

**Title 10**

**MOTOR VEHICLES & TRAFFIC**

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**ARTICLE 1**

**Streets & Sidewalks**

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**1.1.1 GRADES**

- (A) Establishment. The grade of all streets, alleys and sidewalks shall be established by resolution by the Village Board and the same recorded by the Village Clerk-Treasurer in his office. No street, alley or sidewalk shall be worked until the grade thereof is established.
  
- (B) Alteration of grade prohibited. No person shall alter the grade of any street, alley, sidewalk or public ground or any part thereof in the Village of Fall Creek by any means whatsoever unless authorized or instructed to do so by the Village Board or the Director of Public Works. All such alterations of grade shall be recorded in the office of the Village Clerk-Treasurer by the Clerk-Treasurer or the officer authorizing the alteration.

**10.1.2 SIDEWALK CONSTRUCTION AND REPAIR**

- (A) Owner to construct. It shall be the duty of the abutting owner to build, repair, construct and perpetually maintain sidewalks along or upon any street, alley or

highway in the Village of Fall Creek and to pay the entire cost thereof. Whenever the Village Board shall by resolution determine that a sidewalk be laid, rebuilt, repaired, lowered or raised along or upon any public street, alley or highway within the Village of Fall Creek, it shall proceed according to W.S.A. s. 66.615.

- (B) Permit required. No person shall hereafter lay, remove, replace or repair any public sidewalk within the Village of Fall Creek unless he is under contract with the Village to do such work or has obtained a permit therefor from the Director of Public Works at least seven days before work is proposed to be undertaken. A fee of \$10 shall be charged for such permits.
- (C) Specifications. All sidewalks within the Village of Fall Creek hereafter shall be repaired, rebuilt and constructed in accordance with the following specifications:
  - (1) Subgrade. The subgrade shall be prepared by excavating to the line, grade and cross section as established by the Village Board. Soft and unsuitable material shall be removed and replaced with sand or other satisfactory material, and the subgrade shall be thoroughly and uniformly compacted and moistened immediately before the concrete is placed. When so specified by the Director of Public Works, a subbase of sand, sand and gravel or other approved porous material shall be placed under the sidewalk. On embankments, the subgrade shall extend at least one foot beyond each edge of the sidewalk.
  - (2) Material. All sidewalks shall be of air-entrained concrete composed of six bags per cubic yard of one course construction and built to the established line and grade. Gravel shall be of good quality and washed. Concrete shall be mixed thoroughly for a minimum of one minute after all materials have been placed in the mixer.
  - (3) Form.
    - (a) Concrete shall be placed in straight forms of wood or metal of sufficient strength to resist springing, tipping or other displacement during the process of depositing and consolidating the concrete. Wood forms shall be surfaced plank of at least two inches thickness except for sharply curved sections. Metal forms shall be of approved section. The forms shall be of full depth of the required walk and shall be of such design as to permit secure fastening. Forms shall be thoroughly cleaned and oiled before the concrete is placed against them. Concrete shall be placed in the forms on a moist subgrade, deposited just above the

finished grade and consolidated and spaded sufficiently to bring the mortar to the surface and to prevent honeycombing. It shall then be struck off level with the top of the forms and finished with wooden flats.

- (b) To provide adequate drainage, the sidewalk shall slope toward the curb at a minimum rate of 1/4 inch per foot of width of sidewalk. All joints and edges shall be finished with a one-fourth-inch radius edging tool.

(4) Width and thickness.

- (a) Residential walks shall be four feet in width and not less than four inches thick, except within driveway approaches, where the minimum thickness shall be six inches, provided that walks in residential areas may be repaired or replaced to a width not less than the existing width on the effective date of this section.

- (b) Sidewalks in front of commercial or industrial establishments shall be not less than eight feet in width and four inches in thickness, except within driveway approaches and areas abutting a parking lot, where the minimum thickness shall be six inches.

- (5) Finishing. Before the last finish has set, the sidewalk shall be steel troweled and brushed in transverse direction. Before final finishing, the surface shall be checked with a ten-foot straight edge, and any areas departing more than 1/8 inch from the testing edge shall be corrected by adding or removing concrete while the concrete in the walk is still plastic.

- (6) Jointing. Transverse, full-depth, one-half-inch thick expansion joints of premolded expansion material shall be located every 40 feet and at the property line and where the walk intersects another walk, curblines, building or driveway approach and at buildings, walls, poles and stop boxes. The expansion joint material shall be placed in a neat and workmanlike manner with its upper edge slightly below the finished sidewalk surface. Dummy groove joints for controlled cracking, at least one inch in thickness and 5/16 inch in depth, shall be placed at intervals of approximately five feet. Steel division plates shall be placed at right angles to the center line of the sidewalk at intervals of not less than 15 feet. All joints shall be at

right angles to the direction and grade of the walk. Diagonal joints may be used only when approved by the Director of Public Works.

- (7) Curing and drying. As soon as any of the concrete work hereinbefore mentioned has been finished and hardened sufficiently to prevent excessive marring of the surface, it shall be cured and protected against rapid drying. Failure to comply with this requirement shall be deemed sufficient cause for suspension of the work. Curing shall be accomplished by the impervious coating, wet fabric or paper methods. For impervious coating or membrane curing, only those materials meeting the requirements of ASTM C156.44T, Method of Test for Efficiency of Materials for Curing Concrete, shall be used. Said specifications are hereby adopted by reference as if fully set forth herein. Walks shall be kept free from all traffic at normal temperatures for 48 hours and in cold weather (below 50° F.) for 96 hours. No concrete shall be poured when the temperature may be expected to fall below 35° F. in any seventy-two-hour period or upon frozen subgrade.
- (8) Any property stakes misplaced will be replaced in the correct location at the expense of the contractor/owner.

### **10.1.3 DRIVEWAYS**

- (A) Approval required. No person shall construct or maintain any driveway across any sidewalk or curbing without first obtaining a driveway permit from the Director of Public Works.
- (B) Specifications for driveway construction.
  - (1) Width. No driveway shall exceed 24 feet in width at the outer or street edge of the sidewalk unless special permission is obtained from the Village Board.
  - (2) Interference with intersections prohibited. At street intersections a driveway shall not provide direct ingress or egress to or from the street intersection area and shall not occupy areas of the roadway deemed necessary by the Village Board for effective traffic control or for highway signs or signals.
  - (3) Interference with street. No driveway apron shall extend out into the street further than the face of the curb, and under no circumstances shall such driveway apron extend into the gutter area. All driveway entrances and approaches shall be so constructed that they shall not interfere with the drainage of streets, side ditches or roadwide areas or with any existing structure on the right-of-way.

When required by the Director of Public Works to provide for adequate surface water drainage along the street, the property owner shall provide any necessary culvert pipe at his own expense.

- (4) Number of approaches limited. No more than one driveway entrance and approach shall be constructed for any lot or premises, except where deemed necessary and feasible without undue impairment of safety, convenience and utility of the street by the Director of Public Works. Any two approaches shall be at least 10 feet apart.
- (5) Workmanship and materials. All driveway entrances and approaches which are constructed across sidewalks shall be paved in accordance with the requirements for sidewalk construction in this chapter insofar as such requirements are applicable, including thickness requirements.
- (6) Permittee liable for damage or injury. The permittee shall assume all responsibility for any injury or damage to persons or property resulting directly or indirectly during construction or repair of driveway approaches or entrances. When curb or gutter is removed, the new connection shall be of equivalent acceptable material and curb returns provided or restored in a neat, workmanlike manner. Driveway surfaces shall connect with the street pavement and sidewalk in a neat, workmanlike manner. Any sidewalk areas which are damaged or are inadequate by reason of vehicle travel across the sidewalk shall be replaced in accordance with the requirements of § 227-2C1.

#### **10.1.4 EXCAVATIONS AND OPENINGS**

- (A) Permit required. No person shall make or cause to be made any excavation or opening in any street, alley, highway, sidewalk or other public way within the Village of Fall Creek without first obtaining a permit therefor from the Director of Public Works.
- (B) Fee. The fee for a street opening permit shall be \$50 and shall be paid to the Village Clerk-Treasurer, who shall issue his receipt therefore.
- (C) Bond.

- (1) Before a permit for excavating or opening any street or public way may be issued, the applicant must execute and deposit with the Village Clerk-Treasurer an indemnity bond, approved by the Village Administrator, in the sum of \$5,000, conditioned that he will indemnify and save harmless the Village of Fall Creek and its officers from all liability for accidents and damage caused by any of the work covered by his permit and that he will fill up and place in good and safe condition all excavations and openings made in the street and will replace and restore the pavement over any opening he may make as near as can be to the state and condition in which he found it and keep and maintain the same in such condition, normal wear and tear excepted, to the satisfaction of the Director of Public Works for a period of one year and that he will pay all fines imposed upon him for any violation of any rule, regulation or ordinance governing street openings or drain laying adopted by the Village Board and will repair any damage done to existing improvements during the progress of the excavation in accordance with the ordinances, rules and regulations of the Village. Such bond shall also guarantee that if the Village shall elect to make the street repair, the person opening the street will pay all costs of making such repair and of maintaining the same for one year.
  - (2) Recovery on such bond for any accident, injury or violation of law, ordinance, rule or regulation shall not exhaust the bond, but it shall cover any and all accidents, injuries or violations during the period of excavation for which it is given.
  - (3) An annual bond may be given under this section covering all excavation work done by the principal for one year beginning January 1, which shall be conditioned as specified above and in the amount determined by the Village Board as necessary to adequately protect the public and the Village.
- (D) Insurance. Prior to commencement of excavation work, a permittee must furnish the Director of Public Works satisfactory written evidence that he has in force and will maintain during the life of the permit and the period of excavation public liability insurance of not less than \$1,000,000 (one million dollars) per occurrence and property damage insurance of not less than \$50,000.
- (E) Regulations governing street and sidewalk openings.
- (1) Frozen ground. No opening in the streets or sidewalks for any purpose shall be permitted when the ground is frozen, except where necessary as determined by the Director of Public Works.

- (2) Removal of paving. In opening any street or other public way, all paving or ballasting materials shall be removed with the least possible loss of or injury to surfacing material and, together with the excavated material from trenches, shall be placed so as to cause the least practicable inconvenience to the public and permit free flow of water along gutters.
- (3) Protection of public. Every person shall enclose with sufficient barriers each opening which he may make in the streets or public ways of the Village. All machinery and equipment shall be locked or otherwise effectively safeguarded from unauthorized use when not being used by the permittee, his agents or employees. Warning lights shall be kept on from sunset to sunrise, one light to be placed at each end of the opening in the street or way and other lights sufficient in number and properly spaced to give adequate warning. Except by special permission from the Director of Public Works, a trench shall not be excavated more than 250 feet in advance of pipelaying nor left unfilled more than 500 feet where pipe has been laid. All necessary precautions shall be taken to guard the public effectually from accidents or damage to persons or property through the period of the work. Each person making such opening shall be held liable for all damages, including costs incurred by the Village in defending any action brought against it for damages, as well as the cost of any appeal that may result from the neglect by such person or his employees of any necessary precaution against injury or damage to persons, vehicles or property of any kind.
- (4) Replacing street surface. In opening any street or sidewalk, the paving materials, sand, gravel and earth or other material moved or penetrated and all surface monuments or hubs must be removed and replaced as nearly as possible in their original condition or position and in the same relation to the remainder as before. Any excavated material which in the opinion of the Director of Public Works is not suitable for refilling shall be replaced with approved backfill material. All rubbish shall be immediately removed, leaving the street or sidewalk in perfect repair, the same to be so maintained for a period of one year. In refilling the opening, the earth must be puddled or laid in layers not more than six inches in depth and each layer rammed, tamped or flushed to prevent after settling. When the sides of the trench will not stand perpendicular, sheathing and braces must be used to prevent caving. No timber, bracing, lagging, sheathing or other lumber shall be left in any trench. The Village may elect to have the Village make the pavement repair for any street or sidewalk

opening, in which case the cost of making such repair and of maintaining it for one year shall be charged to the person making the street opening.

- (F) Excavation in new streets limited. Whenever the Village Board determines to provide for the permanent improvement or repairing of any street, such determination shall be made not less than 30 days before the work of improvement or repaving shall begin. Immediately after such determination of the Village Board, the Director of Public Works shall notify, in writing, each person, utility, Village department or other agency owning or controlling any sewer, water main, conduit or other utility in or under said street or any real property abutting said street that all such excavation work in such street must be completed within 30 days. After such permanent improvement or repaving, no permit shall be issued to open, cut or excavate said street for a period of five years after the date of improvement or repaving unless, in the opinion of the Director of Public Works, an emergency exists which makes it absolutely essential that the permit be issued.
- (G) Emergency excavations authorized. In the event of an emergency, any person owning or controlling any sewer, water main, conduit or utility in or under any street and his agents or employees may take immediate proper emergency measures to remedy dangerous conditions for the protection of property, life, health or safety without obtaining an excavation permit, provided that such person shall apply for an excavation permit not later than the end of the next succeeding business day and shall not make any permanent repairs without first obtaining an excavation permit hereunder.
- (H) Village work excluded. The provisions of this section shall not apply to excavation work under the direction of the Director of Public works by Village employees or contractors performing work under contract with the Village necessitating openings or excavations in Village streets.

#### **10.1.5 OBSTRUCTIONS AND ENCROACHMENTS**

- (A) Obstructions and encroachments prohibited. No person shall encroach upon or in any way obstruct or encumber any street, alley, sidewalk, public grounds or land dedicated to public use or any part thereof or permit such encroachment or encumbrance to be placed or remain on any public way adjoining the premises of which he is the owner or occupant, except as provided in Subsection B below.



- (B) Exceptions. The prohibition of Subsection A above shall not apply to the following:
- (1) Signs or clocks attached to buildings which project not more than six feet from the face of such building and which do not extend below any point 10 feet above the sidewalk, street or alley.
  - (2) Awnings which do not extend below any point seven feet above the sidewalk, street or alley.
  - (3) Public utility encroachments duly authorized by state law or the Village Board.
  - (4) Goods, wares, merchandise or fixtures being loaded or unloaded which do not extend more than three feet on the sidewalk, provided that such goods, wares, etc., do not remain thereon for a period of more than two hours.
  - (5) Temporary encroachments or obstructions authorized by permit under Subsection C below.
  - (6) Excavations and openings permitted under § 227-4.
- (C) Street privilege permit.
- (1) When required. Permits for the use of the streets, alleys, sidewalks or other public ways or places of the Village may be granted to applicants by the Director of Public Works for the purpose of moving any building or structure or of encumbering the street, alley, sidewalk or way with materials necessary in and about the construction or demolition of any building or structure, provided that such applicant has complied with the other requirements of this subsection and has obtained a building permit if required by Chapter 118, Building Construction and Fire Prevention, § 118-1 of this Code.
  - (2) Bond. No street privilege permit shall be issued until the applicant shall execute and file with the Village Clerk-Treasurer a bond, in an amount determined by the Director of Public Works, conditioned that the applicant will indemnify and save harmless the Village of Fall Creek from all liability for accidents or damage caused by reason of operations under such permit and will remove such encumbrance upon termination of the operations and will leave the vacated premises in a clean and sanitary condition and repair any and all damage to the

streets, alleys, sidewalks or public property of the Village resulting from such building or moving operations.

- (3) Fee. The fee for a street privilege permit shall be \$10.
- (4) Conditions of occupancy. The permission to occupy or obstruct the streets, alleys, sidewalks or public grounds is intended only for use in connection with the actual erection, alteration, repair, removal or moving of buildings or structures and shall be given upon the following terms and conditions and subject to revocation without notice by the Director of Public Works for violation thereof:
  - (a) Such temporary obstruction shall cover not more than 1/3 of any street or alley.
  - (b) Obstructions shall be sufficiently lighted at night so as to be in full view of the public from all directions.
  - (c) Sidewalk traffic shall not be interrupted, but temporary sidewalks of not less than four feet in width guarded by a closed fence at least four feet high on both sides may be maintained during the period of occupancy.
  - (d) The process of moving any building or structure shall be as continuous as practicable until completed and, if ordered by the Director of Public Works, shall continue during all hours of the day and night.
  - (e) No building or structure shall be allowed to remain overnight on any street crossing or intersection or so near thereto as to prevent easy access to any fire hydrant.
  - (f) Buildings shall be moved only in accordance with the route prescribed by the Director of Public Works.
  - (g) Upon termination of the work necessitating such obstruction, all parts of the streets, alleys, sidewalks or public grounds occupied under the permit shall be vacated, cleaned of all rubbish and obstructions and placed in a safe condition for public travel at the expense of the permittee.

- (5) Termination. All street privilege permits shall automatically terminate at the end of three months from the date of issuance unless an earlier termination date is specified thereon at the direction of the Director of Public Works.
- (D) Removal by Village. In addition to any other penalty imposed, if the owner or occupant of the premises adjoining any unlawfully obstructed sidewalk shall refuse or neglect to remove such obstruction within 24 hours after notice from the Director of Public Works to do so, it shall be the duty of the Director of Public Works to remove such obstruction and make return of the cost and expense thereof to the Village Clerk-Treasurer, who shall enter such cost on the next annual tax roll as a special charge against the property abutting such obstructed sidewalk, and such sum shall be levied and collected as other special taxes against real estate.

**10.1.6 MAILBOXES**

- (A) Mailboxes shall be allowed in the boulevards adjoining streets in the Village which are designated as postal delivery routes, subject to the following limitations. A maximum of five (5) mailboxes may be placed in the boulevard adjoining any particular legally described lot of land. On corner lots, mailboxes shall be placed no closer than fifty (50) feet from the point on the curblin e at which the streets intersect. Repair and maintenance of the mailbox shall be the responsibility of the mailbox owner, including but not limited to snow removal.

**10.1.7 SNOW AND ICE REMOVAL**

- (A) The owner, occupant or person in charge of each and every building or structure or unoccupied lot in the Village of Fall Creek fronting or abutting any street shall clean or cause to be cleaned the sidewalk in front of or adjoining each such home, building or unoccupied lot, as the case may be, of snow or ice to the width of such sidewalk and shall cause the same to be kept clear from ice and snow, provided that when the ice has formed on any sidewalk so that it cannot be immediately removed, the persons herein referred to shall keep the same sprinkled with salt or sand. Snow shall be removed within 24 hours after it shall cease to fall.
- (B) Sidewalks with access but no egress to a public road or right of way will henceforth no longer need to be cleaned of snow during the winter months.

**10.1.7 VIOLATIONS AND PENALTIES**

The penalty for violation of any provision of this chapter shall as provided in Chapter 1, General Provisions, § 1-19 of this Code.

## ARTICLE 2

### Vehicles and Traffic

- 10.2.1 State Traffic Laws Adopted**
- 10.2.2 Official Signs and Signals**
- 10.2.3 Speed Limits**
- 10.2.4 Regulation of Streets**
- 10.2.5 Parking and Stopping Restrictions**
- 10.2.6 School Bus Flashing Red Warning Lights**
- 10.2.7 Exhibition Driving**
- 10.2.8 Regulation of Skateboards, Roller Skates, In-line Skates, Roller Blades & Roll Skis**
- 10.2.9 Snowmobiles**
- 10.2.10 All-Terrain Vehicles**
- 10.2.11 Procedure for Statutory Offenses**

#### **10.2.1 STATE TRAFFIC LAWS ADOPTED**

- (A) Provisions of state law adopted by reference. All provisions of W.S.A. Chs. 340 to 348 as they presently exist and as they may be hereafter amended describing and defining regulations with respect to vehicles and traffic for which the penalty imposed is a forfeiture only, including penalties and penalty assessments imposed, are hereby adopted by reference and made a part of this chapter as though fully set forth herein. Any act required to be performed or prohibited by any statute incorporated herein by reference is required or prohibited by this chapter.
- (B) Reference to state statute. For the purposes of the construction and enforcement of this chapter, all references to the Wisconsin statutes shall be as those statutes presently exist or as they may be hereafter amended.

#### **10.2.2 OFFICIAL SIGNS AND SIGNALS**

- (A) Public Works Director is authorized to procure and erect signs and signals. Whenever traffic regulations created by this chapter, including a State of Wisconsin traffic regulation adopted by reference, require the erection of traffic control devices for enforcement, the Public Works Director shall procure, erect and maintain

uniform traffic control devices conforming to the Uniform Traffic Control Devices Manual promulgated by the Wisconsin Department of Transportation and as hereafter amended and promulgated. Whenever state law grants discretion to local authorities in erection or placement of a uniform traffic control device, such devices shall be erected in such locations and in such manner as in the judgment of the Public Works Director in coordination with Chief of Police will carry out the purposes of this chapter and give adequate warning to users of the streets and highways of the Village of Fall Creek.

- (B) Official signs and signals. All traffic control signs, signals and devices as they presently exist and as they may hereafter be erected and maintained by the Public Works Director are designated as the official signs and signals of the Village of Fall Creek.
- (C) Removal of unofficial signs and signals. The Public Works Director or Chief of Police shall have the authority granted by W.S.A. s. 349.09 and is hereby directed to order the removal of a sign, signal marking or device placed, maintained or displayed in violation of this chapter or W.S.A. s. 346.41. Any charge imposed on a premises for removal of such illegal sign, signal or device shall be reported to the Village Board at its next regular meeting for review, certification and assessment as a special tax.

### **10.2.3 SPEED LIMITS**

- (A) Speed limits. Unless otherwise specified in this chapter, all speed limits and zones on all streets and highways in the Village of Fall Creek shall be made to conform to the speed restrictions set forth in W.S.A. s. 346.57. The Village Board may hereafter at any time modify these limits in accordance with W.S.A. Ch. 349.
- (B) Special speed limits. A traffic and engineering investigation has been made by the Wisconsin Department of Transportation on the following described highways regarding the maximum permissible speed at which vehicles may be operated on said highways, which speed is herewith established as reasonable and safe pursuant to W.S.A. s. 349.11 on the following described highways located in the Village of Fall Creek, Eau Claire County, State of Wisconsin:
  - (1) County Trunk Highway "D": 35 miles per hour from its intersection with U.S. 12 a distance of .43 of a mile.
  - (2) County Trunk Highway "K":

- (a) Thirty-five miles per hour from a point 75 feet south of its intersection with Randall Road northerly to its intersection with Tyler Avenue.
  - (b) Twenty-five miles per hour from its intersection with Tyler Avenue north to a point 300 feet north of its intersection with Grant Avenue.
  - (c) Thirty-five miles per hour from a point 300 feet north of its intersection with Grant Avenue north to its intersection with Mill Road.
  - (d) Forty-five miles per hour from its intersection with Mill Road north to its intersection with Kopplin Road.
  - (e) Fifty-five miles per hour for all other portions of County Trunk Highway "K" located in the Village of Fall Creek, Eau Claire County.
- (3) County Trunk Highway "AF" and "J" (Randall Road):
- (a) Twenty-five miles per hour from its intersection with State Street east to its intersection with White Street.
  - (b) Thirty-five miles per hour from its intersection with White Street east to a point ¼ of a mile.
  - (c) Forty-five miles per hour from a point ¼ mile east of its intersection with White Street east to the east Village limits.
  - (d) Twenty-five miles per hour from its intersection with State Street west to a point 500 feet west of its intersection with Victory Street.
  - (e) Forty-five miles per hour from a point 500 feet west of its intersection with Victory Street to the west Village limits.

#### **10.2.4 REGULATION OF STREETS**

- (A) Through streets designated. In the interest of public safety, the following streets in the Village of Fall Creek are hereby declared to be through streets, subject to the provision that Lincoln Avenue shall have the right-of-way in relation to all streets in the Village of Fall Creek, including the after mentioned through streets. The through streets are Lincoln Avenue, Liberty Street, State Street, Wisconsin Street and White Street.
- (B) Loading zones. There shall be designated two parking spaces on the east side of South State Street in the 100 block as truck loading zones from 8:00 a.m. to 12:00

noon, Monday through Friday.

(C) Parking regulations.

**Vehicle Storage on Street Prohibited** No motor vehicle, boat/snowmobile/ATV/UTV, trailer, recreational vehicle, apparatus, or other movable device shall be left stopped, standing, or parked on Village streets for longer than 48 hours in succession without being moved. Each consecutive 48 hours period during which such vehicle is not moved at least seventy-five feet shall constitute a separate offense. Any device specified under this ordinance may be parked longer than 48 hours with the permission of the Chief of Police or their designee.

- (1) Vehicles licensed or weighing over 12,000 pounds are prohibited from parking on any Village street except for such time as is reasonably necessary to load or unload such a vehicle in connection with rendering service to a building under construction, alteration or repair, in connection with the maintenance or repair of public streets or utilities or in relation to the providing of municipal, utility or refuse collection services. This subsection does not apply to school buses parked on streets adjacent to public school property.
- (2) Parking shall be prohibited on all streets in the Industrial Park of the Village of Fall Creek to ensure safer conditions for the semi-truck traffic and any pedestrians walking to work. Industries shall be responsible for providing sufficient off-street parking for their businesses.
- (3) To ensure safer conditions for pedestrian and vehicle traffic in and around the school, the following parking regulations shall be in force when school is in session:
  - (a) East-side of Wisconsin Street from Hoover Avenue corner to school driveway:  
Pick-up and Drop-off Parking Only (5-minute parking)  
from 7:30 a.m. to 3:30 p.m.
  - (b) East-side of Wisconsin Street from school driveway south to Tyler Avenue intersection:  
2-hour parking limit from 7:30 a.m. to 3:30 p.m.
  - (c) North-side of Hoover Avenue:  
2-hour parking limit from 7:30 p.m. to 3:30 p.m.

- (d) East-side of White Street from driveway of 424 White Street south to school driveway: No parking from 8:00 a.m. to 4:00 p.m.
  - (6) Parking shall be prohibited on the south side of Railroad Avenue.
  - (7) No parking on the east side of North White Street between Lincoln Avenue and Miami Avenue except for loading and unloading of commercial vehicles.
  - (8) No vehicles shall be parked at anytime on the south side of US 12 (Lincoln Avenue from the intersection of HWY 12 and HWY K extending east for approximately 60 feet.
  - (9) No vehicles shall be parked at any time on the south side of US 12 (Lincoln Avenue) extending approximately 36 feet west, and approximately 25 feet east of the driveway for the public parking lot located between 114 East Lincoln Avenue and 122 East Lincoln Avenue.
  - (10) No vehicles shall be parked at any time on the north side of US 12 (Lincoln Avenue) from the intersection of US 12 and HWY K extending approximately 45 feet to the east.
  - (11) No vehicles not belonging to a Village official or employee shall be parked at any time in the parking lot south of Village hall.
  - (12) In order to endure access to Village hall, there shall be a 2-hour parking limit in the following areas:
    - (a) the south side of US 12 in front of 122 E Lincoln from 7 AM to 5 PM Monday through Friday, and
    - (b) the east half of the parking lot to the west of the Village hall.
  - (13) Any person violating a provision of this Subsection C shall, upon conviction, be punished by a forfeiture not to exceed \$25, plus court costs
- (D) Snow removal.
- (1) In order to promote public safety and the efficient and safe removal of snow during the winter months, it shall be unlawful to park any vehicle on any public street or portion thereof in the Village of Fall Creek during the months of November, December, January, February and March between the hours of midnight and 6:00 a.m., when there is any accumulation of snow.



- (2) Any person who violates this subsection shall be subject to a \$25 forfeiture and/or responsible for towing charges to remove vehicle for the safe and efficient removal of snow.
- (3) The Village of Fall Creek shall not be held liable for damage caused to vehicles that have been parked on any public street or portion thereof in violation of said ordinance unless negligence on the part of the snow plow operator has occurred.
- (E) School bus red light use. The Village Board shall prohibit the use of flashing red warning lights by school bus operators when pupils or other authorized passengers are loaded or unloaded directly from or onto the school grounds or that portion of the right-of-way between the roadway and the school grounds in a zone designated by "school" warning signs as provided in W.S.A. s. 118.08(1) in which a street or highway borders the grounds of a school.
- (F) 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 in the Village of Fall Creek, except when reasonably necessary during an emergency stop or to avoid a collision.

#### **10.2.5 PARKING AND STOPPING RESTRICTIONS**

- (A) Provisions of state law adopted by reference. All provisions of W.S.A. ss. 346.50 to 346.56 as they presently exist and as they may hereafter be amended regarding restrictions on stopping and parking are hereby adopted by reference as if fully set forth herein. Additional parking and stopping restrictions are set forth in § 249-5.2 below.
- (B) Parking citations. Parking citations for all nonmoving traffic violations shall conform to W.S.A. s. 345.28 and shall permit direct mail payment of the applicable forfeiture to the Village Clerk-Treasurer within five days of the issuance of the citation in lieu of court appearance. The issuing officer shall specify thereon the amount of the applicable forfeiture, which shall be the minimum forfeiture which can be imposed under this chapter. In the event of nonpayment of the forfeiture by the violator, the procedure set forth in W.S.A. s. 345.28(2) shall apply.
- (C) Deposit Schedule. Pursuant to Wisconsin Statutes, the Village does adopt the following as its cash deposit schedules for violations of Village ordinances:

- (1) For violations of ordinances adopting state statutes covered by Uniform Deposit Schedules published by the Wisconsin Judicial Conference or other duly empowered state agencies, the Village adopts the deposit schedules so published and as amended by said agencies from time to time.
- (2) For violations of other Village ordinances, cash deposits, plus court costs established by duly empowered state agencies, shall be accepted pursuant to a bond schedule passed by Village board resolution. Revisions to said schedule shall be made by Village board resolution, and an updated copy of the bond schedule shall be available for public inspection at the Police Department during regular office hours.

#### **10.2.6 SCHOOL BUS FLASHING RED WARNING LIGHTS**

- (A) Pursuant to the authority granted by § 349.21(1)(2)(3) the Village of Fall Creek hereby ordains that school bus operators may use flashing red warning lights when loading and unloading pupils and other authorized passengers in residence and business districts where curb and gutter exists and such passengers must cross the street or highway before being loaded or after being unloaded.
- (B) 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 (twenty) feet from the bus and shall remain stopped until the bus resumes motion or the operator extinguishes the flashing red warning lights.
- (C) Any person convicted of violation and any provisions of this section shall be punished under the provisions of Section 1 of this code.

#### **10.2.7 EXHIBITION DRIVING**

- (A) No driver of any vehicle shall cause, by excessive or unnecessary acceleration, the tires of such vehicle to spin and emit loud noises, or to unnecessarily throw stones, gravel or other material, nor shall any driver cause to be made by excessive and unnecessary acceleration any loud noise, such as would disturb the public peace, nor shall any driver otherwise operate a motor vehicle within the Village limits of Fall Creek in a manner that would disturb the public peace or endanger the safety of other motorists, pedestrians, or cause damage to property.

Penalty. Violation of Subsection A of this section will be punishable upon conviction thereof by a forfeiture of not less than \$25 (twenty-five dollars) nor more than \$500 (five-hundred dollars), plus restitution, together with court costs,

#### **10.2.8 REGULATION OF SKATEBOARDS, ROLLER SKATES, IN-LINE SKATES, ROLLERBLADES AND ROLLER SKIS**

- (A) Regulations. It shall be unlawful for any person to use, operate, or ride a skate-board, rollerskates, rollerskis, in-line skates, or any other type of play vehicle in any of the following areas:
- (1) on state/county trunk highway, except while crossing a roadway at a crosswalk;
  - (2) on any sidewalk in a business district. For purposes of this section, business district shall be defined as the 100 block of West Lincoln Avenue, the 100 and 200 blocks of East Lincoln Avenue, the 100 block of North State Street, and the 100 block of South State Street. Also any area primarily commercial in nature;
  - (3) on any public parking lot;
  - (4) on private property, unless permission has been granted by the owner, lessee, or person in charge of the property;
  - (5) on any municipally-owned property.
- (B) Yield to pedestrians. Operators or riders of skateboards, rollerblades, rollerskates, in-line skates, roller skis, or other play vehicles shall yield the right-of-way to other pedestrians using Village sidewalks, and shall not otherwise endanger or interfere with normal pedestrian traffic on those sidewalks.
- (C) Play vehicles not to be pulled by moving vehicles. No person riding upon any coaster, rollerskates, roller blades, in-line skates, skateboard, rollerskis, sled, toboggan, or play vehicle shall attach the same or himself/herself to any vehicle upon the roadway.
- (D) No artificial ramps, slides, jumps, or obstructions may be used on any sidewalks, streets, or public property.

#### **10.2.9 SNOWMOBILES**

- (A) Where operation permitted and prohibited.

- (1) The Village of Fall Creek has by ordinance designated the following route as the only legal route snowmobiles may travel on Village streets: The snowmobile trail enters the east edge of the Village limits and travels a marked trail on private property, crossing CTH "D" and intersecting Kennedy Court; then west on Kennedy Court to and using the Kennedy Court Bike Trail and railroad crossing; then parallel to U.S. Highway 12 at a distance of at least 25 feet to Miami Avenue; the length of Miami Avenue to North Wisconsin Street; North White Street from Miami Avenue to U.S. Highway 12 "Trail Ends" sign; North Wisconsin Street from Miami Avenue south to U.S. Highway 12, crossing U.S. Highway 12 to a point 150 feet from the intersection where the "Trail Ends" sign is posted; Grant Avenue from North Wisconsin Street to North State Street; and North State Street from Grant Avenue to Lincoln Avenue, where "Trail Ends" sign is posted.
  - (2) Residents of the Village may travel to streets from their residence to the nearest point of the designated trail.
  - (3) The speed limit for snowmobiles operating on Village streets which are designated as a snowmobile route shall be 10 miles per hour, and snowmobiles must conform to Wisconsin statutes for snowmobile operation (W.S.A. Ch. 350).
- (B) When operation is prohibited.
- (1) Operation of snowmobiles within the Village of Fall Creek on the public route described in this § 249-9 is prohibited at all times when the Eau Claire County snowmobile trails are closed.
- (C) Penalty. Any person who violates this section shall be punished by a fine not to exceed \$25, plus court costs and penalty assessment

#### **10.2.10 ALL-TERRAIN VEHICLES**

No All-Terrain Vehicle, (hereinafter "ATV") as defined in Wisconsin State Statutes 340.01(2g) of the Wisconsin Statutes, may be operated in the Village except in compliance with this Section.

- (A) The following streets in the Village of Fall Creek are designated as ATV routes.
  - (1) State St
  - (2) Wisconsin St from Randall Ave to Miami Ave
  - (3) Randall Ave
  - (4) E McKinley from State St to Wisconsin St

- (5) Grant Ave
- (B) The ATV speed limit shall be established at 10 miles per hour under the posted speed limit.
  - (C) ATVs shall stay as far to the right as possible when traveling on Village streets.
  - (D) ATVs shall be ridden in single file.
  - (E) No ATVs shall be operated on private property unless permission is granted by property owner.
  - (F) While on a Village Street, any person operating an ATV shall obey all of the “rules of the road” which would apply if the person were operating a licensed motor vehicle, except as modified by this section.
  - (G) An ATV shall not tow any person, thing, or apparatus.
  - (H) No person under the age of 12 years may operate an ATV in the Village.
  - (I) No person under 16 years of age, but at least 12 years of age, may operate an ATV in the Village unless he or she holds a valid ATV Safety Certificate issued by the state of Wisconsin.
  - (J) No ATV may be operated on any Village owned property, other than streets, except pursuant to written permission issued in advance by the Village President, or Village Administrator / Public Works Director.
  - (K) Residents of the Village may travel on streets from their residence to the nearest point of the designated routes.
  - (L) Any person who shall violate any provision of this ordinance shall upon conviction thereof, forfeit no less than out lined in the fee schedule in Title 1.
  - (M) Section 23.33, Wisconsin Statutes, is hereby adopted by reference, except for the following subsections: (2g), (4z) and (13).

#### **10.2.11 PROCEDURE FOR STATUTORY OFFENSES**

Except as provided in §249 5 and Chapter 1, General Provisions, §1 20, this chapter shall be enforced in accordance with the provisions of W.S.A. Chs. 345 and 799 and §66.12. The uniform traffic citation promulgated under W.S.A. s. 345.11 shall be used for all moving traffic violations under this chapter where the offense charged is adopted from the state traffic laws.

## **ARTICLE 3**

### **Abandoned and Inoperable Vehicles**

- 10.3.1 Vehicles Deemed Abandoned; Nuisance**
- 10.3.2 Storage of Inoperable or Unlicensed Vehicles Limited**
- 10.3.3 Removal and Impoundment**
- 10.3.3 Hard Surface Parking**
- 10.3.4 Disposal or Sale**
- 10.3.5 Owner Responsible for Costs**
- 10.3.6 Notice of Sale or Disposal**
- 10.3.7 Violations and Penalties**

#### **10.3.1 VEHICLES DEEMED ABANDONED; NUISANCE**

No person shall leave unattended any motor vehicle, trailer, semitrailer or mobile home on any public street or highway or public or private property for such time and under such circumstances as to cause the vehicle to reasonably appear to have been abandoned. When any such vehicle has been left unattended on any Village Street or highway or on any public or private property within the Village without the permission of the owner for more than 48 hours, the vehicle is deemed abandoned and constitutes a public nuisance.

#### **10.3.2 STORAGE OF INOPERABLE OR UNLICENSED VEHICLES LIMITED**

(A) Storage restricted.

- (1) No person who owns real estate in the Village shall allow or permit anyone else, nor may the owner, him or herself, store, park or leave any partially dismantled, non-operable, unregistered, wrecked, junked or discarded motor vehicle on any private parcel of real estate in the Village for a period longer than forty-eight (48) hours. Enforcement shall be accomplished by placing a written notice in a conspicuous place on the motor vehicle and by mailing or serving the said notice to or upon the owner of the real estate on which the motor vehicle is found, setting forth briefly the citation to this section of the Village Code and the vehicle owner's right to reclaim the motor vehicle. Any motor vehicle which is not removed from the privately owned real estate upon which it is found by the Police Department within forty-eight (48) hours after the provision of notice is declared to be a public nuisance and such motor vehicle may be removed as provided in § 10.3.4 Delivery of the notice to the property owner shall be deemed to have been completed upon placement of the notice in 1<sup>st</sup> Class mail through the US Postal Service, addressed to

the owner of the real estate at the address listed for tax statement purposes in the records of the Village Treasurer.

(2) No person who holds title to or operates a motor vehicle which is found to be in partially dismantled, non-operable, unregistered, wrecked, junked or discarded may leave such a vehicle on a public street or in a public place nor upon any private property in the Village without the consent of the owner for a period longer than forty-eight (48) hours. Enforcement shall be accomplished by placing a written notice in a conspicuous place on the motor vehicle setting forth briefly the citation to this section of the Village Code and the vehicle owner's right to reclaim the motor vehicle. Any motor vehicle which is not removed within forty-eight (48) hours after the provision of the notice is declared to be a public nuisance and such motor vehicle may be removed as provided in § 10.3.4

(3) For purposes of this section, a motor vehicle is presumed to be non-operable if it is not legally capable of being operated on the highways of the State of Wisconsin in full accord with Ch. 347, Wis. Stats. The term "motor vehicle" shall have the definition set forth at § 340.01(35), Wis. Stats.

(B) Exemptions.

(1) This section shall not apply to the storage of a partially dismantled, non-operable, unregistered, wrecked, junked or discarded motor vehicle which is parked, stored or placed inside of a principal or accessory structure situated upon the real estate on which it is found.

(2) This section shall not apply to the storage or parking of non-operable, unregistered, wrecked, junked, or discarded motor vehicles found in a storage place maintained in a lawful manner by the owner or occupant thereof in accord with Village ordinances and state law.

### **10.3.3 HARD SURFACE PARKING**

Any off-street parking area or driveway located on a street with a curb and gutter shall be improved with a permanent dust-free surface of concrete or hot-mix asphalt, meeting the Village of Fall Creek standards and specifications. Any other hard surfacing will require Village board approval. Parking is allowed only on hard-surfaced driveways and hard-surfaced parking lots, on street with curb and gutter.



- (A) Motor vehicle, Camper, Travel Trailer, Motor Homes, boats, trailers, ATV, or other similar devices are allowed to park on improved hard surfaces (Concrete or asphalt) in all required yards, except in the first 25 feet of a required front yard. On corner lots, parking shall not be allowed in the side yard within 25 Feet of the adjacent street right-of-way.
- (B) Campers, travel trailers, motor homes, boats, buses, trucks licensed over 10,000 pounds and other similar recreational vehicles and apparatus shall **not** be parked or stored for a length of time greater than 24 hours in the first 25 feet of required front yards of residential lots. On corner lots, parking shall not be allowed for a length of time greater than 24 hours in the side yard within 25 feet of the adjacent street right-of-way.
- (C) Exceptions to this requirement may be granted: By Village Board upon specific request of property owner and recommendation of the Director of Public Works.
- (D) Hard surface parking will not be required in the back yard of a residential lot with a residential structure for up to two devices, so long as the grass is mowed under the device and the devices do not leak any fluid. Furthermore, the devices must be parked at least ten feet from all property lines and be in good working order.

#### **10.3.4 REMOVAL AND IMPOUNDMENT**

Any vehicle in violation of this chapter shall be impounded until lawfully claimed or disposed of under § 10.3.5, except that if the Police Chief or his duly authorized representative determines that the cost of towing and storage charges for the impoundment would exceed the value of the vehicle, the vehicle may be junked by the Village prior to expiration of the impoundment period upon determination by the Police Chief or his duly authorized representative that the vehicle is not wanted for evidence or other reason.

#### **10.3.5 DISPOSAL OR SALE**

- (A) If the Police Chief or his duly authorized representative determines that the value of the abandoned vehicle exceeds \$100, he shall notify the owner and lienholders of record, by certified mail, that the vehicle has been deemed abandoned and impounded by the Village and may be reclaimed within 15 days upon payment of accrued towing, storage and notice charges and, if not so reclaimed, shall be sold.
- (B) In the event that an abandoned vehicle determined to exceed \$100 in value is not reclaimed within the period and under the conditions as provided above, it may be sold

at public or private sale. The description of the vehicle and the terms of sale will be published as a Class 1 notice five days before the sale.

(C) After deducting the expense of impoundment and sale, the balance of the proceeds, if any, shall be paid into the Village treasury.

(D) Any abandoned vehicle which is determined by the Police Chief or his duly authorized representative to have a value of less than \$100 may be disposed of by direct sale to a licensed salvage dealer upon determination that the vehicle is not reported stolen.

### **10.3.6 OWNER RESPONSIBLE FOR COSTS**

The owner of any abandoned vehicle, except a stolen vehicle, is responsible for the abandonment and all costs of impounding and disposing of the vehicle. Costs not recovered for the sale of the vehicle may be recovered in a civil action by the Village against the owner.

### **10.3.7 NOTICE OF SALE OR DISPOSAL**

Within five days after the sale or disposal of a vehicle as provided in § 245-4, the Police Chief or his duly authorized representative shall advise the Wisconsin Department of Transportation, Division of Motor Vehicles, of such sale or disposition on a form supplied by the Division. A copy of such form shall also be given to the purchaser of the vehicle. (A copy shall also be retained on file in the Village.)

### **10.3.8 VIOLATIONS AND PENALTIES**

Any person who shall abandon a vehicle in violation of this chapter shall, upon conviction thereof, forfeit not less than \$50 nor more than \$200, together with the costs of prosecution.