57. The City Council may at any time hereafter modify these limits in accordance with Chapter 349 of the Wisconsin Statutes.

4.04 BICYCLE ORDINANCE

The City Council of the City of Augusta, Eau Claire County, Wisconsin, does ordain as follows:

(1) Registration of Bicycles

(a) It shall be unlawful for any person to operate a bicycle in the City of Augusta unless said bicycle is registered and tagged as herein provided.

(b) Registration shall be made by filing with the Police Department the name, address and age of owner together with a complete description of the bicycle including the serial number the Police Department shall assign one to it, plus any other information deemed necessary by the Chief Of Police, and thereafter paying a registration of \$2.00. Registration shall be serially numbered and kept on file by said department as a public record and said department shall issue an identification tag which is to be affixed to the bicycle unless removed by said department for cause. In case of theft or loss a duplicate tag shall be issued upon the filing of an affidavit as required by the Police Department plus the payment of \$1.25.

(c) All registrations shall be permanent.

(d) A complete report shall be made to the City Treasurer each month by the Police Chief of funds received for the registration of bicycles and all fees shall be paid to the City Treasurer on or before the fifth (5th) day of each month.

(e) No bicycle shall be registered which is in an unsafe mechanical condition. Any police officer shall have the authority to suspend registration and remove identification tag from any bicycle which is in an unsafe mechanical condition and such suspension and removal to continue until such bicycle is placed in a safe mechanical condition. Such suspension and removal shall be in addition to other penalties provided hereunder.

(f) No person shall willfully remove, deface and destroy any such identification tags.

(g) Within seven (7) days after any bicycle shall have changed ownership or have been dismantled or taken out of operation the person in whose name the bicycle has been registered shall report such information to the Police Department. In case of change the name of the new owner. In case of dismantling and taking out of operation the registration shall be canceled and the identification tag returned to the Police Department and no refund will be payable.

(2) Conditions of Registration Every registration issued hereunder shall be deemed to be granted subject to the following conditions.

(a) Any bicycle operated in the City of Augusta during any time between a half hour after sunset and a half hour before sunrise shall be equipped with a lamp firmly attached on the front of the bicycle exhibiting a white light visible from a distance of at least three hundred (300) feet to the front and with a lamp or red reflector on the rear exhibiting a red light visible for a distance of three hundred (300) feet from the rear.

(b) Every bicycle shall be equipped with a brake adequate to control the movement of and to stop such bicycle whenever necessary and such brake shall be maintained in good working order at all times.

(c) An operator of a bicycle shall observe and be subject to all laws and regulations that are imposed upon motor vehicles to the extent that such regulations are applicable and are not in conflict with the provisions of this ordinance.

(d) An operator of a bicycle shall give proper traffic signals before making a turn or stopping and shall obey all traffic signals and warnings. Such operator shall stop at all stop signs and when emerging from a driveway or alley. He shall keep in the proper lane and shall ride single file as close to the right hand curb as possible. Such operator shall yield the right of way to pedestrians and shall stop when emergency vehicles approach.

(e) The operator of a bicycle shall not carry another person on the bicycle when operating such bicycle unless such bicycle be a tandem bicycle constructed for two persons, nor shall the operator of a bicycle tow or draw any coaster wagon, sled, person on roller skates, toy vehicle or any other similar vehicle on a street. No person shall ride any bicycle which is in any way attached to any other vehicle or while the person himself is in any way attached to any other moving vehicle.

(f) No operator of any bicycle shall remove both hands from the handlebars or rest feet from the pedals or practice any acrobatic riding.

(g) No person shall ride a bicycle on the public sidewalks abutting Lincoln Street between Stone Street and Spring Street.

No bicycle shall be parked on any roadway in such a manner as to interfere with free passage for the public.

(3) Impounding Bicycles In addition to any other penalties provided in this ordinance for a violation of any portion thereof the Police Department shall have the power to impound any bicycle for a first offense up to ten (10) days, for a second (2nd) offense within one (1) calendar year up to twenty (20) days, and for the third (3rd) offense for any calendar year up to thirty (30) days, and for any offense beyond three (3) in any calendar year of the registration year. Appeal from any impounding and suspension may be taken to the City Council of the City of Augusta.

(4) Penalties Any person violating any of the provisions of this ordinance shall upon conviction be punished by a forfeiture not to exceed twenty-five (\$25.00) plus cost of prosecution, and in default of payment of such forfeiture and cost of prosecution shall be committed to the County Jail of Eau Claire County for a term not to exceed thirty (30) days unless such forfeiture and costs are sooner paid.

(5) All ordinances contrary to this ordinance are hereby repealed.

4.04(a) IN-LINE SKATES, ROLLER SKATES AND SKATEBOARDS

(1) SIDEWALKS OR WALKWAYS Every person using in-line skates, roller skates and skateboards upon

a sidewalk or walkway shall yield the right-of-way to any pedestrian and shall exercise due care when passing any other persons proceeding in the same direction.

(2) CLINGING TO MOVING VEHICLES IS PROHIBITED It shall be unlawful for any person using in-line skates, roller skates or skateboards to cling to or attach to any bicycle or other moving vehicle upon a public roadway.

(3) YIELDING TO TRAFFIC The operator of a vehicle shall yield the right-of-way to a user of in-line skates, roller skates or skateboards in the same manner as for bicyclists and pedestrians. Every person when using in-line skates, roller skates and skateboards, upon entering a public roadway, yielding the right-of-way to motor vehicles.

(4) IN-LINE SKATES, ROLLER SKATES AND SKATEBOARDS PROHIBITED No person shall use in-line skates, roller skates or skateboards within the following areas:

112 East Lincoln Street to 217 West Lincoln Street.

North Stone Street to Buckman Street and South Stone Street to Grant Street.

4.05 SNOWMOBILE ORDINANCE

THE AUGUSTA CITY COUNCIL DOES HEREBY ORDAIN AS FOLLOWS:

Chapter four (4) of the Municipal Code of the City of Augusta is hereby amended to read as follows.

(1) A snowmobile trail is hereby designated on the below named streets in the City of Augusta.

Bills Street from Hudson Street to the city limits
Perkins Street in its entirety
Buckman Street from Spring Street to Highway Street
Brown Street from Madison Street to Highway Street
Colfax Street from Madison Street to Highway Street
South Spring Street from Colfax Street to its dead end
Brown Street from Water Street to Sand Street
Baldwin Street from Pease Street to Highway 12
Pease Street in its entirety
Water Street in its entirety
Railway Avenue in its entirety
Madison Street from Colfax Street to Brown Street
All of Lafayette Street from Brown St. to Main Street

(2) No snowmobiles shall exceed a 20 MPH speed limit within the city limits.

(3) Snowmobiles shall stay as far to the right as possible when traveling on city streets.

(4) Snowmobiles shall be ridden in single file.

(5) Snowmobiles shall stop at all intersections.

(6) No snowmobile riding on private property shall be allowed unless permission is granted by property owner.

(7) The provisions of Section 350 of Wisconsin Statutes are hereby adopted as part of this section as if fully set forth herein.

(8) Any apparatus towed behind a snowmobile must be attached to a towing machine with a rigid type hitch.

(9) Operator of a snowmobile must be at least 12 years of age to ride on any designated city trail.

(10) Any person who shall violate any provision of this ordinance shall upon conviction thereof, forfeit not less than ten dollars (\$10) nor more than fifty dollars (\$50) together with the cost for prosecution, and in default of payment of forfeiture and cost of prosecution, shall be imprisoned in the County Jail until such forfeiture and cost are paid but not exceeding ten (10) days.

4.05(a) ALL TERRAIN VEHICLE ORDINANCE No All Terrain Vehicle, (hereinafter **ATV**) as defined in Wisconsin State Statutes 340.01(2g) of the Wisconsin Statutes, may be operated in the City except in compliance with this Section 4.05(A).

(1) No person may operate an ATV in the City except on a designated ATV route or pursuant to subsection (7) or (12) below.

(2) All streets in the City of Augusta except US Highway 12 and State Trunk Highway 27 are designated ATV routes.

(3) No ATV shall exceed a speed limit of 10 miles per hour within the city limits.

(4) ATVs shall stay as far to the right as possible when traveling on city streets.

(5) ATVs shall be ridden in single file.

(6) ATVs shall stop at all intersections.

(7) No ATVs shall be operated on private property unless permission is granted by property owner.

(8) While on a City Street, any person operating an ATV shall obey all of the **rules of the road** which would apply if the person were operating a licensed motor vehicle, except as modified by this section.

(9) An ATV shall not tow any person, thing, or apparatus.

(10) No person under the age of 12 years may operate an ATV in the city.

(11) No person under 16 years of age, but at least 12 years of age, may operate an ATV in the city unless he or she holds a valid ATV Safety Certificate issued by the state of Wisconsin

(12) No ATV may be operated on any City owned property, other than streets, except pursuant to written permission issued in advance by the Mayor, Director of Public Works, or the Chief of Police.

(13) Any person who shall violate any provision of this ordinance shall upon conviction thereof, forfeit no less than \$10.00 not more than \$250.00 together with cost for prosecution, and in default of payment of forfeiture and cost of prosecution, shall be imprisoned in the County Jail until such forfeiture and costs are paid but not exceeding (10) days.

(14) Section 23.33, Wisconsin Statutes, is hereby adopted by reference, except for the following subsections: (2g), (4z) and (13).

4.06 PARKING OF VEHICLES DURING WINTER MONTHS AMENDED

(1) Between the dates of November 15 and April 15, no vehicles may be parked on the streets of the City of Augusta between the hours of 2:30 a.m. and 6:00 a.m., except as provided below.

(2) On those portions of Stone Street and Spring Street lying between Buckman Street and Grant Street, and on those portions of Brown Street lying between Spring Street and Stone Street; alternate side parking, as defined in subsection (3), shall be in effect between the hours of 2:00 a.m. and 6:00 a.m., between the dates of November 15 and April 15.

(3) Alternate side parking means that parking shall be permitted on the side of the street containing even numbered buildings numbers on even days and odd numbered building numbers on odd numbered days of the month.

Any person who shall violate any provision of this section shall be subject to a penalty as provided in Section 15.04 of this code. A separate offense shall be deemed committed on each day on which a violation of any provision of this section occurs or continues.

4.07 YEAR ROUND PARKING RESTRICTIONS

(1) Parking, Prohibited Where No vehicle shall be parked or left standing on the following parts of the following streets at any time:

(a) On the north side of Lincoln Street from the westerly edge of Stone Street to a point seventy-five (75) feet west of Stone Street.

(b) The south side of Lincoln Street from the westerly edge of Stone Street to a point seventy-five (75) feet west of Stone Street.

(c) On the south side of Lincoln side from the east side of Stone Street to a point seventy-five (75) feet east of Stone Street.

(2) 30 Minute Parking Zones No vehicles shall be parked or left standing on the following parts of the following streets for more than 30 minutes, during the hours of 8:00 a.m. and 5:00 p.m.

(a) On the east side of Stone Street from the northerly edge of Lincoln Street to a point seventy-five (75) feet north of Lincoln Street.

(3) Two Hour Parking Zones and Loading Zones All vehicles will only be parked for two (2) hours at any given time between the hours of 8:00 a.m. to 5:00 p.m., along South Stone Street from Lincoln Street (Highway 12) to Brown Street, except for the loading and unloading zone now established at the end of the east side of the street.

(4) No parking of semi trucks and trailers It shall be unlawful for semi trucks and trailers to be parked as follows:

(a) No semi trailer shall be detached from its trailer and left parked on any city street at any time.

(b) No semi trailer with attached trailer may be parked overnight on any city street.

(c) No semi truck may be parked unattended with its motor running on any city street unless it is parked and running in relation to a delivery or a loading of goods at the location it is parked.

(d) No semi truck or trailer will be allowed to park in the parking lot owned by the City of Augusta and located in the Augusta Business Park for no more than one week. (Adopted May 14, 2002)

Any person who shall violate any provision of this section shall be subject to a penalty as provided in Section 15.04 of this code. A separate offense shall be deemed committed on each day on which a violation of any provision of this section occurs or continues.

(5) Heavy Vehicle Parking

(a) Purpose. The regulations and restrictions established in this section have been made in accordance with the policy to preserve and maintain the integrity of residential zones by:

1. Limiting traffic congestion and noises.
2. Preserving aesthetic harmony.
3. Limiting deterioration of streets.
4. Ensuring the safety and peace and/or its residents.

(b) In this subsection:

1. "Heavy Vehicle" means any vehicle or combination of vehicles designed or used for transporting persons or property of any nature for commercial, industrial or agricultural purposes and having a gross weight of more than six thousand pounds.

2. No person shall park any heavy vehicle at any place in any residential zone, as determined under Chapter 9 of the zoning code except for such time as is reasonably necessary to facilitate the loading or unloading of such vehicle.

3. Parking of any heavy vehicle at any location in any residential zone, as determined under Chapter 9 of the Zoning Code, shall be allowed only under the following circumstances:

i. For such time as is reasonably necessary to facilitate the loading or unloading of such vehicle or providing services to customers;

ii. For purposes of parking on residential property but not on streets or alleys, as long as the owner, operator, or lessee of such vehicle complies with the following:

(1) Idles such vehicle for no more than fifteen (15) minutes;

(2) Parks no more than one such vehicle on his or her residential property; and

(3) While its engine is running, such vehicle must be attended by its operator.

(6) Year-Round Parking Restrictions No overnight parking will be allowed in the Buckman Street Parking lot which is located in the 100 block of Buckman Street or in the Senior Center Parking lot without first obtaining a parking permit from the office of City Clerk or Police Department.

Any person who shall violate any provision of the section shall be subject to a penalty as provided in Section 15.04 of the Code. A separate offense shall be deemed committed on each day on which a violation of any provision of this section occurs or continues.

4.08 EXHIBITION DRIVING

(1) It is hereby declared, any person who drives any vehicle within the City limits of the City of Augusta in such a manner that creates or causes unnecessary engine noise, or tire squeal, skid or slide upon acceleration or stopping, or that stimulates a temporary race, or that causes the vehicle to unnecessarily turn abruptly or sway shall be guilty of Exhibition Driving.

(2) Any person who shall violate any provision of this section shall be subject to a penalty as provided in Section 15.04 of this code. A separate offense shall be deemed committed on each day on which a violation of any provision of this section occurs or continues.

4.09 SCHOOL BUS FLASHING RED WARNING LIGHTS

(1) Pursuant to the authority granted by §349.21(1)(2)(3) the City of Augusta hereby ordains that school bus operators shall be flashing red warning lights when loading and unloading pupils and other authorized passengers in residence and business districts where curb and such passengers must cross the street or highway before being loaded or after being unloaded.

(2) The operator of any vehicle which approaches from the front or rear of any school bus which has stopped and where it is displaying flashing red warning lights, shall stop the vehicle not less than 20 feet from the bus and shall remain stopped until the bus resumes motion or the operator extinguishes the flashing red warning lights.

(3) Any person convicted of violation and any provision of this section shall be punished under the provisions of Section 15.04 of this code.

4.10 OFFICIAL TRAFFIC MAP

(1) Official Traffic Map Established There is hereby established an official traffic map for the City of Augusta of upon which shall be indicated no parking areas, restricted parking area, stop signs, arterial intersections, yield signs, special speed limits, one way highways, school crossings and all other restriction or limitations contained in this code as from time to time may be amended or modified by the City Council when the laws of the State of Wisconsin require the erection or use of official traffic control devices to enforce such restrictions or limitations.

(2) 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 code.

(3) Map to be Maintained A copy of the Official Traffic Map shall be maintained and displayed in the office of the Augusta City Police Department and Municipal Judge.

4.11 48 HOUR PARKING ORDINANCE

(1) State Statutes Adopted Section 342.40 of the Wisconsin Statutes is adopted by reference and made a part of this chapter as if fully set forth herein.

(2) Abandoned Motor Vehicles Abandoned motor vehicle means any unattended motor vehicle, trailer, semi-trailer or mobile home that has been left of parked upon any public highway or public property for more than 48 hours, or left upon any private property without permission of the property owner for that period. A motor vehicle shall not be considered abandoned when it is out of ordinary public view, or when designated as not abandoned by the chief of police or his designee.

(3) Removal and Storage Any police officer or other person designated by the chief of police who discovers an abandoned vehicle may cause that vehicle to be removed and stored at a suitable place of impoundment pursuant to the provision of section 342.40 of the State Statutes.

(4) Sale of Abandoned Vehicles The city clerk shall administer the sale of any abandoned vehicles which are disposed of under the provisions of section 342.40(3) of the Wisconsin Statutes.

(5) Abandonment Unlawful It is unlawful to abandon any motor vehicle, semi-trailer or mobile home upon any public property or without permission on any private property. Any person convicted of violation and any provision of this section shall be punished under the provision of Section 15.04 of this code.

4.12 Jake Brakes

(1) Jake Brakes No person shall use a dynamic braking device, Jake brake, or any similar means of using exhaust or engine braking to slow a vehicle, except when reasonably necessary during an emergency stop or to avoid a collision.

(Adopted this February 11, 2003)