

CHAPTER 7
TRAFFIC and HIGHWAYS CODE

- 7.01 State Traffic Laws Adopted
- 7.02 Accident Reports
- 7.03 Official Traffic Signs and Signals
- 7.04 Snowmobile, All-Terrain Vehicle and Motorcycle
Trail Regulations
- 7.05 Disorderly Conduct with a Motor Vehicle
- 7.06 Abandoned Vehicles
- 7.07 Posting of Temporary Speed Limits
- 7.10 Penalty
- 7.11 Enforcement
- 7.12 (1) Highway Setbacks
(2) Penalties
(3) Changes and Amendments
- 7.13 Parking Regulations

Section 7.12(1)(2)(3) Added 1/02
Section 7.13 Added 12/11

7.01 Section 1. STATE TRAFFIC LAWS ADOPTED. Except as otherwise specifically provided in this code, the statutory provisions in Chapters 23, 340 to 348, and 350 of the Wisconsin Statutes, describing and defining regulations with respect to vehicles and traffic, exclusive of any provisions therein relating to penalties to be imposed and exclusive of any regulations for which the statutory penalty is a fine or term of imprisonment are hereby adopted and by reference made a part of this code as if 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 code. Any future amendments, revisions or modifications of the statutes incorporated herein are intended to be made part of this code in order to secure uniform statewide regulation of traffic on highways, streets and alleys of the State of Wisconsin.

Section 2. OFFICIAL TRAFFIC MAP AND CONTROL DEVICES, PROHIBITED SIGNS, SIGNALS AND MARKERS.

- (1) **DUTY OF THE JACKSON COUNTY HIGHWAY COMMISSIONER TO ERECT AND INSTALL UNIFORM TRAFFIC CONTROL DEVICES.** Whenever traffic regulations created by this code including a State of Wisconsin Traffic regulation adopted by reference in Section 1, require the erection of traffic control devices for enforcement, the Highway Commissioner shall procure, erect and maintain uniform traffic control devices conforming to the Uniform Traffic Control Device Manual promulgated by the Wisconsin Department of Transportation, giving notice of such traffic regulation to the users of the roads, streets and highways on which such regulations apply. Whenever State law grants discretion to local authorities in erecting or placement of a uniform traffic control device, devices shall be erected in such locations and in such a manner as in the judgment of the Highway Commissioner to carry out the purposes of this code and give adequate warning to users of the roads, streets and highways of Jackson County.

- (2) **CODE NUMBERS TO BE AFFIXED TO OFFICIAL TRAFFIC CONTROL DEVICES.** The Jackson County Highway Commissioner shall cause to be placed on each official traffic control sign, guide board, mile post, signal or marker erected under subsection (1) a code number assigned by the Wisconsin Department of Transportation, and shall also place or direct the placing of code numbers on all existing official traffic control devices as required by the laws of the State of Wisconsin.

- (3) OFFICIAL TRAFFIC MAP is hereby repealed.
- (4) PROHIBITED SIGNS AND MARKERS IN HIGHWAYS. No person, other than an officer authorized by this code to erect and maintain official traffic control devices or his or her designee, shall place within the limits of any street or highway maintained by Jackson County Highway Department any sign, signal, marker, mark or monument unless permission is first obtained in writing from the Highway Commissioner or his designee. Any sign, signal, marker, mark or monument placed or maintained in violation of this subsection shall be subject to removal as provided in sub. (5).
- (5) REMOVAL OF UNOFFICIAL SIGNS, MARKERS, SIGNALS AND TRAFFIC CONTROL DEVICES. The Highway Commissioner or his designee may remove any sign, signal, marking or other device which is placed, maintained or displayed in violation of this code or state law. Any charge imposed against premises for removal of a prohibited or illegal sign, signal, marking or device shall be reported by the Highway Commissioner to the Jackson County Board of Supervisors for review and certification at its next regular meeting following the imposition of the charge. Any charge not paid on or before the next succeeding November 15 shall be placed upon the tax roll for collection as other special county taxes.
- (6) POSTING OF TEMPORARY SPEED LIMIT. (a) Whoever does the following shall incur a forfeiture as set forth in Subsection (b) Penalties:
- Drives in excess of the temporary posted speed limits set forth by the Jackson County Highway Department. Said limits shall be 55 mph on Interstate 94 and 45 mph on state trunk highways within Jackson County during the periods of actual reconstruction, maintenance and repair.
- (b) PENALTIES. Any person who violates this ordinance shall upon conviction be required to forfeit the amount currently imposed by State Law for speeding in the State of Wisconsin.

7.02 ACCIDENT REPORTS. The operator of any vehicle involved in an accident shall within 10 days after such accident file with the County Sheriff's Department a copy of the report required by 346.70, Wis. Stats., if any. If the operator is unable to make such report, any occupant of the vehicle at the time of the accident capable of making such report shall have the duty to comply with this section. Such reports shall be subject to the provisions and limitations in 346.70(4)(f) and 346.73, Wis. Stats.

7.03 OFFICIAL TRAFFIC SIGNS AND SIGNALS. (1) **HIGHWAY DEPARTMENT TO PROCURE AND ERECT.** The Highway Department is hereby authorized and directed to procure, erect and maintain appropriate standard traffic signs, signals and markings conforming to the rules of the Department of Transportation giving such notice of the provisions of this chapter as required by State law. Signs shall be erected in such locations and manner as the Highway Department shall determine will best effect the purposes of this chapter and give adequate warning to users of the street or highway.

(2) **REMOVAL OF UNOFFICIAL SIGNS AND SIGNALS.** The Highway Department shall have the authority granted by 349.09, Wis. Stats., and is hereby directed to order the removal of a sign, signal, marking or device placed, maintained or displayed in violation of this chapter of 346.41, Wis. Stats. Any charge imposed on a premises for removal of such an illegal sign, signal or device shall be reported to the County Board at its next regular meeting for review and certification.

7.04 SNOWMOBILE, ALL-TERRAIN VEHICLE AND MOTORCYCLE TRAIL/ROUTE REGULATIONS

Section 1. STATE TRAFFIC LAWS ADOPTED. Except as otherwise specifically provided in this code, the statutory provisions in Chapter 23, 340 to 348, and 350 of the Wisconsin Statutes, describing and defining regulations with respect to vehicles and traffic, and Chapter NR 64, All Terrain Vehicles, WIDNR, as amended, exclusive of any provisions therein relating to penalties to be imposed and exclusive of any regulations 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 incorporated herein by reference is required or prohibited by this chapter. Any future amendments, revisions or modifications of the statutes incorporated herein are intended to be made part of this chapter in order to secure uniform statewide regulation of traffic on highways, streets and alleys of the State of Wisconsin.

Section 2. DESIGNATING ALL-TERRAIN VEHICLE ROUTES AND REGULATING THE OPERATION OF ALL-TERRAIN VEHICLES ON THE COUNTY TRUNK HIGHWAY SYSTEM. Following due consideration of the recreational and economic value to connect trail opportunities and weighted against possible dangers, public health, liability aspects, terrain involved, traffic density and history of automobile traffic, this ordinance has been created pursuant to County Board authority under Wis. Statutes 59.02, 23.33(11)(am), and 23.33(8)(b) as amended.

- (1) **ATV ROUTES.** County trunk highways designated as ATV routes shall be established and approved by the Highway Committee. Any modification to a designated ATV route shall be approved by the Highway Committee. A copy of those ATV routes, along with a map showing their location, shall be kept on file at the Highway Department. The Jackson County Highway Department shall retain the sole authority for the closure or termination of any ATV route on the County Trunk Highway System.
- (2) **ATV ROUTES ONLY ON ROADWAY.** All ATVs shall operate only on the roadway. Operation on the gravel shoulders, grassy inslope, ditches, or other highway right-of-way is prohibited and illegal.
- (3) **ATV ROUTE VIOLATIONS.** (1) **Penalty.** The penalty for operating an ATV off the roadway of a designated ATV route (i.e., the gravel shoulder, grassy inslope, ditch, or other highway right-of-way) shall result in a forfeiture of not less than \$25.00 or more than \$250.00, plus court costs.

Section 3 - Effective Date

This ordinance becomes effective upon passage by the County Board of Supervisors and publication in the official County newspaper.

- 7.05 DISORDERLY CONDUCT WITH A MOTOR VEHICLE.** (1) No driver of any vehicle shall cause by excessive and unnecessary acceleration the tires of such vehicle to spin and emit loud noises or to unnecessarily throw stones or gravel, nor shall such driver cause to be made by excessive and unnecessary acceleration any loud noise such as would disturb the public peace.
- (2) **UNAUTHORIZED OFF-ROAD OPERATION PROHIBITED.** No driver of any vehicle shall operate or control or cause the unauthorized off-road operation of a motor vehicle. It shall be unlawful to operate a motor vehicle on highway and roadway shoulders and ditches, alleys, parks, sidewalks, bikeways, parking lots or on any public lands or private lands or parking lots held open to the public without the consent of the owner on private lands or the municipality before operation.
- (3) **EXCEPTIONS.** Any exceptions to this section 7.05 are as follows.
- (a) Motor vehicle does not mean any airplane, railroad train, boat, wheelchair, or bicycle.
 - (b) Vehicle being operated solely for the purpose of construction, or maintenance of an improvement to land or solely for access to construction or maintenance sites provided such operation is by persons having legitimate business on such lands or sites;
 - (c) Vehicle is being operated by or at the direction of public employees or utility company employees as part of their employment duties.
 - (d) Vehicle is being operated by the holder of an easement or right of access on or over the land on which operation is occurring or the holder's employees or agents.
 - (e) Vehicle is being operated legally according to Wisconsin Statutes. This includes the operation of a motor vehicle on a highway or parking lot or service road or driveway acceptable by right or custom for public operation.
- (4) **DEFINITION.** For purposes of this section, the terms below shall be defined as follows:
- (a) Unauthorized shall mean without the express prior consent of the owner, lessee, manager or other person authorized to give consent by the owner, or lessee of land. Authorization shall not be implied from a failure to post private or public land.
 - (b) Motor Vehicle shall mean, any vehicle which is self-propelled and shall include but not be limited to automobiles, trucks, jeeps, vans, motorcycles, motorbikes, go-karts, minibikes, golf carts, motorized three or more-wheeled vehicles, all-terrain vehicles, mopeds, snowmobiles, dune buggies, and tractors.
- (5) **PENALTIES.** Whoever does any of the above may be made to forfeit not more than \$1000 or those forfeitures established by State Statutes plus costs of prosecution for each offense and cost of restitution, and in default of payment thereof, may be incarcerated in the County Jail for not more than 30 days.

7.06 ABANDONED VEHICLES. (1) **PROHIBITED.** No person shall leave unattended any motor vehicle, trailer, semi-trailer or mobile home on any public highway or private or public property for such time and under such circumstances as to cause the vehicle to reasonably appear to have been abandoned. Whenever any vehicle has been left unattended without the permission of the property owner for more than 48 hours in any city, village or town of this County, the vehicle is deemed abandoned and constitutes a public nuisance.

- (2) **IMPOUNDED.** Any vehicle in violation of this section shall be impounded until lawfully claimed or disposed of under sub. (3), except if the Sheriff 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 County prior to expiration of the impounding period upon determination by the Sheriff that the vehicle is not wanted for evidence or other reasons.
- (3) **DISPOSAL.** (a) Any Sheriff's deputy who discovers any motor vehicle, trailer, semitrailer or mobile home on any public highway or private or public property which has been abandoned shall cause the vehicle to be removed to a suitable place of impoundment. Upon removal of the vehicle, the officer shall notify the Sheriff of the abandonment and the location of the impounded vehicle.
- (b) 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 from the sale of the vehicle may be recovered in civil action by the County against the owner.
- (c) Any abandoned vehicle which is determined by the Sheriff to have a value in excess of \$100 shall be retained in storage for a period of 14 days after certified mail notice has been sent to the owner and lienholder of record to permit reclamation of the vehicle after payment of accrued charges. Thereafter, the Sheriff shall dispose of such vehicle at auction or by sealed bid. If no adequate bid is received, such vehicle may be sold at private sale or junked.
- (d) Any abandoned vehicle which is determined by the Sheriff to have a value less than \$100 may be disposed of by direct sale to a licensed salvage dealer upon determination that the vehicle is not reported stolen.
- (e) Within 5 days after the sale or disposal of vehicle as provided in pars. (c) or (d), the Sheriff shall advise the Division of Motor Vehicles of the sale or disposition on forms supplied by the Division.

7.07 POSTING OF TEMPORARY SPEED LIMIT. (1) Whoever does the following shall incur a forfeiture as set forth in Section 2 Penalties:

(a) Drives in excess of the temporary posted speed limits set forth by the Jackson County Highway Department during the periods of actual reconstruction, maintenance, and repair.

(2) **PENALTIES.** Any person who violates this ordinance shall upon conviction be required to forfeit the amount currently imposed by State Law for speeding in the State of Wisconsin.

7.10 PENALTY. The penalty for violation of any provision of this chapter shall be a forfeiture, as hereafter provided, together with costs and penalty assessment, where applicable.

(1) **STATE FORFEITURE STATUTES.** Forfeitures for violation of 7.01 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) **STATE FINE STATUTES.** Except as provided in par. (4)(c) below, forfeitures for violation of any provision of Chs. 342 to 348, Wis. Stats., adopted by reference in 7.01 shall conform to forfeitures for violations of the comparable State offenses, including any variations or increases for second offenses.

(3) **LOCAL REGULATIONS.** Except as otherwise provided, the penalty for a violation of this chapter shall be as provided in 25.04 of this General Code.

(4) **PARKING VIOLATIONS.** (a) Penalty. The penalty for violation of any parking regulation shall be a forfeiture as provided in this subsection together with the cost of prosecution as provided in 345.20 to 345.53, Wis. Stats.

(b) Forfeiture Schedule. The forfeiture upon stipulation for the following nonmoving traffic violations, as defined in the respective State Statute, shall be in accordance with the following schedule:

Any violation of 346.50 to 346.55: \$20

TRAFFIC and HIGHWAYS CODE 7.10(4)(c)

- (c) Forfeiture Increases. The forfeiture schedule shall be increased as follows:
1. If a stipulation is not entered into within 7 days commencing at 6 p.m. on the day the citation is issued, the forfeiture shall be increased by \$10 to a total of \$30.
 2. If a stipulation is not entered into within 28 days commencing at 6 p.m. on the day the citation is issued, the forfeiture shall be increased by \$30 to a total of \$50.
 3. Subparagraphs 1. and 2. shall not apply if timely request (no longer than 28 days) for trial is made by written notice sent to and received by the address shown on the citation..
- (d) Stipulation Deposit. 1. The amount of the forfeiture for such violations shall be paid in cash, money order or bank check and shall be made payable to the County of Jackson. Such payment may be made by mail as provided on the citation or delivered to the Jackson County Sheriff's Department.
2. No officer or County authority shall be personally or officially responsible for payment of any dishonored check in payment of any forfeiture.
- (e) Failure to Pay Forfeiture. The provisions of 345.28, Wis. Stats., are specifically incorporated herein by reference. If the alleged violator fails to pay the amount of the forfeiture as provided herein or to appear in court within 28 days after the issuance of a nonmoving traffic citation, the County may take any or all of the actions authorized under 345.28, Wis. Stats. The costs for any such action shall be taken from the fund authorized for receiving forfeitures until such time as those costs are reimbursed as authorized in subparagraph (f).
- (f) Costs. Any and all costs to the County, including the cost charged to the County for the program adopted under 345.28, Wis. Stats., and court and/or prosecution costs, if any, shall be added to the forfeiture or payment required of the violator.
- (g) Violation. Any person found guilty of violating any nonmoving traffic provision of this chapter, shall forfeit not less than \$20 nor more than \$100 for each such offense, together with allowable costs. Any person found guilty of violating special registration reserved spaces shall forfeit not less than \$20 nor more than \$200 for each offense, together with allowable costs.

TRAFFIC and HIGHWAYS CODE 7.10(4)(h)

- (h) Enforcement. The Sheriff or their designees shall enforce this section by issuing a citation to the registered owner of the vehicle, such citation to be clearly affixed in a conspicuous place upon the vehicle and shall contain the following information:
1. License number of the vehicle.
 2. Make of vehicle.
 3. Date and time of offense.
 4. Location of offense.
 5. Nature of offense.
 6. Statement explaining the place and manner of payment of the forfeiture, together with a statement advising the owner of the consequences of failing to pay the forfeiture within 7 days of violation.
- (i) Trial. If a request for trial is made, the original issuing authority shall then issue a regular state traffic citation and void the ordinance citation authorized in this Chapter. This shall give the Court jurisdiction to hear the matter. All forfeitures and costs associated and mandated for a state traffic citation shall then apply and all forfeitures or costs associated with this chapter are dismissed. Nothing in this ordinance prohibits the issuance of a state traffic citation immediately instead of the citation authorized in this ordinance.
- (j) Owner Responsible. The owner of a vehicle involved in a violation of this ordinance shall be liable for the violation subject to the same liabilities and defenses listed in 346.485(5) Wis. Stats.

7.11 ENFORCEMENT. (1) **PROCEDURE.** Except as otherwise provided, this chapter shall be enforced according to 66.12 and 345.20 to 345.53, 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 County Sheriff's office or 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 comply with 343.27, Wis. Stats., or, if the deposit is mailed, the signed statement required under 343.27 shall be mailed with the deposit. The arresting officer or the person receiving the deposit shall notify the arrested person, orally or in writing, that:

1. If he fails to appear in court at the time fixed in the citation, he will be deemed to have tendered a plea of no contest and submitted to a forfeiture plus costs not to exceed the amount of the deposit; or
2. If he fails to appear in court at the time fixed in the citation, and if the court does not accept the deposit as a forfeiture, he will be summoned into court to answer the complaint.

- (b) The amount of the deposit shall be determined in accordance with the deposit schedule established by the Wisconsin Judicial Conference.
- (c) The arresting officer or the person receiving the deposit shall issue the arrested person a receipt therefore as required by 345.26(3)(b), Wis. Stats.
- (d) If a deposit schedule has not been established, the arresting officer shall require the alleged offender to deposit not less than the maximum forfeiture permitted under this chapter.

7.12 Section 1. HIGHWAY SETBACKS. For the purpose of determining the distance buildings and other structures shall be set back from County Trunk Highways.

- A. For the purposes of this subchapter, any road will be considered as a County Trunk Highway after it has been placed on the County Trunk Highway System by the County Board and approved by the Highway Commission.
- B. The setback for County Trunk Highways shall be 75' from the centerline of such highway or 42' from the right of way line, which ever is greater.
- C. **LESSER SETBACKS.** Lesser setbacks shall be considered variances and may be permitted by the Board of Adjustment according to Jackson County Zoning Ordinance Chapter 17 in cases of unusual topography or existing patterns of lesser setbacks of buildings on nearby properties.

Section 2. PENALTIES.

- A. Violation of this ordinance shall be determined by the Jackson County Highway Committee.
- B. Once a violation has been determined the Jackson County Highway Committee shall notify the landowner who shall have ninety (90) days in which to remove the structure. If said structure is not removed within the ninety (90) day period the landowner shall be assessed Fifty (\$50.00) Dollars per day from the ninety first (91st) day until such time as the structure is removed.
- C. The landowner may appeal the Highway Committee's decision to the Board of Adjustment within the ninety (90) day period requesting a variance according to Jackson County Zoning Ordinance Chapter 17.
- D. If the Board of Adjustment denies the variance the landowner shall have sixty (60) days in which to remove the structure from the date of notification by the Board of Adjustment of the denial. If the structure is not removed within that sixty (60) day period the assessment stated in Paragraph B of this section shall become effective as of the sixty first (61st) day following such denial and continue until the structure is removed and notice is given the Jackson County Highway Committee that the structure has been removed.

Section 3. CHANGES AND AMENDMENTS. The County Board may from time to time amend, supplement or change by ordinance the regulations herein established. Any proposed change shall first be submitted to the Zoning Committee, which shall hold a public hearing thereon. Notice of the time and place of such hearing shall be given by publication in the County of Class II notice under Ch. 985, Wis. Stats. A copy of each notice shall be mailed by registered mail to the town clerk of each town affected by the proposed amendment at least 10 days prior to the date of such hearing.

7.13 PARKING REGULATIONS

1. Definitions.

- a. "Park" shall mean the halting of a vehicle, whether occupied or not, except temporarily for the purpose of and while actually engaged in loading or unloading property or passengers.
- b. "Vehicle" shall mean every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, except railroad trains. Snowmobiles, All Terrain Vehicles (ATV) and Utility Terrain Vehicles (UTV) shall be considered a vehicle.

(1) **NO PARKING EXCEPT FOR AUTHORIZED VEHICLES.** No person shall stop or park any vehicle in the following places unless authorized in writing by the Sheriff or LE Committee of the County Board.

- (a) Law Enforcement Center Parking lot located on the North/West corner of North 3rd Street and Harrison Street located at 30 North 3rd street Black River Falls WI.
- (b) Health and Human services employee parking lot located on the south side of the Jackson County Department of Health and Human Services building located at 420 West Highway 54 Black River Falls WI.
- (c) Any County Owned Property posted **NO PARKING.**

(2) **PARKING IN PARKING LOTS REGULATED.** No persons shall park in any County owned parking lot over night between the hours of 10pm to 7am without prior authorization.

(3) **ENFORCEMENT.** The Sheriff's Office shall enforce this section. Subjects in violation of this ordinance may be subject to a parking citation and/or the vehicle being towed at owner's expense.