

## Chapter 249

### VEHICLES AND TRAFFIC

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[HISTORY: Adopted by the Village Board of the Village of Fall Creek 7-7-1981 (Ch. 4 of the 1960 Code). Amendments noted where applicable.]

### GENERAL REFERENCES

Nuisances -- See Ch. 184.

Peace and good order -- See Ch. 199.

Streets and sidewalks -- See Ch. 227.

Abandoned vehicles -- See Ch. 245.

Fees -- See Ch. A301.

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#### § 249-1. 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.

#### § 249-2. Official signs and signals.

- A. Chief of Police 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 Chief of Police 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 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 Chief of Police are designated as the official signs and signals of the Village of Fall Creek.
- C. Removal of unofficial signs and signals. The 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.

**§ 249-3. 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. **[Added 10-14-2004]**

**§ 249-4. 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 aftermentioned 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. **[Amended 11-8-1984, 9-14-2015]**
  - (1) Parking in excess of 72 hours. It shall be unlawful to park any recreational vehicle or apparatus longer than 72 hours on any street or portion thereof in the Village of Fall Creek.
  - (2) 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. **[Amended 12-12-1985; 11-9-1995]**
  - (3) 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. **[Added 11-9-2000]**
  - (4) 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:  
**[Added 6-9-2005]**
    - (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.
- (5) Parking shall be prohibited on the south side of Railroad Avenue. [**Amended 11-10-2005**]
- (6) No parking on the east side of North White Street between Lincoln Avenue and Miami Avenue except for loading and unloading of commercial vehicles. [**Added 12-14-2006**]
- (7) 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. [**Added 12-9-2013**]
- (8) 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. [**Added 12-9-2013**]
- (9) 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. [**Added 12-9-2013**]
- (10) No vehicles not belonging to a village official or employee shall be parked at any time in the parking lot south of village hall. [**Added 2-8-2021**]
- (11) 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. [**Added 2-8-2021**]
- (12) Any person violating a provision of this Subsection C shall, upon conviction, be punished by a forfeiture not to exceed \$25, plus court costs, and, in default of payment of forfeiture and court costs, shall be committed to the county jail of Eau Claire County for a term not to exceed 10 days until such forfeiture and costs are fully paid. [**Amended 6-9-2005, 12-9-2013**]

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. [**Amended 11-11-2013; Amended 11-09-2015; Amended 11-12-2018**]
- (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. [**Added 11-11-2013, Amended 11-12-2018**]

- (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. **[Added 11-11-2013]**
- 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. **[Added 2-11-1988]**
- 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. **[Added 11-9-2006]**

**§ 249-5. 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. **[Amended 9-8-2014]**
- 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 Police Department or 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. Penalty. The penalty for violations of Subsection A of this section shall be a fine not to exceed \$25. **[Amended 10-8-2018]**

**§ 249.5.1. School bus flashing red warning lights. [Added 10-17-2011]**

- 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.

**§ 249-5.2 Long Term Parking Stopping, and Standing Prohibited. [Added 9-8-2014, Amended 9-14-2015]**

No boat/snowmobile/ATV/UTV, trailer, or other movable device shall be left stopped, standing, or parked on a Village street for longer than 2 (two) weeks in succession without being moved. For purposes of this ordinance a violation shall exist even under circumstances in which whether to avoid application of this ordinance or for any other purpose, a motor vehicle, truck, or tractor trailer, boat/snowmobile/ATV/UTV, trailer, or other mobile device is moved from a location on a Village street at which it has been left standing, stopped, or parked for in excess of 2 (two) weeks in succession to a location on the same Village street or a connecting Village street that is within 50 (fifty) feet of the first such location.

**§ 249-6. Exhibition driving. [Amended 8-10-2015]**

- 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.
- B. 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 \$200 (two-hundred dollars), plus restitution, together with court costs, and, in default of payment of fine and costs, by confinement in the county jail of Eau Claire County for a period not to exceed 10 (ten) days or until such forfeiture and court costs are fully paid.

**§ 249-7. Regulation of skateboards, roller skates, in-line skates, rollerblades and roller skis. [Added 8-13-2009]**

- 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.

**§ 249-8. Snowmobiles.**

- A. Where operation permitted and prohibited. [**Amended 5-11-1995; 1-9-1997; 12-9-2004**]
  - (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.<sup>5</sup>
  - (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. [**Amended 3-13-2017**]
  - (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, and, in default of payment of such forfeiture, shall be committed to the county jail of Eau Claire County for a period not to exceed ten days or until such forfeiture and court costs are fully paid.

**§ 249-9. All-terrain vehicle. [Added 5-10-2021]**

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.

<sup>5</sup> Editor’s Note: By letter date 2-12-1997, the Eau Claire County Highway Department authorized the creation of a snowmobile trail or route across and along the right-of-way of CTH “K” at its intersection with Garfield Street. The trail/route is then authorized to proceed along the right-of-way on the west side of CTH “K” from the Garfield intersection south to the parking lot owned by M&I Bank.

- A. The following streets in the Village of Fall Creek are designated as ATV routes.
- a. State St
  - b. Wisconsin St from Randall Ave to Miami Ave
  - c. Randall Ave
  - d. E McKinley from State St to Wisconsin St
  - e. Grant Ave
  - f. Miami 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 chapter 1.
- M. Section 23.33, Wisconsin Statutes, is hereby adopted by reference, except for the following subsections: (2g), (4z) and (13).

**§ 249-10. 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. <sup>6</sup>

<sup>6</sup> Editor’s Note: Original Sec. 4-10, Procedure – Municipal Offenses, and the Schedule of Deposits, which immediately followed this section, were deleted at time of adoption of Code (see Ch. 1, General Provisions, Art. I). See now Chapter 1, General Provisions, § 1-20.