

## 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.

#### **4.03 BICYCLE ORDINANCE**

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

- (1) General Regulations
  - (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 Such operator 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.
  - (h) No bicycle shall be parked on any roadway in such a manner as to interfere with free passage for the public.
- (2) **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.
- (3) **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.

- (4) All ordinances contrary to this ordinance are hereby repealed.

#### **4.04 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) **WHEN REQUIRED TO YIELD ~~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, shall yield the right-of-way to motor vehicles when required to do so by law.
- (4) **IN-LINE SKATES, ROLLER SKATES AND SKATEBOARDS PROHIBITED** No person shall use in-line skates, roller skates or skateboards within the following areas:
- on the public sidewalks abutting Lincoln Street between Stone Street and Spring Street.
  - on the public sidewalks abutting N. Stone Street from Lincoln Street to Buckman Street
  - on the public sidewalks abutting S. Stone Street from Lincoln 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 route is hereby designated on the below named streets in the City of Augusta.
- All streets in the City of Augusta are designated Snowmobile Routes except Lincoln Street and N. Bills Street.
  - Snowmobiles are allowed to traverse Lincoln Street and N. Bills Street only as a direct continuation from another street designated as a route.
- (2) No snowmobiles shall exceed a 15 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 obey the right of way 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 route.
- (10) No person born on or after 1/1/1985 shall operate a snowmobile in the City of Augusta unless they hold and possess a valid snowmobile safety certificate issued by the State of Wisconsin, another state, or a province of Canada.
- (11) 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.

**4.051 ALL-TERRAIN AND UTILITY TERRAIN VEHICLE ORDINANCE** No All-Terrain Vehicle, (hereinafter “ATV”) or Utility Terrain Vehicle (“UTV”) as defined in Wisconsin State Statutes 340.01(2g) and 23.33(1)(ng) 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 or UTV in the City except on a designated ATV/UTV route or pursuant to subsection (7) or (12) below.
- (2) All streets in the City of Augusta except US Highway 12/Lincoln Street and State Trunk Highway 27/N. Bills Street are designated ATV/UTV routes.
- (3) No ATV/UTV shall exceed a speed limit of 15 miles per hour within the city limits.
- (4) ATV’s/UTVs shall stay as far to the right as possible when traveling on city streets.
- (5) ATV’s/UTV’s shall be ridden in single file.
- (6) ATV’s/UTV’s shall yield the right of way at all intersections.
- (7) No ATVs/UTV’s shall be operated on private property unless permission is granted by property owner.
- (8) While on a City Street, any person operating an ATV/UTV 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 or chapter 23 of Wisconsin Statutes.

- (9) An ATV/UTV shall not tow any person, thing, or apparatus. Trailers may be towed by an ATV/UTV so long as they are attached to the ATV/UTV with a ridged type hitch and do not block the operators view from the side or rear.
- (10) No person under the age of 12 years may operate an ATV in the city.
- (11) No person who is at least 12 years of age and who is born on or after January 1, 1988, may operate an ATV or UTV unless he or she holds a valid safety certificate issued by the State of Wisconsin, another state, or a province of Canada
- (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 ten dollars (\$10) not more than two-hundred fifty dollars (\$250) 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 Street; alternate side parking, as defined in subsection (3), shall be in effect between the hours of 2:30 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 building numbers on even numbered 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 person shall park, stop, or leave standing any vehicle, whether attended or unattended, in the following specified areas. This section conforms to Wis. Stats. §346.53.

- (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 Street from the east side of Stone Street to a point seventy-five (75) feet east of Stone Street.
- (d) On the north side of Lincoln Street from the east side of Stone Street to a point seventy-five (75) feet east of Stone Street.
- (e) On the north side of Industrial Drive from the east side of Ted Anderson Drive to a point five-hundred (500) feet east of Ted Anderson Drive.
- (f) On any street posted and with temporary "No Parking" signs or signs limiting parking duration. For the purpose of this section, the Chief of Police or Augusta City Council shall authorize and regulate such temporary restrictions, privately imposed parking restrictions are prohibited.
- (g) On public or private property, properly posted, as provided in § 346.55(4), Wis. Stats.
- (h) In a public alley.
- (i) Within ten (10) feet of a fire hydrant, unless greater distance is indicated by an official traffic sign.
- (j) Within four (4) feet of the entrance to an alley or private road or driveway.
- (k) Closer than fifteen (15) feet to the near limits of a crosswalk as defined by Wisconsin Statutes 340.01(10).
- (l) Upon any portion of a highway where and at the time when parking is prohibited, limited or restricted by official traffic signs.

##### **(2) 30 Minute Parking Zones**

- (a) 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. Monday through Friday:

1. On the west side of Stone Street from the northerly edge of Lincoln Street to a point one-hundred (100) feet north of Lincoln Street.

(3) **Two Hour Parking Zones and Loading Zones**

- (a) No vehicle shall be parked or left standing on the following parts of the following streets for more than 2 hours during the times of 8:00 a.m. and 5:00 p.m. Monday through Friday.

1. On the east side of S. Stone Street from the northerly edge of Lincoln Street to a point one-hundred twenty (120) feet south of Lincoln Street.
2. In the 100 Block of W. Lincoln Street.
3. On the north and south sides of W. Brown Street from the westerly edge of S. Stone Street to a point seventy-five (75) feet west of S. Stone Street.
4. On the West side of S. Stone Street from Lincoln Street to Brown Street.

(4) **No parking of semi-trucks and trailers**

- (a) It shall be unlawful for semi-trucks or trailers to be parked as follows:

1. No semi-trailer shall be detached from its truck and left parked on any city street at any time.
2. No semi-truck shall be detached from its trailer and left parked on any city street at any time.
3. No semi- truck with attached trailer may be parked overnight on any city street.
4. 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.
5. 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 and Trailer 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. "Trailer" means a vehicle without motive power designed for carrying property or passengers wholly on its own structure and for being drawn by a motor vehicle used for commercial, industrial or agricultural purposes.
3. 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.
4. 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.
5. No person shall park any Heavy Vehicle or Trailer, being equipped with an apparatus capable of using or producing energy, any place in any residential zone, as determined under Chapter 9 of the zoning code if such apparatus is in use except for such time as is reasonably necessary to facilitate loading and unloading of such vehicle.

**(6) Year-Round Parking Restrictions**

**(a) City Owned Parking Lots**

- 1.** 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 permission from the office of City Clerk or Police Department.

**(b) Between the hours of 6:00 a.m. and 6:00 p.m. Monday through Saturday, no person shall stop, stand or park a vehicle within six (6) feet on either side of a mailbox which is placed and equipped for the purpose of depositing mail from vehicles on the roadway, except:**

- 1.** Temporarily stopped for the purpose of and while actually engaged in the loading or unloading or receiving or discharging of passengers and while attended by a licensed operator so that it may be immediately moved to allow for the delivery or retrieval of mail.
- 2.** When a person is stopping, standing or parking a vehicle within six feet of their own mailbox, except as set forth under Subsection 3, provided that while doing so, they are not within six (6) feet of another mailbox.
- 3.** Temporarily stopped for the purpose and while actually engaged in the delivery or retrieval of mail or newspapers and while attended by a licensed operator so that it may be immediately moved to allow for the delivery or retrieval of mail.
- 4.** On Sundays, or any other day recognized by the United States Postal Service when delivery services are not offered.

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** No person shall leave unattended any motor vehicle, trailer, semitrailer or mobile home on any public highway or private or public property, for such time and under such circumstances as to cause the vehicle to reasonably appear to have been abandoned. Except as otherwise provided in this section, whenever any vehicle has been left unattended without the permission of the property owner for more than 48 hours, the vehicle is deemed abandoned and constitutes a public nuisance. A motor vehicle shall not be considered an abandoned motor vehicle when it is out of ordinary public view, or when designated as not abandoned by a duly authorized municipal or county official pursuant to municipal or county ordinance 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)