

# Title 10 ► Chapter 1

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## Traffic and Parking

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## Article A: General Provisions

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### **Sec. 10-1-1 State Traffic Laws Adopted.**

- (a) **Statutes Adopted.** Except as otherwise specifically provided in this Code, the statutory provisions in Chapters 110, 194, and 340 through 349, Wis. Stats., describing and defining regulations with respect to vehicles and traffic, for which the penalty is a forfeiture only, exclusive of any regulations for which the statutory penalty is a fine or term of imprisonment or exclusively state charges, are hereby adopted and by reference made a part of this Chapter as if fully set forth herein. The statutory sections listed shall be designated as part of this Code by adding the prefix "10-1-" to each statute section number. Any act required to be performed or prohibited by any regulation incorporated herein by reference is required or prohibited by this Chapter. Any future amendments, revisions or modifications of the statutory regulations in Chs. 340 through 349, Wis. Stats., incorporated herein are intended to be made part of this Chapter in order to secure to the extent legally practicable uniform statewide regulation of vehicle traffic on the highways, streets and alleys of the State of Wisconsin. Any person who shall, within the Village of Elk Mound, Wisconsin, violate any provisions of any Statute incorporated herein by reference shall be deemed guilty of an offense under this Section.
- (b) **Other State Laws Adopted.** There are also hereby adopted by reference the following sections of the Wisconsin Statutes, but the prosecution of such offenses under this Chapter shall be as provided in Chapters 340 through 349, Wis. Stats., and the penalty for violation thereof shall be limited to a forfeiture as hereinafter provided in this Chapter:
- 941.01 Negligent Operation of Vehicle Off Highway
  - 941.03 Highway Obstruction
  - 943.11 Entry into Locked Vehicle
  - 943.23 Operating Motor Vehicles Without Owners Consent
  - 947.045 Drinking in Motor Vehicle on Highway
- (c) **Statutes Specifically Incorporated by Reference.** Whenever this Chapter incorporates by reference specific sections of the Wisconsin Statutes, such references shall mean the Wisconsin Statutes 2009-2010 edition as from time to time amended, repealed or modified by the Wisconsin Legislature.
- (d) **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.

### **Sec. 10-1-2 State Administrative Code Provisions Adopted.**

- (a) **Administrative Regulations Adopted.** The following administrative rules and regulations adopted by the Secretary of the Wisconsin Department of Transportation and published in the Wisconsin Administrative Code, exclusive of any provisions therein relating to the

signal, marker, mark or monument unless permission is first obtained from the Director of Public Works or, where applicable, 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 Subsection (d).

- (d) **Removal of Unofficial Signs, Markers, Signals and Traffic Control Devices.** The Director of Public Works may remove any sign, signal, marking 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, marking or device shall be reported 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.
- (e) **Unauthorized Removal or Possession.** It shall be a violation of this Section, subject to the penalty provisions of Section 1-1-6, for any unauthorized person or party to remove or possess any official traffic sign or control device.

*State Law Reference:* Secs. 346.41 and 349.09, Wis. Stats.

#### **Sec. 10-1-4 Registration Record of Vehicle as Evidence.**

When any vehicle is found upon a street or highway in violation of any provision of this Chapter regulating the stopping, standing or parking of vehicles and the identity of the operator cannot be determined, the owner, as shown by the ownership registration of the vehicle supplied by the Wisconsin Department of Transportation, or a comparable authority of any other state, shall be deemed to have committed the violation for purposes of enforcement of this Chapter and specifically Section 10-1-1 and shall be subject to the applicable forfeiture penalty; provided the defenses defined and described in Sec. 346.485(5)(b), Wis. Stats., shall be a defense for an owner charged with such violation.

#### **Sec 10-1-5 School Bus Warning Lights.**

- (a) (1) Notwithstanding the provisions of Sec. 346.48(2)(b)2., Wis. Stats., adopted by reference in Section 10-1-1 to the contrary and except as provided in Subsection (b) below, school bus operators shall 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 no crosswalk or traffic signals so that pupils must cross the street or highway before being loaded or after being unloaded.
- (2) The operator of a school bus equipped with flashing red warning lights shall actuate such lights at least one hundred (100) feet before stopping to load or unload pupils

- or other authorized passengers and shall not extinguish such lights until loading or unloading is completed and persons who must cross the street or highway are safely across.
- (3) The operator of a school bus shall use the flashing red warning lights when loading or unloading passengers from either side where the curb and sidewalk are laid on one (1) side of the road only.
  - (4) The operator of a school bus shall use the flashing red warning lights when loading or unloading passengers in a residential or business district when the passengers are to be loaded or unloaded at a location at which there are:
    - a. No traffic signals;
    - b. Sidewalk and curb are laid on both sides of the street or highway; and
    - c. Such persons must cross the street or highway before being loaded or after being unloaded.
  - (5) The operator of a motor vehicle which approaches from the front or rear of any school bus which has stopped on a street or highway when the bus is displaying flashing red warning lights shall stop the vehicle not less than twenty (20) feet from the bus and shall remain stopped until the bus resumes motion or the operator extinguishes the flashing red warning lights. The operator of a school bus, which approaches the front or rear of another school bus that has stopped and is displaying red warning lights, shall stop not less than twenty (20) feet from the other bus, display its red warning lights and remain stopped with red warning lights actuated until the other bus resumes motion or the other operator extinguishes the flashing red warning lights.
- (b) Pursuant to Sec. 349.21(2), Wis. Stats., the use of flashing red warning lights by school bus operators is prohibited when pupils or other authorized passengers are loaded or unloaded directly from or onto the school grounds or that portion of a right-of-way between the roadway and the school grounds designated by "school" warning signs as provided in Sec. 118.08(1), Wis. Stats.

### **Sec. 10-1-6 Blue Warning Lights on Police Vehicles.**

- (a) Pursuant to Sections 346.03(3), 346.94(14), 346.95(3) and 347.25(1), (1m)(a) and (b) and (4), Wis. Stats., a marked police vehicle under Sec. 340.01(3)(a), Wis. Stats., operating in the Village of Elk Mound may be equipped with a blue light and a red light which flash, oscillate or rotate.
- (b) If the vehicle is so equipped, the lights shall be illuminated when the operator of the police vehicle is exercising the privileges granted under Sec. 346.03, Wis. Stats. The blue light shall be mounted on the passenger side of the vehicle and the red light shall be mounted on the driver side of the vehicle. The lights shall be designed and mounted so as to be plainly visible and understandable from a distance of five hundred (500) feet during normal

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sunlight and during hours of darkness. No operator of a police vehicle may use the warning lights except when responding to an emergency call or when in pursuit of an actual or suspected violator of the law, when responding to but not upon returning from a fire alarm or when necessarily parked on a highway in a position which is likely to be hazardous to traffic using the highway.

**Sec. 10-1-7 Accident Reports.**

The operator of every vehicle involved in an accident shall, immediately after such accident, file with the Police Department a copy of the report required by Sec. 346.70, Wis. Stats., if any. If the operator is unable to make such report, any occupant of the vehicle at the time of the accident capable of making such report shall have the duty to comply with this Section. Such reports shall be subject to the provisions and limitations of Sections 346.70(4)(f) and 346.73, Wis. Stats., specifically that accident reports filed with this Section shall be for the confidential use of the Department and shall not be open to public inspection except as permitted by Sec. 346.73, Wis. Stats.

*State Law Reference:* Sec. 346.70, Wis. Stats.

**Sec. 10-1-8 through Sec. 10-1-9 Reserved for Future Use.**

## Article B: Street Traffic Regulations

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### **Sec. 10-1-10 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 Chapter shall obey the direction of such Official Traffic Control Device as required by the Wisconsin Statutes incorporated by reference in Section 10-1-1 of this Chapter. Operators of vehicles approaching a stop sign shall stop before entering a highway as required by Sec. 346.46, Wis. Stats. Operators approaching intersections at which a yield sign has been installed shall yield the right-of-way to other vehicles as required by Sec. 346.18(6), Wis. Stats.

### **Sec. 10-1-11 Heavy Traffic Routes.**

- (a) **Definition.** For purposes of this Section, "heavy traffic" shall be defined as:
- (1) All vehicles not operating completely on pneumatic tires, and
  - (2) All vehicles or combination of vehicles designed or used for transporting property of any nature and having a gross weight of more than twelve thousand (12,000) pounds. "Heavy traffic" does not include school buses, motor buses or recreational motor homes.
- (b) **Prohibited Routes.**
- (1) Heavy traffic is prohibited from using any Village of Elk Mound street or highway not designated as a heavy traffic route.
  - (2) This Section shall not act to prohibit heavy traffic from using a Village street or highway for the purpose of obtaining orders for supplies or moving or delivering supplies or commodities to or from any place of business or residence which has an entrance on such street or highway, nor shall this Section apply to heavy traffic necessary to obtain orders, to make deliveries, or to move supplies or equipment for agricultural purposes. This exception shall be permitted for the period of time necessary to complete the above-described activities. This Section will not act to prohibit heavy traffic from using any Village streets over which are routed state trunk highways. When being driven to the site of any construction, repair or maintenance of electric, gas or water service, vehicles owned and operated by a public utility will be exempt from the provisions of this Section.
- (c) **Administration.** The Public Works Department shall administer this Section. Administration shall include:
- (1) **Posting of Signs.** Appropriate signs shall be posted giving notice of this Section and of the heavy traffic routes established herein. Yellow sign posts may also be used to designate heavy traffic routes.

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- (2) **Maps.** Maps of the Village showing heavy traffic routes shall be prepared and shall be available upon request by heavy traffic operators and owners.
- (3) **Construction Equipment.**
  - a. Heavy construction equipment may use Village streets or highways not designated as heavy traffic routes provided that the closest access route is utilized.
  - b. Village-owned or operated equipment is specifically excluded from the provisions of this Section.
- (d) **Liability.** Any operator, corporation, owner or agent whose heavy traffic vehicle damages any Village streets or highways in violating this Section shall be liable and required to pay the Village the cost of repair or replacement of the damaged street or highway.
- (e) **Streets Designated Class "B" Highways.** All streets and highways within the Village of Elk Mound, Wisconsin, are hereby designated Class "B" highways subject to the weight limitations imposed on Class "B" highways by the Wisconsin Statutes adopted by reference in Section 10-1-1 except the highways or parts of highways designated as heavy traffic routes in Subsection (f) below.
- (f) **Heavy Traffic Routes.** The following streets in the Village of Elk Mound are hereby designated heavy traffic routes, for commercial vehicles, pursuant to Sec. 349.17, Wis. Stats.:
  - (1) County Highway H.
  - (2) U.S. Highway 12.

*State Law Reference:* Sec. 349.17, Wis. Stats.

*Cross-Reference:* Section 10-1-15.

## **Sec. 10-1-12 Speed Limits.**

The provisions of Sections 346.57, 346.58, and 346.59, Wis. Stats., relating to the maximum and minimum speed of vehicles are hereby adopted as part of this Section as if fully set forth herein. Official traffic control signs regulating and restricting the speed at which vehicles may be driven shall be installed and maintained at the following locations, controlling traffic moving in the following direction:

- (a) **Fifteen (15) Miles Per Hour.**
  - (1) On the south side of Lincoln Street, three hundred fifty-two (352) feet east of the east line of Mounds View Court—Eastbound.
- (b) **School Zone—Fifteen (15) Miles Per Hour When Children Are Present.**
  - (1) On the east side of Juniper Avenue, .1 miles north of the north line of East Menomonie Street—Northbound.
  - (2) On the south side of University Street, two hundred sixty-three (263) feet west of a line extended south along the west line of Mounds View Court --Eastbound.

- (3) On the south side of University Street, two hundred ninety-three (293) feet east of the line of Juniper Avenue—Eastbound.
  - (4) On the north side of University Street, .3 miles west of the west line of Stardust Drive (970th Street)—Westbound.
  - (5) On the north side of University Street, .5 miles west of the west line of Stardust Drive (970th Street)—Westbound.
  - (6) On the north side of University Street, .7 miles west of the west line of Stardust Drive (970th Street)—Westbound.
  - (7) On the south side of East Menomonie Street, one hundred seventy-five (175) feet west of the west line of Juniper Avenue—Eastbound.
  - (8) On the north side of East Menomonie Street, two hundred thirty-three (233) feet east of the east line of Juniper Avenue—Westbound.
  - (9) On the north side of East Menomonie Street, two hundred sixty-five (265) feet east of the east line of North Holly Avenue—Westbound.
  - (10) On the south side of West Menomonie Street, two hundred twenty-five (225) feet west of the west line of South Holly Avenue—Eastbound.
- (c) **Twenty-five (25) Miles Per Hour.**
- (1) On the west side of Princeton Drive, one hundred fifty-eight (158) feet south of the south line of West Menomonie Street—Southbound.
  - (2) On the east side of Princeton Drive, one hundred fifty-four (154) feet north of the north line of Division Street—Northbound.
  - (3) On the west side of Mound Park Drive, two hundred thirty-three (233) feet south of the south line of East Menomonie Street—Southbound (to Westbound).
  - (4) On the south side of Mound Park Drive, one hundred forty-seven (147) feet east of the east line of South Holly Avenue—Eastbound (to Northbound).
  - (5) On the east side of South Holly Avenue, .3 miles north of the south Village Limit line—Northbound.
  - (6) On the east side of South Holly Avenue, sixty-six (66) feet north of a line extended east along the north line of Utility Street—Northbound.
  - (7) On the west side of South Holly Avenue, one hundred seventeen (117) feet south of the south line of West Menomonie Street—Southbound.
  - (8) On the west side of South Holly Avenue, ten (10) feet south of the south line of Utility Street—Southbound.
  - (9) On the east side of North Holly Avenue, one hundred seventy-one (171) feet north of the north line of University Street - Northbound.
  - (10) On the west side of North Holly Avenue, .5 miles south of the south line of West Elk Mound Drive—Southbound.
  - (11) On the north side of University Street, one hundred fifty-seven (157) feet west of the west line of Stardust Drive—Westbound.
  - (12) On the north side of University Street, ninety-four (94) feet west of the west line of Juniper Avenue—Westbound.

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- (13) On the south side of University Street, one hundred eighty-one (181) feet east of the east line of North Holly Avenue—Eastbound.
  - (14) On the south side of University Street, sixty-six (66) feet east of the east line of Juniper Avenue—Eastbound.
  - (15) On the east side of South Holly Avenue .2 miles south of the south line of Mound Park Drive—Northbound.
  - (16) On the south side of University Street, .3 miles west of the west line of Stardust Drive (970th Street)—Eastbound.
  - (17) On the south side of University Street, .6 miles west of the west line of Stardust Drive (970th Street)—Eastbound.
- (d) **Thirty (30) Miles Per Hour.**
- (1) On the south side of East Menomonie Street, thirty-four (34) feet west of the west line of Mound Park Drive—Eastbound.
  - (2) On the north side of East Menomonie Street, four hundred twenty-three (423) feet east of the east line of Mound Park Drive—Westbound.
  - (3) On the north side of East Menomonie Street, thirty-four (34) feet west of the west line of Mound Park Drive—Westbound.
  - (4) On the north side of East Menomonie Street, three hundred ninety-four (394) feet west of the west line of Juniper Avenue—Westbound.
  - (5) On the north side of West Menomonie Street, forty-three (43) feet west of the west line of Fir Avenue—Westbound.
  - (6) On the south side of West Menomonie Street, four hundred ninety-three (493) feet west of the west line of Elm Avenue—Eastbound.
  - (7) On the south side of West Menomonie Street, twenty-two (22) feet west of the west line of Fir Avenue—Eastbound.
- (e) **Thirty-five (35) Miles Per Hour.**
- (1) On the west side of North Holly Avenue, .1 miles south of the south line of West Elk Mound Drive—Southbound.
  - (2) On the east side of North Holly Avenue, .5 miles south of the south line of East Elk Mound Drive—Northbound.
- (f) **Forty-five (45) Miles Per Hour.**
- (1) On the east side of South Holly Avenue, at the south Village limit line—Northbound.
  - (2) On the south side of West Menomonie Street, one hundred forty-six (146) feet east of the west Village Limit line—Eastbound.
  - (3) On the west side of South Holly Avenue, .2 miles south of a line extended west along the south line of Mound Park Drive—Southbound.
  - (4) On the south side of West Menomonie Street, sixty-two (62) feet east of the east line of Princeton Drive—Eastbound.
  - (5) On the north side of West Menomonie Street, eleven (11) feet east of the east line of Princeton Drive—Westbound.

- (g) **Fifty-five (55) Miles Per Hour.**
- (1) On the north side of West Menomonie Street, two hundred sixty-eight (268) feet west of the west line of Princeton Drive—Westbound.
  - (2) On the south side of East Menomonie Street, four hundred twenty-three (423) feet east of the east line of Mound Park Drive—Eastbound.
- (h) **Speed Zone Ahead.**
- (1) On the east side of South Holly Avenue, .2 miles north of the south Village Limit line—Northbound.
  - (2) On the west side of north Holly Avenue, forty-three (43) feet south of the south line of West Elk Mound Drive—Southbound.
- (i) **Reduce Speed Ahead.**
- (1) On the north side of East Menomonie Street, .7 miles west of the west line of Stardust Drive—Westbound.
  - (2) On the east side of South Holly Avenue, four hundred seventy-six (476) feet north of the south Village limit line—Northbound.
  - (3) On the south side of West Menomonie Street, three hundred thirty (330) feet east of the east line of Princeton Drive—Eastbound.
- (j) **End of Speed Zone or Limit.**
- (1) On the west side of South Holly Avenue, at the south Village limit line—Southbound.
  - (2) On the east side of North Holly Avenue, .1 miles south of the south line of East Elk Mound Drive—Northbound.
- (k) **Forty (40) Miles Per Hour.**
- (1) On the south side of West Menomonie Street, four hundred twenty-five (425) feet east of the Village limits sign to the center of Princeton Drive—Eastbound.
  - (2) On the south side of West Menomonie Street, ninety-six (96) feet east of the center of Princeton Drive—Eastbound.
  - (3) On the north side of West Menomonie Street, six hundred forty-eight (648) feet west of the center of Princeton Drive—Westbound.
  - (4) On the north side of West Menomonie Street, four hundred ninety-six (496) feet east of the center of Princeton Drive—Westbound.

### **Sec. 10-1-13 One-Way Streets.**

Pursuant to Sec. 349.10, Wis. Stats., certain streets and parts thereof shall be one- (1) way streets and no person shall operate any vehicle thereon except in the indicated direction when such streets are marked as required under Section 10-1-3.

### **Sec. 10-1-14 Locations of Traffic Control Devices.**

- (a) **Stop Signs.** Official stop signs, requiring every vehicle to stop before entering the intersection, shall be installed and maintained at the following locations, controlling traffic approaching such intersection in the following direction:

LOCATION	TRAFFIC
(1) On Lincoln Street at Ivy Avenue	Westbound
(2) On Lincoln Street at Ivy Avenue	Eastbound
(3) On Moundsview Court at Lincoln Street	Southbound
(4) On Lincoln Street at North Holly Avenue	Westbound
(5) On Ivy Street at Lincoln Street	Southbound
(6) On Ivy Street at University Street	Southbound
(7) On Kings Court at Division Street	Southbound
(8) On Division Street at West Menomonie Street	Eastbound
(9) On Elm Avenue at West Menomonie Street	Southbound
(10) On Garland Avenue at West Menomonie Street	Southbound
(11) On Garland Avenue at West Menomonie Street	Northbound
(12) On Fir Avenue at West Menomonie Street	Southbound
(13) On Fir Avenue at West Menomonie Street	Northbound
(14) On Taylor Street at South Holly Avenue	Eastbound
(15) On Princeton Drive at West Menomonie Street	Northbound
(16) On Princeton Drive at Division Street	Southbound
(17) On Mound Park Drive at South Holly Avenue	Westbound
(18) On Mound Park Drive at East Menomonie Street	Northbound
(19) On South Holly Avenue at East Menomonie Street	Northbound
(20) On Juniper Avenue at East Menomonie Street	Southbound
(21) On Stardust Drive at East Menomonie Street	Southbound
(22) On West Elk Mound Drive at North Holly Avenue	Eastbound
(23) On O'Flanagan Street at North Holly Avenue	Eastbound
(24) On Railroad Street at North Holly Avenue	Eastbound
(25) On North Holly Avenue at West Menomonie Street	Southbound
(26) On Elk Mound Hill Road at North Holly Avenue	Westbound
(27) On University Street at Stardust Drive	Eastbound
(28) On University Street at North Holly Avenue	Westbound
(29) On all exits of the driveways of the High School and Moundsview Elementary School.	Northbound
(30) On Independence Drive at Mound Park Drive	Westbound
(31) On Jefferson Street at South Holly Avenue	Eastbound
(32) On Moundsview Court at University Avenue	Southbound
(33) On Jersey Lane at Mound Park Drive	Northbound
(34) On Moundsview Court at Lincoln Street	Northbound
(35) On 970 <sup>th</sup> at the railroad crossing	Northbound and Southbound

- (b) **Yield Signs.** Official yield signs, requiring every vehicle to yield the right-of-way to any other vehicle approaching the intersection, from a different direction, shall be installed and maintained at the following location, controlling traffic approaching such intersection in the following direction:

LOCATION	TRAFFIC
(1) On Garland Avenue at Taylor Street.	Southbound
(2) On Juniper Avenue at University Street.	Northbound
(3) On North Park Drive (Village Park) at South Holly Avenue	Westbound
(4) On South Park Drive (Village Park) at South Holly Avenue	Westbound

- (c) **No U-Turn Signs.** Official traffic control signs prohibiting U-turns shall be installed and maintained at the following locations, controlling traffic moving in the following direction:

LOCATION	TRAFFIC
(1) On North Holly Avenue, .2 miles north of the north line of Lincoln Street.	Northbound
(2) On North Holly Avenue, .6 miles south of the south line of West Elk Mound Drive.	Southbound

- (d) **Parking Signs.** Official traffic control signs regulating vehicle parking shall be installed and maintained at the following locations, regulating parking in the following manner:

LOCATION	REGULATION
(1) On the west side of Juniper Avenue, 37 feet south of the south line of West University Street.	No parking from sign to the corner of Juniper Avenue and University Street
(2) On the east side of Juniper Avenue, 37 feet south of the south line of University Street.	No parking from sign to the corner of Juniper Avenue.
(3) On the north side of West Menomonie Street, 21 feet and 117 feet west of the west line of North Holly Avenue.	No parking between signs
(4) On the north side of West Menomonie Street, 176 feet and 406 feet west of the west line of Fir Avenue.	No parking between signs

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| (5) On the south side of West Menomonie Street, 222 feet east of the east line of Garland Avenue.   | No parking from sign to the corner of West Menomonie Street and South Holly Avenue                 |
| (6) On the north side of University Street, 240 feet from the east line of Juniper Avenue and two (2) feet west of a line extended north along the west line of Juniper Avenue. | No parking between signs during school hours 7:45 a.m. to 3:30 p.m., Monday through Friday         |
| (7) On the south side of University Street, 26 feet west of a line extended north along the west line of Juniper Avenue.  | No parking from the corner of University Street and Juniper Avenue                                 |
| (8) On the north side of University Street, 14 and 107 feet east of the east line of Juniper Avenue.  | No parking, stopping or standing during school hours 7:45 a.m. to 3:30 p.m., Monday through Friday |
| (9) On the south side of University Street, 234 east of a line extended south along the east line of Mounds View Court.   | Parking for handicapped only   |
| (10) On the south side of Lincoln Street, 132 feet and 152 feet east of the east line of Mounds View Court.   | No parking between signs   |
| (11) On the south side of University Street, 52 feet and 143 feet east of the east line of Juniper Avenue.  | No parking, stopping, standing between signs 7:45 a.m. to 3:30 p.m.                                |
- (e) **No Passing Signs.** Official traffic control signs prohibiting vehicles from overtaking and passing other vehicles proceeding in the same direction shall be installed and maintained at the following locations, controlling traffic moving in the following direction:

LOCATION	TRAFFIC
(1) On the south side of East Menomonie Street, .1 miles west of the west line of Stardust Drive.	Westbound
(2) On the south side of East Menomonie Street, .6 miles west of the west line of Stardust Drive.	Westbound
(3) On the north side of East Menomonie Street, .3 miles east of the east line of North Holly Avenue.	Eastbound
(4) On the north side of East Menomonie Street, .3 miles east of a line extended north along the east line of Mound Park Drive.	Eastbound
(5) On the north side of East Menomonie Street, .8 miles east of a line extended north along the east line of Mound Park Drive.	Eastbound
(6) On the south side of West Menomonie Street, 100 feet west of a line extended south along the west of a line extended south along the west line of Elm Avenue.	Westbound

### **Sec. 10-1-15 Heavy Traffic Prohibition.**

Heavy traffic, as defined in Sec. 349.17(2), Wis. Stats., shall be prohibited on the following streets or parts thereof within the Village limits of the Village of Elk Mound, except that such prohibition shall not apply to heavy traffic using the streets for the purpose of obtaining orders for supplies or moving or delivering supplies or commodities to or from any place of business or residence which has an entrance on such street or highway.

- (a) Mound Park Drive from U.S. Highway 12 southwesterly to County Highway H.
- (b) Princeton Drive from U.S. Highway 12 south to Division Street.

### **Sec. 10-1-16 Point of Stopping.**

For purposes of this Chapter, all stops shall be made by vehicles immediately prior to entering the crosswalk closest to the intersection being approached and located between the vehicle and

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the intersection. Where there are no marked crosswalks but sidewalks exist, then all stops shall be made before crossing the extended edge of the sidewalk farthest from the intersection being approached. In the event there are neither marked crosswalks nor sidewalks, then all stops shall be made with the front of the vehicle located approximately at a line extended from the stop sign and perpendicular thereto into the street being traveled by the vehicle.

**Sec. 10-1-17 through Sec. 10-1-19      Reserved for Future Use.**

## Article C: Parking Regulations

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### **Sec. 10-1-20 Restrictions on Parking; Posting Limitations.**

- (a) **Forty-eight (48) Hour Limitation.** No person, firm or corporation shall park or leave standing any automobile, truck, tractor, trailer or vehicle of any description on any public streets or public parking lots in the Village of Elk Mound for a period of forty-eight (48) or more consecutive hours in the same location at any time, except that where more restrictive parking limits have been established, the more restrictive limits shall apply. When any law enforcement officer or other duly authorized Village official shall find a vehicle standing upon a public street or parking lot in violation of the provisions of this Section, he/she is authorized to move such a vehicle or to require the operator in charge thereof to move such vehicle to a position permitted under this Chapter. The law enforcement officer or other duly authorized Village official may cause said vehicle to be removed to a proper impoundment and storage area where storage space is available and in such case the owner shall pay the costs of removing said vehicle and the storage fees on said vehicle before he/she may recover the possession thereof.
- (b) **Off-Street Public Parking Areas.** It shall be unlawful to park or leave for storage any equipment or vehicle in any off-street area designated for public parking purposes, in excess of forty-eight (48) hours without written permission for special, unique cause from the Police Department.
- (c) **Posted Limitations.**
  - (1) The Village Board may designate certain streets or portions of streets as no parking or no stopping or standing zones or as zones for parking by physically handicapped persons and may limit the hours in which the restrictions apply. The Village shall mark, by appropriate signs, each zone so designated in accordance with the provisions of Sec. 349.13, Wis. Stats.
  - (2) Except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic control device, no person shall stop or park a vehicle in an established no stopping or standing zone when stopping or standing is prohibited. No vehicle shall be parked in a no parking zone during hours when parking is prohibited except physicians on emergency calls or as permitted by state law or elsewhere by this Code of Ordinances.
  - (3) The Chief of Police is hereby granted the authority, within the reasonable exercise of police power to prohibit, limit the time or otherwise restrict the stopping, standing or parking of vehicles beyond the provisions of Ch. 346, Wis. Stats.. The Village Board shall have the authority to restrict the turning or movement of heavy traffic and to impose special weight limitations on any highway or portions thereof which, because of the weakness of the roadbed due to deterioration or climatic conditions or other special or temporary conditions, would likely be seriously damaged or destroyed in

the absence of any restrictions on heavy traffic movement or special weight limitations.

- (4) No prohibition, restriction or limitation on parking or restriction on movement or turning of heavy traffic and imposition of special weight limits is effective unless official traffic control devices have been placed or erected indicating the particular prohibition, restriction or limitation.
- (5) After the parking limitations on any given street have expired, any change of location of not more than one (1) stall following expiration of the parking period allowed shall be and constitute a violation of this Chapter.

### **Sec. 10-1-21 Parking Restrictions During Temporary Snow Removal or Street Maintenance.**

- (a) **Street Maintenance.** Whenever it is necessary to clear or repair a Village roadway or any part thereof, the Public Works 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 two (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) **Temporary Parking Restrictions for Special Events.** For the period of time during which a community event is being held and upon proper resolution of the Village Board, all or any portion of a street, adjacent to the area at which the community event is being held, may be designated as a temporary no-parking zone. All such temporary no-parking zones shall be properly designated by an official no-parking sign placed or erected pursuant to the authority and direction of the Village Board. The operator of any motor vehicle shall not park or allow such vehicle to stand in such temporary no-parking zone.
- (c) **Parking During Special Snow Removal.** No person shall park, place or leave standing any automobile, truck or other vehicle on any street or public way after one (1) hour from the time such area has been designated and marked with signs or barriers by the Public Works Department of the Village indicating no parking due to special snow removal work.

### **Sec. 10-1-22 Stopping or Parking Prohibited in Certain Specified Places.**

- (a) **Definitions.** The following definitions shall be applicable with all Village parking regulations:
  - (1) **Alley.** Any thoroughfare within the corporate limits of the Village designed primarily to provide access to the side or rear of property that fronts on another street.
  - (2) **Dedicated Parking.** Spaces or areas designated or marked for the purpose of parking.

- (3) **Parking.** The halting of a vehicle on a street, excluding stops to accommodate traffic and pedestrians, and stops to actively load or unload property or passengers.
  - (4) **Perpendicular Parking.** Parking on the roadway with the linear axis of the vehicle at right angles to the linear axis of the street or alley.
  - (5) **Right-of-way.** The open and unimpeded flow of traffic on any thoroughfare.
  - (6) **Highway.** Any public roadway or street used for vehicular traffic.
  - (7) **Vehicle.** Every device in, on, or by which any person or property is or may be transported or drawn upon a highway, with the exception of railroad trains.
- (b) **Parking Prohibited at All Times.** Except temporarily for the purpose of and while actually engaged in loading or unloading or in receiving or discharging passengers or property and while the vehicle is attended by a licensed operator so that it may be moved promptly in case of an emergency or to avoid obstruction of traffic, no person shall at any time park or leave standing any vehicle:
- (1) Within an intersection.
  - (2) On a crosswalk.
  - (3) On a sidewalk or terrace area, except when parking in such place is clearly indicated by official traffic signs or markers or parking meters. "Terrace or Sidewalk Area" means that area between the sidewalk and the nearest curb line running parallel or generally parallel thereto or in the absence of a sidewalk ten (10) feet beyond the curb line.
  - (4) Alongside or opposite any highway excavation or obstruction when such stopping or standing would obstruct traffic or when pedestrian traffic would be required to travel in the roadway.
  - (5) On the roadway side of any parked vehicle unless double parking is clearly indicated by official traffic signs or markers.
  - (6) Within a fire lane consisting of either the driveway between the front doors of a Fire Station and the public street or in such places properly designated and marked as fire lanes ordered by the Fire Chief.
  - (7) Upon any portion of a highway where and at the time when stopping or standing is prohibited by official traffic signs indicating the prohibition of any stopping or standing.
  - (8) In any place or manner so as to obstruct, block or impede traffic.
  - (9) Within ten (10) feet of a fire hydrant, unless a greater distance is indicated by an official traffic sign.
  - (10) Upon any portion of a highway where and at the time when parking is prohibited, limited or restricted by official traffic signs.
  - (11) Upon any bridge.
  - (12) Upon any street or highway within the Village limits any vehicle which faces a direction different from the direction of normal traffic flow for the lane of traffic in which said vehicle is stopped or standing.

- (13) Upon any terrace or sidewalk in the Village at any time.
- (14) In a loading zoning.
- (15) Within six (6) feet of the entrance to an alley, private road or driveway.
- (16) In any municipal park when said park is closed to the public.
- (c) **Parking in Driveways.** No person shall park or leave standing any motor vehicle in any private driveway without the permission of the owner or lessee of the property which such driveway is located, whether or not such driveway is posted to limit or restrict parking.
- (d) **Vehicles Not to Block Private Drive, Alley or Fire Lane.** No vehicle shall, at any time, be parked so as to unreasonably restrict the normal access to any private drive, alley or fire lane. Said access shall be deemed to be unreasonably restricted if any vehicle is parked within four (4) feet of either side of said access. Upon discovery by a law enforcement officer or upon complaint by the owner of any such blocked drive, alley or fire lane, a law enforcement officer or other duly authorized Village official may order said vehicle towed from such position at the risk and expense of the owner of said vehicle.
- (e) **Parking Vehicle for Repair or to Display for Sale Prohibited.**
  - (1) No person shall stand or park a vehicle on any street, alley, public right-of-way or municipal parking lot in the Village of Elk Mound for the purpose of repairing said vehicle or to display such vehicle for sale. No person shall park on any street or avenue any vehicles for the primary purpose of advertising.
  - (2) No person other than an owner and/or operator of a business located on business-zoned property engaged in the regular business of selling vehicles may display a vehicle for sale upon private premises unless the following conditions are met:
    - a. Consent to display the vehicle has been given by the owner or lessee of the premises; and
    - b. The owner of the vehicle is on the premises or resides there; and
    - c. The vehicle displayed for sale is parked entirely on the premises; and
    - d. The premises contains only one (1) vehicle displayed for sale; and
    - e. The advertisement or sign for sale of the vehicle is not larger than two (2) square feet.
- (f) **Vending From Parked Vehicles Restricted.** There shall be no parking on any street or portion thereof by any vehicle from which the operator or owner is engaged in vending goods, wares or merchandise, unless licensed to do so by the Village.

*Cross-Reference:* Title 10, Chapter 5

### **Sec. 10-1-23 Parking Reserved for Vehicles of Disabled.**

- (a) Established is one (1) handicap parking stall to conform with State Statute, located in front of 207 University Street, Village of Elk Mound.

- (b) Except for a motor vehicle used by a physically disabled person as defined under Sec. 346.503(1), Wis. Stats., no person may park, stop or leave standing any vehicle, whether attended or unattended and whether temporarily or otherwise, upon any portion of a street, highway or parking facility reserved, by official traffic signs indicating the restriction, for vehicles displaying special registration plates issued under Sec. 341.14(1), (1a), (1m) or (1q), Wis Stats., or a special identification card issued under Sec. 343.51, Wis Stats., or vehicles registered in another jurisdiction and displaying a registration plate card or emblem issued by the other jurisdiction which designates the vehicle as a vehicle used by a physically disabled person.
- (c) The penalty for violation under this Section shall be that which is imposed in the Uniform State Traffic Deposit Schedule for violation of Sec. 346.505, Wis. Stats.

### **Sec. 10-1-24 Leaving Keys in Vehicle Prohibited; Parking Vehicles with Motor Running.**

- (a) **Leaving Keys in Vehicle.** No person shall permit any motor vehicle to stand or remain unattended on any street, alley or other public area, except an attended parking area, unless either the starting lever, throttle, steering apparatus, gear shift or ignition of the vehicle is locked and the key for such lock is removed from the vehicle. Whenever any law enforcement officer or duly authorized Village official shall find any vehicle standing with the key in the ignition in violation of this Section, such officer is authorized to remove such key from the vehicle and deliver the key to the Police Department office or other appropriate law enforcement agency for safe custody.
- (b) **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 thirty (30) minutes within three hundred (300) feet of any residence within the Village of Elk Mound between the hours of 10:00 p.m. and 6:00 a.m.

### **Sec. 10-1-25 Unattended Motorized Machinery.**

It shall be unlawful for any person, firm or corporation to permit any construction, compaction, earth-grading or farm machinery which is self-propelled and moves upon the surface of the earth and which is owned or controlled by him/her to stand for any period of time unattended without locking the ignition system or otherwise rendering said machinery inoperable so as to prevent any person unauthorized by the owner or individual in control thereof from starting said machinery.

### **Sec. 10-1-26 Angle Parking.**

- (a) The Village Board shall from time to time have certain streets or portions of streets marked with white lines to designate parallel or diagonal parking places. Angle parking or parking diagonally is prohibited on all the streets, alleys and highways of the Village except as



## Article D: Miscellaneous Provisions

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### **Sec. 10-1-40 Disturbance of the Peace with a Motor Vehicle.**

- (a) **Unnecessary Noise Prohibited.** It shall be unlawful for any person to operate a motor vehicle with a loud muffler or in such a manner which shall make or cause to be made any loud, disturbing, or unnecessary sounds or noises such as may tend to annoy or disturb another in or about any public or private area in the Village of Elk Mound.
- (b) **Unnecessary Smoke Prohibited.** It shall be unlawful for any person to operate a motor vehicle in such a manner which shall make or cause to be made any smoke, gases, or odors which are disagreeable, foul, or otherwise offensive which may tend to annoy or disturb another in or about any public or private area in the Village.
- (c) **Unnecessary Acceleration and Display of Power Prohibited.** It shall be unlawful for any person to operate any vehicle, including motorcycles, all-terrain vehicles and bicycles, in such a manner as to cause, by excessive and unnecessary acceleration, the tires of such vehicle or cycle to spin, squeal, or emit loud noises or to unnecessarily throw stones or gravel; nor shall such driver cause to be made by excessive and unnecessary acceleration any loud noise as would disturb the peace.
- (d) **Disorderly Conduct with a Motor Vehicle.**
  - (1) **Conduct Prohibited.** No person shall, within the Village of Elk Mound, by or through the use of any motor vehicle, including but not limited to, an automobile, truck, motorcycle, minibike or snowmobile, cause or provoke disorderly conduct with a motor vehicle, cause a disturbance or annoy one or more persons, or disturb or endanger the property or the safety of another's person or property.
  - (2) **Definition.** "Disorderly conduct with a motor vehicle" shall mean the engaging in violent, abusive, unreasonably loud conduct, or disturbing or endangering the property or the safety of another's person or property, or otherwise disorderly conduct, including but not limited to, unnecessary, deliberate or intentional spinning of wheels, squealing of tires, revving of engine, blowing the horn, causing the engine to backfire or causing the vehicle, while commencing to move or in motion, to raise one or more wheels off the ground.
- (e) **Avoidance of Traffic Control Device Prohibited.** It shall be unlawful for any person to operate a motor vehicle in such a manner as to leave the roadway and travel across private property to avoid an official traffic control device, sign, or signal.
- (f) **Operation in Restricted Area Prohibited.** It shall be unlawful for any person to operate a motor vehicle in such a manner as to leave the roadway and park, stop, or travel upon or across any public or private property, parking lot, driveway, or business service area for any purpose except the official conduct of business located on said property without the consent of the owner or lessee of the property. This Section shall specifically include, but not be limited to:

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- (1) Public park property;
- (2) Cemetery properties;
- (3) School District property;
- (4) Medical facilities;
- (5) Funeral homes;
- (6) Service stations;
- (7) Grocery stores;
- (8) Restaurants;
- (9) Financial institutions; and
- (10) Other similar-type businesses with service driveways or drive-up or drive-through facilities.

(g) **Stopping and Parking Prohibited.** It shall be unlawful for any person to stop or park a motor vehicle in any manner on any public or private property or parking lot contrary to a regulatory sign posted thereon which may permit parking by certain persons and limits, restricts, or prohibits parking as to other persons without the consent of the owner or lessee of the property. Any vehicle parked in violation of this Section may be removed or towed by the property owner at the vehicle owner's expense.

**Sec. 10-1-41 Motor Vehicles on Pedestrian Ways and Overpasses.**

No person shall operate or park any motor vehicle on any pedestrian way or pedestrian overpass within the Village of Elk Mound except municipal or county maintenance vehicles.

**Sec. 10-1-42 School Crossing Guards.**

- (a) **Authority.** Pursuant to Sec. 349.215, Wis. Stats., those adult persons hired by the School District or Village of Elk Mound to act as "School Crossing Guards" shall have the authority to stop vehicular traffic and to keep it stopped as long as necessary at their respective school crossings for the purpose of permitting school children to cross the street.
- (b) **Unlawful to Disobey.** It shall be unlawful for any person to refuse or fail to comply with any lawful order, signal or direction of any adult "School Crossing Guard" given for the purpose of permitting school children to cross the street.

*State Law Reference:* Sec. 349.215, Wis. Stats.

**Sec. 10-1-43 Driving Over Curbing or Safety Islands Prohibited.**

- (a) **Driving Over Curbing Prohibited.** It shall be unlawful for any motor vehicle to be driven or backed over any curbing in the Village of Elk Mound.

- (b) **Driving Over Safety Zones or Islands Prohibited.** Whenever safety zones or safety islands are marked in accordance with the Wisconsin Uniform Traffic Control Device Manual, no operator of a vehicle shall at any time drive through or over a safety zone or safety island. Persons causing damage to curbing by driving over such curbing shall be responsible for the cost of such repairs.

## **Sec. 10-1-44 Sound-Producing Devices in Vehicles; Impoundment; Seizure and Forfeiture.**

(a) **Sound-Producing Devices; Impoundment; Seizure and Forfeiture.**

- (1) In this Section, "sound-producing device" does not include a piece of equipment or machinery that is designed for agricultural purposes and that is being used in the conduct of agricultural operations.
- (2) A law enforcement officer, at the time of issuing a citation for a violation of Sec. 346.94(16), Wis. Stats., or a Village ordinance in strict conformity with Sec. 346.94(16), Wis. Stats., or any other Village ordinance prohibiting excessive noise, is authorized to impound any radio, electric sound amplification device or other sound-producing device used in the commission of the violation if the person charged with such violation is the owner of the radio, electric sound amplification device or other sound-producing device and has two (2) or more prior convictions within a three (3) year period of Sec. 346.94(16), Wis. Stats., or a local ordinance in strict conformity with Sec. 346.94(16), Wis. Stats., or any other Village ordinance prohibiting excessive noise. The Village authorizes the impoundment of a vehicle for not more than five (5) working days to permit the Village authorities or their authorized agent to remove the radio, electric sound amplification device or other sound-producing device if the vehicle is owned by the person charged with the violation and the sound-producing device may not be easily removed from the vehicle. Upon removal of the sound-producing device, an impounded vehicle shall be returned to its rightful owner.
- (3) The Village may recover the cost of impounding the sound-producing device and, if a vehicle is impounded, the cost of impounding the vehicle and removing the sound-producing device. Upon disposition of the forfeiture action for the violation of Sec. 346.94(16), Wis. Stats., or a local ordinance in strict conformity with Sec. 346.94(16), Wis. Stats., or any other local ordinance prohibiting excessive noise and payment of any forfeiture imposed, the sound-producing device shall be returned to its rightful owner.
- (4) The Village may dispose of any impounded sound-producing device or, following the procedure for an abandoned vehicle under Sec. 342.40, Wis. Stats., any impounded vehicle which has remained unclaimed for a period of ninety (90) days after disposition of the forfeiture action.

- (5) This Subsection does not apply to a radio, electric sound amplification device or other sound-producing device on a motorcycle.
  - (6) Notwithstanding Subsections (a)(1)-(5) above, the Village authorizes a law enforcement officer, at the time of issuing a citation for a violation of Sec. 346.94(16), Wis. Stats., or a local ordinance in strict conformity with Sec. 346.94(16), Wis. Stats., or any other local ordinance prohibiting excessive noise, to seize any radio, electric sound amplification device or other sound-producing device used in the commission of the violation if the person charged with such violation is the owner of the radio, electric sound amplification device or other sound-producing device and has three (3) or more prior convictions within a three (3) year period of Sec. 346.94(16), Wis. Stats., or a local ordinance in strict conformity with Sec. 346.94(16), Wis. Stats., or any other local ordinance prohibiting excessive noise.
  - (7) The Village may impound a vehicle violating Subsection (a)(6) vehicle for not more than five (5) working days to permit the Village or its authorized agent to remove the radio, electric sound amplification device or other sound-producing device if the vehicle is owned by the person charged with the violation and the sound-producing device may not be easily removed from the vehicle. Upon removal of the sound-producing device, an impounded vehicle shall be returned to its rightful owner upon payment of the reasonable costs of impounding the vehicle and removing the sound-producing device.
  - (8) Any seized sound-producing device under Subsection (a)(6) shall be treated in substantially the manner provided in Sec. 973.075(3), 973.076 and 973.077, Wis. Stats., for property realized through the commission of any crime, except that the sound-producing device shall remain in the custody of the applicable law enforcement agency; a district attorney or Village Attorney, whichever is applicable, shall institute the forfeiture proceedings; and, if the sound-producing device is sold by the law enforcement agency, all proceeds of the sale shall be retained by the Village.
  - (9) The Village may, following the procedure for an abandoned vehicle under Sec. 342.40, Wis. Stats., dispose of any impounded vehicle which has remained unclaimed for a period of ninety (90) days after disposition of the forfeiture action.
  - (10) This Subsection does not apply to a radio, electric sound amplification device or other sound-producing device on a motorcycle.
- (b) **Vehicle Owner's Liability for Radios or Other Electric Sound Amplification Devices.**
- (1) a. The owner of a vehicle involved in a violation of Sec. 346.94(16), Wis. Stats., shall be presumed liable for the violation as provided in this Section.
  - b. Notwithstanding Subsection (b)(1), no owner of a vehicle involved in a violation of Sec. 346.94(16), Wis. Stats., may be convicted under this Section if the person operating the vehicle or having the vehicle under his or her control at the time of the violation has been convicted for the violation under this Section or under Sec. 346.94(16), Wis. Stats.

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- (2) Any member of the public who observes a violation of Sec. 346.94(16), Wis. Stats., may prepare a written report indicating that a violation has occurred. If possible, the report shall contain the following information:
    - a. The time and the approximate location at which the violation occurred.
    - b. The license number and color of the motor vehicle involved in the violation.
    - c. Identification of the motor vehicle as an automobile, station wagon, motor truck, motor bus, motorcycle or other type of vehicle.
  - (3) a.
    1. Within twenty-four (24) hours after observing the violation, a member of the public may deliver a report containing all of the information in Subsection (b)(2) to a law enforcement officer of the county or municipality in which the violation occurred. A report which does not contain all of the information in Subsection (b)(2) shall nevertheless be delivered and shall be maintained by the county or municipality for statistical purposes.
    2. Within forty-eight (48) hours after receiving a report containing all of the information in Subsection (b)(2), the law enforcement officer shall investigate the violation and may prepare a uniform traffic citation under Sec. 345.11 and, within seventy-two (72) hour after receiving such report, any traffic officer employed by the authority issuing the citation may personally serve it upon the owner of the vehicle.
  - b. If with reasonable diligence the owner cannot be served under paragraph (a), service may be made by leaving a copy of the citation at the owner's usual place of abode within this state in the presence of a competent member of the family who is at least fourteen (14) years of age and who shall be informed of the contents thereof. Service under this paragraph may be made by any law enforcement officer employed by the authority issuing the citation and shall be performed within seventy-two (72) hours after a report containing all of the information in Subsection (b)(2) was delivered to a law enforcement officer under paragraph (a)1.
  - c. If with reasonable diligence the owner cannot be served under paragraph (a) or (b) or if the owner lives outside of the jurisdiction of the issuing authority, service may be made by certified mail addressed to the owner's last-known address. Service under this paragraph shall be performed by posting the certified mail within seventy-two (72) hours after a report containing all of the information in Subsection (b)(2) was delivered to a law enforcement officer under paragraph (a)1. Except for owners who live outside of the jurisdiction of the issuing authority, service under this paragraph may not be performed unless service under paragraphs (a) and (b) has been attempted.
- (4) Defenses to the imposition of liability under this Section include:
  - a. That a report that the vehicle was stolen was given to a traffic officer before the violation occurred or within a reasonable time after the violation occurred.
  - b. If the owner of the vehicle provides a traffic officer employed by the authority issuing the citation with the name and address of the person operating the vehicle

or having the vehicle under his or her control at the time of the violation and sufficient information for the officer to determine that probable cause does not exist to believe that the owner of the vehicle was operating the vehicle or having the vehicle under his or her control at the time of the violation, then the owner of the vehicle shall not be liable under this Section or under Sec. 346.94 (16), Wis. Stats.

- c. If the vehicle is owned by a lessor of vehicles and at the time of the violation the vehicle was in the possession of a lessee, and the lessor provides a law enforcement officer employed by the authority issuing the citation with the information required under Sec. 343.46(3), Wis. Stats., then the lessee and not the lessor shall be liable under this Section or under Sec. 346.94(16), Wis. Stats.
- d. If the vehicle is owned by a dealer, as defined in Sec. 340.01(11) (intro.), Wis. Stats., but including the persons specified in Sec. 340.01 (11)(a) to (d), Wis. Stats., and at the time of the violation the vehicle was being operated by or was under the control of any person on a trial run, and if the dealer provides a law enforcement officer employed by the authority issuing the citation with the name, address and operator's license number of the person operating the vehicle or having the vehicle under his or her control on a trial run, then that person, and not the dealer, shall be liable under this Section or under the applicable provision of Sec. 346.94(16), Wis. Stats.
- e. Notwithstanding Sec. 346.94(16)(b)6., Wis. Stats., this Section does not apply to the operation of a motorcycle.

(c) **Authority to Regulate Radios or Other Electric Sound Amplification Devices.**

- (1) Notwithstanding Sec. 346.94(16), Wis. Stats., the Village provides that, except as provided in Sec. 347.38(1), 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 fifty (50) or more feet, unless the electric sound amplification device is being used to request assistance or warn against an unsafe condition. Any person violating this Subsection may be required to forfeit not less than Forty Dollars (\$40.00) nor more than Eighty Dollars (\$80.00) for the first violation and not less than One Hundred Dollars (\$100.00) nor more than Two Hundred Dollars (\$200.00) for the second or subsequent violation within a year.
- (2) Subsection (c)(1) may not apply to any of the following:
  - a. 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 to but not upon returning from a fire alarm.
  - b. The operator of a vehicle of a public utility, as defined in Sec. 11.40(1)(a), Wis. Stats.
  - c. The operator of a vehicle that is being used for advertising purposes.

- d. The operator of a vehicle that is being used in a community event or celebration, procession or assemblage.
- e. The activation of a theft alarm signal device.
- f. The operator of a motorcycle being operated outside of a business or residence district.

### **Sec. 10-1-45 Use of Compression Brakes Prohibited.**

- (a) **Compression Brakes Prohibited.** Except in emergency situations, no person shall use "jake brakes" motor vehicle brakes within the Village of Elk Mound that are in any way activated or operated by the compression of an engine of any such motor vehicle or any unit or part thereof.
- (b) **Defense.** It shall be an affirmative defense to prosecution under this Section that compression brakes were applied in an emergency and were necessary for the protection of persons or property.
- (c) **Emergency Vehicles.** Emergency vehicles shall be exempt from this Section.

### **Sec. 10-1-46 Traffic and Parking Regulations on School District Grounds.**

Pursuant to the provisions of Sec. 118.105, Wis. Stats., the following regulations shall apply to the grounds of the School District located within the Village of Elk Mound.

- (a) **Parking.** All parking on any grounds of the School District from 7:00 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 ground 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 (1) hour after the function has concluded.
- (b) **Speed Limits.** No person shall at any time operate a motor vehicle upon any School District grounds at a speed in excess of fifteen (15) miles per hour.
- (c) **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 for buses only by sign 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.
- (d) **State Traffic Forfeiture Laws Adopted.** All provisions of Chapters 340 to 349 of the Wisconsin Statutes describing and defining regulations with respect to vehicles and traffic for which the penalty is a forfeiture only, including penalties to be imposed and procedures

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for prosecution, are hereby adopted and by reference made a part of this Section as if fully set forth herein. Such statutory sections shall be designated as part of this Code by adding the prefix "10-1-46-" to each state statute section number. Any act required to be performed or prohibited by any statute incorporated herein by reference is required or prohibited by this Section.

(e) **Miscellaneous Rules.**

- (1) No person shall operate a motor vehicle on such school premises at a rapid or sudden acceleration with the intent of squealing tires or leaving tire marks.
- (2) No person shall operate a motor vehicle on such premises across parking lot islands or parking lot dividers.

**Sec. 10-1-47 through Sec. 10-1-49      Reserved for Future Use.**