

CHAPTER 4
TRAFFIC CODE

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4.01 SPEED ZONES.

The Town shall establish speed zones for all Town roads under its jurisdiction, and shall direct the posting of speed limit signs by the Public Works Department, in accordance with all applicable State and Federal regulations. The speed zones adopted by ordinance by the Town Board shall be listed in the Index of Traffic Regulations of the Town, which is adopted by reference as though fully set forth in this chapter. The official copy of the Index of Traffic Regulations shall be on file in the office of the Town Clerk, who shall keep the same current at all times by such revisions as is required by additions, deletions, and amendments adopted by the Town Board by ordinance from time to time. The Town Clerk shall provide and maintain copies of the Index of Traffic Regulations for the offices of the Town Attorney, Town Engineer, and the Police Department.

4.015 ALCOHOL-RELATED OFFENSES.

Upon conviction of any alcohol-related offense for which the Town has expended funds or incurred expense for the withdrawal or testing of blood or urine, the cost of such service to the Town shall be added to any forfeiture, court costs, and fees imposed by the court.

4.02 PARKING RESTRICTIONS.

(1) ALL NIGHT PARKING PROHIBITED. No person shall park a vehicle on any street or road within the Town between 2:00 a.m. and 6:00 a.m. from November 1 through March 31 of each year.

(2) STREET STORAGE PROHIBITED. No person shall park a vehicle on any street or road within the Town at any time for more than twenty-four (24) continuous hours without movement. Movement is defined as leaving the parking area completely. [Amended 10-14-2015 by Ord. No. 2015-07]

(3) "NO PARKING" POSTED AREAS. No person shall, without the permission of the owner or lessee of any public or private property, leave or park any motor vehicle thereon contrary to a posted sign thereon, if there is in plain view on such property a "No Parking" sign or a sign indicating limited or restricted parking.

(4) DISCRETION OF OWNER OR LESSEE. Owners or lessees of such property may prohibit parking, may restrict or limit parking, and may permit parking by certain persons and prohibit it or limit it as to other persons.

(5) SEMITRAILERS. The parking of semitrailers or trailers that are not attached to a tow vehicle is prohibited on all streets in the Town. Motor homes and recreation vehicles may not be parked on any street in the Town.

(6) **PARKING FOR REPAIRS.** No repair to motor vehicles of any nature or of trailers capable of being attached to motor vehicles shall be conducted on the streets of the Town except for emergency repairs.

(7) **PARKING OR STORAGE IN PARKWAYS.** No vehicle, equipment, merchandise or other objects shall be placed or parked in any parkway. (the area between the Town right-of way and the traveled portion of the road). No unpaved parkway area shall be paved, except driveway aprons.

(8) **OBSTRUCTING MAIL DELIVERIES.** No person shall park so near a mailbox as to interfere with the delivery of mail, Monday through Saturday from 8:00 a.m. to 5:00 p.m.

(9) **OBSTRUCTING FIRE STATION.** There shall be no parking at any time on the south side of CTH S, directly across from the Fire Station, more particularly described as the area commencing 375 feet from the intersection of CTH S and CTH E, and ending 575 feet from said intersection.

(10) **NO PARKING.** No person shall park, stop, or leave standing any vehicle, whether attended or unattended, except temporarily when actually engaged in unloading, loading, rendering a service, or in the case of an emergency in any of the following places. Any additional parking limitations and restrictions may be enacted by the Town Board and shall be filed with the Town Clerk and be indicated upon a map posted in the Freedom Town Hall. [Added 10-14-2015 by Ord. No. 2015-07]

(a) With the exception of prohibited all night parking (November 1st – March 31st), alternate side parking allowed for both sides of Vandenberg Street from McHugh Road to CTH S. Parking is allowed on even numbered days for even numbered house side of the street and on odd numbered days for odd numbered side of the street.

(b) On both sides of Conrad Street from CTH E south for 385 feet.

4.03 HEAVY TRAFFIC ROUTES.

(1) **PROHIBITED.** No person shall operate any vehicle within the classification of heavy traffic as defined by §349.17(2), Wis. Stats., over any street or streets, except those designated therefor. This section shall not be construed as prohibiting the ordinary use of any street for the purpose of obtaining orders for and delivering and moving of supplies or necessary commodities to or from any place of business or residence fronting on such street.

(2) **ROUTES DESIGNATED.** No person shall drive or cause to be driven any vehicle having a licensed weight in excess of 10,000 pounds, except upon the following streets:

(3) REDUCTION OF LOAD LIMITS. The Road Supervisor/Public Works Department may reduce the load limit on any of the streets on the Town heavy traffic routes when it is determined the condition or construction of the street warrants such reduction. The Town Highway Department shall erect signs and give notice thereof of any such limitation.

(4) VEHICLES EXEMPT. This section shall not apply to vehicles owned by federal or State governments or political subdivisions thereof, when actually engaged in governmental functions. The restrictions herein contained shall not prohibit heavy traffic from using a street for the purpose of obtaining, moving or delivering supplies, commodities or equipment to any place of business or residence fronting on such street.

4.03A TRUCK PARKING.

No person shall stop, leave standing, or store any of the following vehicles in a platted residential district, on non-heavy traffic routes and in any areas posted for no truck parking, except temporarily when actually engaged in unloading, loading, rendering a service, or in the case of an emergency. Loading or unloading shall not include picking up or dropping off personal property or performing personal errands.

(a) No motor vehicle requiring a license which exceeds 10,000 pounds, except as defined in Section 7.04(2) Wis. Stats.

(b) No motor vehicle equipped or used for auto salvage, commonly referred to as a wrecker.

(c) No trailer requiring a license to be operated on the highways, streets, or roadways in the State, except as defined in Section 7.04(2).

(d) No vehicle commonly referred to as a semi-trailer.

(e) No vehicle commonly referred to as a semi-tractor.

(f) No vehicle requiring an apportioned license.

4.035 NONMOVING VIOLATION AND REGISTRATION PROGRAM.

Pursuant to the provisions of Section 345.28(4) of the Wisconsin Statutes, the Town elects to participate in the nonmoving traffic violation and registration program of the Wisconsin Department of Transportation and pay the cost established by the Department under Section 84.13 of the Wisconsin Statutes; such cost shall, in turn, be assessed against persons charged with nonmoving traffic violations. The Town Attorney shall be responsible for requirements set forth in Section 345.28(4) of the Wisconsin Statutes.

4.04 TRAILER PARKING.

(1) PROHIBITED. Except as provided herein, no person shall park a trailer on any street, alley highway or Town road, or any other public place.

(2) TRAILER DEFINED. Any coach, cabin, mobile home, recreational vehicle or other vehicle or structure intended for or capable of human dwelling or sleeping purposes, mounted upon wheels or supports or capable of being moved by its own power or transported by another vehicle. The fact that any such vehicle or structure is rendered immobile by the removal of its wheels, the erection of a foundation thereunder, or any other similar alteration, shall not operate to exclude it from this definition.

(3) EMERGENCY OR TEMPORARY STOPPING OR PARKING. Emergency or temporary stopping or parking is permitted on any street, alley, highway or Town road for not longer than 24 hours subject to any other regulations imposed by the traffic and parking regulations or ordinances for that street, alley, highway or Town road.

(4) PARKING OR STORING ON PRIVATE PROPERTY The owner of a trailer may park or store such trailer on his own property if such trailer is not used for dwelling or sleeping purposes or in conjunction with a business involving the sale of trailers.

4.05 MOTORBIKES AND SIMILAR VEHICLES.

No person shall operate any motor vehicle, motorbike, minibike, go-cart, snowmobile or any other motorized vehicle, whether or not licensed with the State Motor Vehicle Division, in or on any park or Town property.

4.06 BICYCLES.

(1) REGULATIONS ON BICYCLE OPERATIONS.

(a) No person shall operate a bicycle in the Town without the consent of the registered owner.

(b) Every operator of a bicycle within the town shall comply with the following conditions:

1. Every person propelling or riding a bicycle upon a public roadway shall be subject to the provisions of all ordinances and State laws applicable to the operator of any vehicle, except those provisions with reference to equipment of vehicle and except those provisions which by their nature would have no application. Sections 346.77 to 346.81, Wis. Stats., are adopted by reference as part of this section.

2. Every bicycle being operated on public streets or highways in the Town between 1/2 hour after sunset and 1/2 hour before sunrise must be equipped with a clear head lamp visible for at least 500 feet, in front of the bicycle and a clear red light or reflector visible for at least 3001 to the rear.

3. Bicycles will be allowed to be ridden on public sidewalks within the Town, provided the operator of a bicycle upon the sidewalk shall yield the right-of-way to any pedestrian and shall exercise due care and give an audible signal when passing a bicycle rider or pedestrian proceeding in the same direction.

(2) ENFORCEMENT PROCEDURES AND PENALTIES. (a) Juveniles under 14 Years of Age.

1. First Offense Bicycle violation warning ticket is issued. Child is released. Parents are notified by designated safety officer.

2. Second Offense. Bicycle violation warning ticket is issued. Child is released. Parents are notified by designated safety officer. Parents are advised that they are responsible for their child's action and that future violations could result in the parent being cited into court under §346.77, Wis. Stats.

3. Third Offense. Bicycle violation ticket is issued. Offender is advised that he will be assigned to bicycle safety school. Parents are notified by designated safety officer of the date, time and location of the school.

(b) Juveniles 14-18 Years of Age.

1. Officer may issue a warning.

2. Officer may issue a municipal citation ordering the offender into Municipal Court.

3. In the case of offenders having a valid Wisconsin issued driver's license, the officer may issue a traffic citation.

(c) Adults Over 18 Years of Age. Officers may issue traffic citations as deemed necessary.

(d) Public Safety Officer to Use Best Judgment. It is understood that situations differ and a public safety officer must use his best judgment as the occasion warrants.

(e) Records of violations. Records of violations will be kept by the Department and will be used to determine which offense the current one is.

(f) Penalties. 1. In the case of municipal or traffic citations, penalties will be determined by using the Uniform State Traffic Deposit Schedule or the bond amount set by the Town for municipal ordinance violations.

2. The penalty for violation of any provision of this section is as set forth in the Town Fee and Forfeiture Schedule.

4.07 ABANDONED VEHICLES.

(1) DEFINITIONS. The following definitions shall apply in the interpretation and enforcement of this section:

(a) Vehicle. A machine propelled by power other than human power designed to travel along the ground by use of wheels, treads, runners or slides and transport persons or property or pull machinery and shall include, without limitation, automobile, truck, trailer, motorcycle, tractor, buggy and wagon.

(b) Street or Highway. The entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

(c) Property. Any real property within the Town which is not a street or highway.

(2) ABANDONMENT OF VEHICLES. No person shall abandon any vehicle within the Town and no person shall leave any vehicle at any place within the Town for such time and under such circumstances as to cause such vehicle reasonably to appear to have been abandoned.

(3) LEAVING OF WRECKED, NON-OPERATING VEHICLE ON STREET. No person shall leave any partially dismantled, non-operating, wrecked or junked vehicle on any street or highway within the Town.

(4) DISPOSITION OF WRECKED OR DISCARDED VEHICLES. No person in charge or control of any property within the Town, whether as owner, tenant, occupant, lessee or otherwise, shall allow any partially dismantled, nonoperating, wrecked, junked or discarded vehicle or vehicle which is not licensed, has an invalid license or does not possess a current license, to remain on such property longer than 15 days; and no person shall leave any such vehicle on any property for longer than 15 days, except this subsection shall not apply with regard to a vehicle in an enclosed building, a vehicle on the premises of a business enterprise operated in a lawful place and manner, when necessary to the operation of such business enterprise or a vehicle in an appropriate storage place or depository maintained in a lawful place and manner by the Town.

(5) IMPOUNDING. The Chief of Police, Building Inspector or member of their department designated by them may remove or have removed any vehicle left at any

place within the Town which reasonably appears to be in violation of this section or lost, stolen or unclaimed. Such vehicles shall be impounded until lawfully claimed or disposed of in accordance with §66, Wis. Stats.

4.08 OFFICIAL TRAFFIC SIGNS AND SIGNALS.

(1) **TOWN ENGINEER/DIRECTOR OF PUBLIC WORKS RESPONSIBLE.** The Town Engineer/Director of Public Works shall procure, erect and maintain appropriate standard traffic signs, signals and markings conforming to the rules of the State Department of Transportation giving notice of the provisions of this chapter as required by State law. Signs shall be erected in such locations and in such manner as the Town Board determines will best effect the purposes of this chapter and give adequate warning to users of the streets and highways.

(2) **REMOVAL OF UNOFFICIAL SIGNS AND SIGNALS.** The Chief of Police and Town Engineer/Director of Public Works shall have the authority granted by §349.09, Wis. Stats., and shall order the removal of a sign, signal, marking or device placed, maintained or displayed in violation of this chapter or §346.41, Wis. Stats. Any charge imposed on any premises for removal of an illegal sign, signal or device shall be reported to the Town Board at its next regular meeting for review and certification.

(3) **AVOIDING INTERSECTION OR TRAFFIC CONTROL DEVICE.** No person shall drive across or upon a sidewalk, driveway, parking lot or private property or otherwise drive off a roadway in order to avoid an intersection or traffic control device.

(4) **INDEX OF TRAFFIC REGULATIONS.** The location of all speed limit signs adopted by ordinance by the Town Board shall be listed in the Index of Traffic Regulations of the Town, which is adopted by reference as though fully set forth in this chapter. The official copy of the Index of Traffic Regulations shall be on file in the office of the Town Clerk, who shall keep the same current at all times by such revisions as is required by additions, deletions, and amendments adopted by the Town Board by ordinance from time to time. The Town Clerk shall provide and maintain copies of the Index of Traffic Regulations for the offices of the, Town Attorney, Town Engineer and the Police Department.

(5) Official Stop signs shall be erected in compliance with Chapter 349 of the Wisconsin State Statutes and all operators of vehicles shall comply with stated official stop signs as set forth in the Town Ordinance adopting Wisconsin State Statute Sections 346.44 to 346.49.

(6) **SCHOOL BUS WARNING LIGHTS.** The operator of a school bus equipped with flashing red warning lights as specified in Wisconsin Statutes 347.25(2) shall activate such lights when near a residence or business district when pupils or other authorized passengers are to be loaded or unloaded even if a sidewalk and curb are laid on both sides of the road.

4.09 DISORDERLY CONDUCT WITH A MOTOR VEHICLE.

(1) PROHIBITED. No person shall cause or provoke disorderly conduct with a motor vehicle or cause a disturbance or annoy one or more persons within the Town by use of any motor vehicle including, but not limited to, an automobile, truck, motorcycle, minibike or snowmobile.

(2) DEFINITION. Disorderly conduct with a motor vehicle means engaging in violent, abusive, unreasonably loud 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 the vehicle, while commencing to move or in motion, to raise one or more wheels off the ground.

4.10 OPERATION OF MOTOR VEHICLES IN PARKING LOTS OR ON TOWN OWNED PRIVATE ROADS WITHIN THE TOWN OF FREEDOM.

(1) OPERATION OF MOTOR VEHICLES IN PARKING LOTS BY UNLICENSED OPERATORS PROHIBITED. No person who does not own a valid Driver's License shall operate a motor vehicle in any public or private parking lot held out for use for parking for the general public. *[Amended 02-25-2015 by Ord. No. 15-02]*

(2) COMPLIANCE WITH TRAFFIC SIGNS IN TOWN OWNED PARKING LOTS AND ON TOWN OWNED PRIVATE ROADS OR ALLEYS. The Chief of Police shall procure, erect and maintain appropriate traffic signage and markings within Town owned parking lots, or on Town owned private roads or alleys, to facilitate the safe and efficient flow of traffic within these areas. Any person operating a motor vehicle in any Town owned parking lot or on any Town owned private road or alley shall conform to the traffic signage and markings established in those locations. *[Amended 02-25-2015 by Ord. No. 15-02]*

4.11 TRAFFIC EMERGENCIES.

The Chief of Police, after consultation with the Town Chairperson, and in his or her absence the Town Engineer/Director of Public Works, is empowered, during periods of emergency, including, but not limited to, snow, freezing rain, sleet, ice, snow drifts, or other natural phenomenon which would create or likely create hazardous road conditions impeding fire, health, police, emergency or other vehicular traffic or otherwise endanger the safety or welfare of the community, to declare a state of public emergency and declare temporary traffic regulations to cover such emergency or special condition, such temporary regulations to be enforced by the Police Department. The declaration of such emergency and temporary traffic regulations may be made by newspaper, radio, placard or signs in the area designated or by other appropriate or convenient means. Such temporary traffic regulations may prohibit or restrict parking on designated streets or sides of streets for designated periods of time to facilitate snow or ice removal. The Village may cause any vehicle parked in violation of such temporary regulations to be removed at the expense of the owner of such vehicle.

4.12 STATE TRAFFIC LAWS ADOPTED.

Except as otherwise specifically provided in this chapter, the statutory provisions or rules of the Department of Transportation in Chs. 340 to 348, Wis. Stats., describing and defining regulations with respect to vehicles and traffic, exclusive of any provisions therein for which the statutory penalty is a fine or term of imprisonment, are hereby adopted and by reference made a part of this chapter as if fully set forth herein. Any act required to be performed or prohibited by any statute or rules of the Department of Transportation incorporated herein by reference is required or prohibited by this chapter. Any future amendments, revisions or modifications of the statutes or rules of the Department of Transportation incorporated herein are intended to be made part of this chapter in order to secure uniform statewide regulations of traffic on the highways, streets and alleys of Wisconsin.

4.13 PENALTY

The penalty for violation of any provision of this chapter shall be a forfeiture, assessments and costs as provided in the Uniform State Traffic Deposit Schedule plus any applicable fees prescribed by Ch. 814, Wis. Stats. Only those violations of ordinances adopted under the sections of the Wisconsin Statutes listed below are exempt from the penalty assessment:

346.50	Exceptions to Stopping or Parking Restrictions
346.51	Stopping, Standing or Parking Outside of Business or Residence Districts
346.52	Stopping Prohibited in Certain Specified Places
346.53	Parking Prohibited in Certain Specified Places
346.54	How to Park and Stop on Streets
346.55	Other Restrictions on Parking and Stopping
349.13	Authority to Regulate the Stopping, Standing or Parking of Vehicles
349.14	Authority to Use Parking Meters

(1) STATE FORFEITURE STATUTES. Any forfeiture for violation of §4.340.01 to 4.941.03 shall conform to the forfeiture permitted to be imposed for violation of the statutes adopted by reference, including any variations or increases for subsequent offenses.

(2) LOCAL REGULATIONS. Except as otherwise provided in this chapter, the penalty for violation of §§4.01 through 4.10 of this chapter shall be as provided in the Town Fee and Forfeiture Schedule.

4.14 ENFORCEMENT.

(1) ENFORCEMENT PROCEDURE. This chapter shall be enforced according to §§23.33, 66.0113, 66.0114, 345.11 to 345.61 and Ch. 800 and 814.65, Wis. Stats.

(2) DEPOSIT.

(a) Any person arrested for a violation of this chapter may make a deposit of money as directed by the arresting officer at the Town Hall or at the office of the Clerk of Court or by mailing the deposit to such places. The arresting officer or the person receiving the deposit shall notify the arrested person, orally or in writing, that:

1. If the person makes a deposit for a violation of a traffic regulation, the person need not appear in court at the time fixed in the citation and the person will be deemed to have tendered plea of no contest and submitted to a forfeiture and penalty assessment if required by §757.05, Wis. Stats., a jail assessment if required by §302.46(1), Wis. Stats., plus a crime laboratories and drug law enforcement assessment imposed by §165.755, Wis. Stats., plus any applicable fees prescribed in Ch. 814, Wis. Stats., not to exceed the amount of the deposit that the court may accept as provided in §345.37, Wis. Stats.

2. If the person fails to make a deposit for a violation of a traffic regulation or appear in court at the time fixed in the citation, the court may enter a default judgment finding the person guilty of the offense or issue a warrant for his arrest.

(b) The amount of the deposit shall be determined in accordance with the deposit schedule established by the Wisconsin Judicial Conference. For violations not found in the Uniform State Traffic Deposit Schedule the amount of the deposit shall be determined in accordance with the Municipal Circuit Bond Schedule for nontraffic violations.

(c) The arresting officer or the person receiving the deposit shall issue the arrested person a receipt therefor as required by §345.26(3)(b), Wis. Stats.