

# Chapter 13

## Traffic Code

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# Chapter 13

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### **13.01 SPEED LIMITS**

Pursuant to Wisconsin State Statutes Section 349.11(3)(c), speed limits set forth in Wisconsin State Statutes Sections 346.57(f), (g) and (k) are hereby reduced to twenty five miles per hour (25 mph).

Effective: 11-11-83  
Revised: 3-16-84  
Revised: 9-10-85

### **13.02 REGULATION OF STREET, ALLEY AND HIGHWAY TRAFFIC**

A. State Traffic Laws Adopted: Except as specifically provided in this ordinance, all provisions of Chapters 341 to 349, Wis. Stats., describing and defining regulations with respect to vehicles and traffic for which the penalty is a forfeiture only, including penalties to be imposed and procedure for prosecution, are hereby adopted and by reference made a part of this ordinance as is fully set forth herein. This ordinance specifically excludes Stats., for the suspension or revocation of motor vehicle operator's licenses. Any act required to be performed or prohibited by this ordinance. Section of Chapters 341 to 249, Wis Stats., adopted by reference shall include existing or future amendments to Chapters 341 to 349, Wis. Stats., adopted by reference shall include existing or future amendments to Chapters 341 to 349 and shall also include, but not limited to the following:

- 341.1, 343.01, 348.01 and 349.01 WORDS AND PHRASES DEFINED
- 341.04 FAILURE TO REGISTER VEHICLE
- 341.05 CERTIFICATE OF TITLE REQUIRED
- 341.31 (2) REPORT OF STOLEN OR ABANDONED VEHICLES
- 343.05 OPERATOR'S LICENSE REQUIRED
- 343.07 INSTRUCTION PERMITS
- 343.43 UNLAWFUL USE OF LICENSE
- 343.44 DRIVING AFTER LICENSE REVOKED OR SUSPENDED
- 343.45 PERMITTING UNAUTHORIZED PERSON TO DRIVE
- 343.46 RENTING VEHICLES
- 346.02 APPLICABILITY OF CHAPTER 346
- 346.03 AUTHORIZED EMERGENCY VEHICLES
- 346.04 OBEDIENCE TO TRAFFIC OFFICERS, SIGNS AND SIGNALS

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349.13	AUTHORITY TO REGULATE THE STOPPING, STANDING OR PARKING OF VEHICLES

**B. Penalty**

- (1) The forfeiture for violation of any provision of Chapters 341 to 349 adopted by reference in Section A of this ordinance shall conform to the forfeiture for violation of a comparable state offense, including any variations or increases for a second offense, together with the cost of prosecution imposed as provided in Sections 345.20 to 345.53 of the Wisconsin Statutes.
- (2) In the Alternative to (1), the County may issue a citation for any type of violation referenced above, in conformity with Section IV of the Portage County ordinances or may issue a citation in accordance with Section 13.02A.
- (3) If the forfeiture and costs are not paid, the Court shall order imprisonment in the county jail until said forfeiture and costs are paid, but said imprisonment shall not exceed a period of ninety (90) days.

**C. Reference To The Statutes:** The term "Wisconsin Statutes" wherever used in this ordinance shall mean the Wisconsin Statutes of 1997 and shall include existing or future amendments.

D. Repeal Of Conflicting Ordinances: All ordinances regulating traffic upon the streets, alleys and highways of the Village of Amherst, Portage County, Wisconsin, and all ordinances in conflict with this ordinance are hereby repealed.

E. Severability: The provisions of this ordinance shall be deemed severable and it is expressly declared that the Village of Amherst irrespective of whether or not one or more provisions may be declared invalid and if any provisions of this ordinance or the application thereof to any person, or circumstances is held invalid, the remainder of the ordinance and the application of such provisions to other persons or circumstances shall not be affected thereby.

**13:02A PARKING PROHIBITED**

A. Loading or unloading: Except temporarily for the purpose of and while actually engaged in loading or unloading or in receiving or discharging passengers or property and while the vehicle is attended by a licensed operator so that it may be removed promptly in case of an emergency or to avoid obstruction of traffic, no person shall at any time park or leave standing any vehicle, upon any highway or part of a highway that is in violation of this Section or Section 13.02 of the Village of Amherst ordinances.

B. Registration Record of Vehicle as Evidence: When any vehicle is found upon a street or a highway in violation of Subsection 1 hereof, or any other provisions of this code regulating the stopping, standing or parking of vehicles and the identity of the owner cannot be determined, the owner, as shown by the ownership registration of the vehicle supplied by the Wisconsin Department of Transportation, or a comparable authority of any other state, shall be subject to appropriate penalty.

C. Forfeitures: Any individual violation Section 13.01 or 13.02A shall forfeit not less than \$10 nor more than \$300, and in default of payment shall be incarcerated in the county jail for a period of thirty (30) days or until the fine is paid, whichever is earlier. Enforcement may be by citation, pursuant to Section 66.119, Wis. Stats. (1197-98) or pursuant to this Section in conformity with the forfeiture schedule in (4) below. Cash deposits may be made to the Portage County Clerk of Courts Office and receipts shall be given.

D. Overnight Parking: Overnight parking is prohibited on Amherst village streets and village parking lots between 3am and 6am unless permitted.

E. Bond Schedule: In addition to the bond schedules adopted by Portage County, the Village of Amherst hereby adopts the following bond schedule:

<u>Offense</u>	<u>Adopting State Statute</u>	<u>Forfeiture</u>
Improper parking on/off road	345.51(1)	\$20.00
Stopping, standing in prohibited areas including overnight parking	346.52(1)	\$30.00
2 <sup>nd</sup> violation within 1 year including overnight parking	346.5291)	\$60.00
Stopping/standing on highway by grade school	346.52(2)	\$20.00
2 <sup>nd</sup> violation within 1 year	346.52(2)	\$50.00

Parking/standing where prohibited	346.53	\$20.00
2 <sup>nd</sup> violation within 1 year	346.53	\$50.00
Improper parking/standing of vehicle	346.54	\$20.00
2 <sup>nd</sup> violation within 1 year	346.54	\$50.00
Parking on left side of highway	346.55(1)	\$75.00
Parking on posted private property	346.55(3),(4)	\$30.00

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Revised: 8-8-89  
Revised: 11-26-91  
Revised: 9-26-23

### **13.03 ERECTION OF TRAFFIC SIGNS AND SIGNALS**

The Director of Public Works is hereby authorized and directed to procure, erect and maintain appropriate standard traffic signs, signals and markings conforming to the rules of the State Highway Commission.

Signs shall also be erected in such location and manner as authorized by the Village Board as to give adequate warning to uses of the street, alley or highway in question.

An Official Village Map shall be properly marked as to existing stop signs and crosswalks. Said Map shall be updated as deemed necessary and become a part of this subsection.

Effective: 11-11-83

### **13.035 ASSIGNMENT OF STREET NAMES**

The assignment of street names shall be coordinated through the Portage County Emergency Management/911 office.

1. The Village of Amherst shall submit the proposed street name or street name change for review, approval or denial, prior to any other governmental body approval.
2. The Village of Amherst shall submit a proposed address range to the Portage County Emergency Management/911 office, upon approval of a street name.
3. The Portage County Emergency Management/911 Office, upon approval of a new street name or street name change shall, notify the telephone company, post office, fire department, First Responder/EMT groups, County Planning and Zoning Office, County Register of Deeds Office, appropriate public safety answering point, ambulance service and rescue agency.
4. The Village of Amherst shall install appropriate street name signs within 60 days of final approval and acceptance by the Portage County Emergency Management/911 Office of street name changes.
5. The Village of Amherst shall have financial responsibility for maintenance and installation of all street name signs, public and private, within the municipality except for signs along state highways and county roads.

## 13.04 STREET NUMBERING SYSTEM

A. Purpose and Scope: For the purpose of improving coordination of fire, ambulance, and other emergency services, and of making uniform address designation, there is hereby established a uniform system of numbering buildings in the Village of Amherst, and all buildings shall be numbered in accordance with the provisions of this ordinance.

B. Definitions: As used in this section, the following words and phrases shall have the following meanings and designations:

- (1) Streets: shall include streets, avenues, and other public ways, but shall exclude alleys.
- (2) North/South Streets: shall include all streets whose principal direction is within 45' from parallel to the direction of Main Street, at its intersection with Mill Street, in the Village of Amherst, and shall further include all meandering streets designated North/South streets by the Plan Commission.
- (3) East/West Streets: shall include all streets whose principal direction is within 45' from parallel to the direction of Mill Street, at its intersection with Main Street, in the Village of Amherst, and shall further include all meandering streets designated East/West streets by the Plan Commission.
- (4) Base Line: shall mean the center line of Main Street for buildings on East/West streets and the center line of Mill Street for buildings on North/South streets.
- (5) Building: shall mean each building, in the ordinary sense of the word, which fronts on a street; provided, however, it shall not include accessory structures located adjacent to a building, unless specifically designated by the Building Inspector.
- (6) Building Number: shall be a number assigned for exclusive designation of a building, and shall be comprised of at least three (3) digits.
- (7) Block: shall mean that portion of a street between two (2) intersecting streets, whether or not such intersecting streets extend in both directions, and shall further include that portion of a street not so intersected, at the discretion and designation of the Plan Commission, when that street is abnormally long between intersections.
- (8) Block Number: shall be the hundreds digit(s) in each building number
- (9) Unit Number: shall be the tens digit and last digit in each building number
- (10) Entrance: shall mean the primary doorway or other principal entrance to a building.
- (11) Plan Commission: shall mean the Village of Amherst Plan Commission.

C. Building Number System: Each building shall be numbered in accordance with its location relative to, and distance from, its base line, as follows:

- (1) Block numbers shall increase sequentially from the base line.
- (2) Unit numbers shall increase in tens digit sequence, within each block, away from the base line.
- (3) Buildings on the North side of East/West streets, East of the base line, shall be assigned the last digit "0".
- (4) Buildings on the South side of East/West streets, East of the base line, shall be assigned the last digit "1".
- (5) Buildings on the East side of North/South streets, South of the base line, shall be assigned the last digit "2".
- (6) Buildings on the West side of North/South streets, South of the base line, shall be assigned the last digit "3".
- (7) Buildings on the South side of the East/West streets, west of the base line, shall be assigned the last digit "5".
- (8) Buildings on the North side of East/West streets, west of the base line, shall be assigned the last digit "6".

(9) Buildings on the West side of North/South streets, North of the base line, shall be assigned the last digit "7".

(10) Buildings on the East side of North/South streets, North of the base line, shall be assigned the last digit "8".

(11) When two (2) or more residences, apartments, business establishments, addressees, or uses are located in one building, the Building Inspector may assign to such second or subsequent residence, apartment, etc., a "1/2" or hyphenated number designation to follow the building number; in such case, indicia of such building number and additional designation shall, for purposes of installation and maintenance hereunder, be deemed a separate building number.

D. Assignment of Numbers: The building inspector shall assign numbers to all buildings in the Village in accordance with this uniform system.

E. Placement of Building Numbers:

1. Building numbers will be installed on the building or structure, in close proximity to the entrance door or most visible location on the building from the street
2. Building numbers will be installed approximately 12 feet on either side of the driveway if building is not visible from the street.
3. When more than one residence is located on a road/driveway each building will be clearly marked as indicated in number 1 and 2 of this section.

F. Appearance and Size of Building Numbers:

1. Building numbers that are installed directly on a structure shall be at a minimum, 2.25" wide X 3.5" high in size, in contrasting colors to the building and visible from the street and placed in close proximity to the entrance door or the nearest, most visible location from the street. The building owner is financially responsible for the maintenance and installation of such numbers and the numbers shall be in numerals and not spelled out (e.g. 325, not Three Hundred Twenty Five).
2. Building numbers that are installed, near the driveway or street when the structure is not visible from the street, the sign shall be consistent with approved signage of the Village of Amherst. The building owner is financially responsible for the maintenance and installation of such signs.

G. Maintenance: Each building owner shall cause all indicia of building numbers assigned his building to be kept and maintained as affixed so as to remain uniform and conspicuous.

Any building owner who fails to attach or maintain the building number as prescribed herein shall, within ten (10) days after service by ordinary mail of notice by the Building Inspector, comply with this Ordinance. Failure to so comply shall constitute violation of this Ordinance.

H. Penalty: In addition to any other penalty, if the owner of a building shall fail to affix the number so assigned to the building in a conspicuous place at the entrance of his building or fails to keep or maintain the building number so as to remain uniform and conspicuous within ten (10) days after service by ordinary mail of notice by the Building Inspector, the Building Inspector or his designated agent shall cause the building number to be affixed and/or maintained consistent with the provisions of this ordinance. The cost and expense of affixing and/or maintaining the building number shall be entered on the next annual tax roll by the Village Clerk/Treasurer as a special charge against the real estate.

Effective: 11-11-83

Revised: 8-13-96

## 13.05 SNOWMOBILES

It is the specific intention of this Ordinance to provide the orderly use of snowmobiles within the Village limits. Designated snowmobile route shall be clearly marked with authorized signs.

A. State Statutes Adopted: The provisions of Chapter 350 of the Wisconsin State Statutes describing and defining regulations with respect to snowmobiles and including Sections 350.01 to 350.19, inclusive, are hereby adopted and made a part of this Chapter by reference as if fully set forth herein, but excluding the penalty provisions of 350.11.

### B. Operation of Snowmobiles in Village

- (1) Streets Where Prohibited: Unless otherwise specified herein, operation of snowmobiles is prohibited on all streets and sidewalks in the Village of Amherst.
- (2) Exceptions:
  - (a) Village Streets may be used by snowmobiles for the sole purpose of reaching the Designated Village Route or to get to the state trail.
  - (b) The Designated Village Route may be used by snowmobiles for the sole purpose of reaching an established snowmobile trail.
  - (c) As used herein, the Designated Village Route shall be County KK to South Main Street and extending down Main Street to the gas station located at 168 N Main Street.
  - (d) snowmobiles shall at all times yield right-of-way to all vehicular and pedestrian traffic on such alleyway.
  - (e) A copy of a map of the Village of Amherst indicating the designated Village Route is attached hereto and made a part of this Chapter. Provided, however, that said map is for illustration purposes only, and when in conflict with the written route description, the written route description shall control.
- (3) Private Property Must be Respected: Snowmobiles may not be operated on any public or private property without the owner's permission.
- (4) Head Lights, Tail Lights and Mufflers: Snowmobiles shall display a lighted head lamp and tail lamp at all times. No snowmobile shall be operated unless it is equipped with a muffler in good working order, which blends the exhaust noise into the overall engine noise and is in constant operation to prevent excessive or unusual noise.
- (5) Rights-of-Way Must be Surrendered: Snowmobiles will yield the right-of-way to all pedestrians and other vehicular traffic.
- (6) Use by Unauthorized Persons Prohibited: No owner or person having control of a snowmobile shall knowingly authorize or permit any person to operate such snowmobile who is incapable of safe operation because of age, physical or mental disability or who is under the influence of intoxicating liquor, fermented malt beverage or drugs.
- (7) Speed Restrictions: Snowmobiles will not travel at a speed in excess of fifteen (15) miles per hour within the Village Limits.
- (8) Travel Separated from Other Vehicles on Village Streets: Snowmobiles will travel single file and on the extreme right hand side of the street, with the flow of traffic, and off the traveled portion of said street.
- (9) Traffic Signs Must be Obeyed: All arterial stop signs and other traffic control signs or devices must be obeyed.
- (10) Towing of Persons or Vehicles Restricted: No snowmobile will be permitted to pull any person on skis, sled, toboggan, saucer or similar device, except that a sleigh or cutter with a rigid hitch may be towed.
- (11) Age Restrictions: No person under the age of twelve (12) years may operate a snowmobile unless he or she is accompanied either by a parent or guardian or by a person over eighteen (18) years of age.

(12) Snowmobile Safety Permit or Operator's License Required: No person over the age of twelve (12) years but under the age of sixteen (16) years may operate a snowmobile unless he or she holds a valid Snowmobile Safety Certificate or is accompanied by a person over eighteen (18) years of age, or by a person over fourteen (14) years of age having a Snowmobile Safety Certificate issued by the Department of Natural Resources. Persons enrolled in a Safety Certification Program approved by the Department of Natural Resources may operate a snowmobile in the area designated by the instructor. Any person who is over the age of twelve (12) and under the age of sixteen (16) who holds a Snowmobile Safety Certificate shall carry it while operating a snowmobile and shall display the Certificate to a law enforcement office on request.

(13) Definition: For the purpose of this Section, "accompanied" means being on the same snowmobile as the operator.

(14) Insurance Required: Every owner of any snowmobile operated in the Village of Amherst must carry public liability insurance on such vehicle in the amount of Twenty Thousand Dollars (\$20,000.00) minimum combined single limit per accident for bodily injury or property damage.

Effective: 11-11-83

Revised: 3-16-84

Revised: 1-25-11

## **13.06 BICYCLES/PLAY VEHICLES**

### **A. Definitions**

- (1) Bicycle: means any device propelled by the feet acting upon pedals and having wheels any two (2) of which are not less than fourteen (14) inches in diameter.
- (2) Central Business District: for the purpose of this ordinance means one block in each direction from the Main Street and Wilson/Mill Street intersection.
- (3) Play Vehicle: means any coaster, roller skates, skateboard, scooter, sled, toboggan or any other similar vehicle.

**B. Responsibility**: No parent or guardian of any child shall authorize or knowingly permit such child to violate any provisions of Wisconsin State Statutes 346.78 to 346.804 and 347.489 which are hereby adopted and made part of this ordinance by reference.

**C. Use of Play Vehicles**: Riding a play vehicle is prohibited. Riding a play vehicle on sidewalk in the Central Business District is prohibited.

**D. Special Rules Applicable to Bicycles**: Whenever a bicycle is operated upon a roadway the following rules apply:

- (1) A person propelling a bicycle shall not ride other than upon or astride a permanent and regular seat attached thereto.
- (2) No bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped.
- (3) No person operating a bicycle shall carry any package, bundle or article which prevents the operator from keeping at least one hand upon the handle bars.
- (4) No person riding a bicycle shall attach him/herself or his/her bicycle to any vehicle upon a roadway.

### **E. Riding Bicycle on Roadway**

- (1) Unless preparing to make a left turn, every person operating a bicycle upon a roadway carrying two-way traffic shall ride as near as practicable to the right edge of the unobstructed traveled roadway.
- (2) Every person operating a bicycle upon a roadway shall exercise due care when passing a standing vehicle or one proceeding in the same direction, allowing a minimum of three (3) feet between the bicycle and the vehicle.
- (3) Persons riding bicycles upon a roadway shall ride single file on all roadways.
- (4) Every rider of a bicycle shall, upon entering on a highway, yield right-of-way to motor vehicles.

F. Riding Bicycles/Play Vehicle on Sidewalk: Every person operating a bicycle/play vehicle upon a sidewalk shall yield right-of-way to any pedestrian and shall exercise due care and give an audible signal when passing a bicycle/play vehicle rider or pedestrian proceeding in the same direction.

Every person operating a bicycle/play vehicle upon a sidewalk shall stop at all intersections and dismount before continuing across.

G. Lamps and other Equipment on Bicycles

- (1) No person may operate a bicycle upon a roadway or sidewalk during hours of darkness unless such bicycle is equipped with or the operator is wearing a lamp emitting a white light visible from a distance of at least five hundred (500) feet to the front of such bicycle. Such bicycle shall also be equipped with a red reflector that has a diameter of at least two (2) inches of surface area on the rear so mounted and maintained as to be visible from all distances from fifty (50) to five hundred (500) feet to the rear when directly in front of lawful upper beams of headlamps on a motor vehicle. A lamp emitting a red light visible from a distance of five hundred (500) feet to the rear may be used in addition to but not in lieu of the red reflector.

Effective: 11-11-83  
Revised: 8-22-90

### **13.07 PENALTIES**

Any person who violates this Section shall be subject to a Class "D" forfeiture, or incarceration in lieu thereof, as provided in Chapter 2.09 of this Code.

Effective: 11-11-83  
Revised: 3-27-84

### **13.08 PEDESTRIAN MALL**

A. Designation of Pedestrian Mall: In accordance with Section 66.298 Stats., the following described real estate in the Village of Amherst is designated a Pedestrian Mall:

That part of the S.E. 1/4 of the S.E. 1/4 of Section 21, Town 23 North, Range 10 East, Village of Amherst, County of Portage, State of Wisconsin, described as follows:

Commencing at the N.W. corner of those lands owned by the Village of Amherst, and described in Volume 42, on Page 803 of Portage County Registry Records for the point of beginning of this description run:

thence in a Northwesterly direction along the North line of those lands as described in Volume 328, Page 671, 107.00 feet to the East line of Main Street; thence in a Northeasterly direction along said East line of Main Street 17 feet more or less to the Southwest corner of those lands as described in Volume 443, Page 539; thence in a Southeasterly direction at right angles to Main Street a

distance of 104 feet, along the South Line of those lands as described in said Volume 443, Page 539; thence in a southwesterly direction to the point of beginning.

B. Prohibition of Vehicular Traffic: Except as otherwise provided in this section, no person shall operate a vehicle in or through the Pedestrian Mall.

C. Definitions

- (1) Vehicle: shall mean every device in, upon, or by which a person or property may be transported upon a highway, and shall include motor vehicles.
- (2) Motor Vehicle: shall mean a vehicle propelled by self contained motor power.
- (3) Operate: shall mean riding, driving, or otherwise controlling the propulsion or direction of a vehicle. It shall not include, however, pushing a non-motorized cycle while walking.

D. Snowmobiles: The Village Board may, from year to year, by resolution designate all or part of the Pedestrian Mall a snowmobile trail from December 1 to April 1 in any year.

E. Signs: The Director of Public Works shall install and maintain signs at all entrances to the Pedestrian Mall indicating "Pedestrian Mall. No Vehicular Traffic Allowed," and appropriate signs indicating all or part of the Pedestrian Mall as a snowmobile trail, when so resolved by the Village Hall.

Effective: 11-16-85

### **13.09 - ATV/UTV Operation & Routes**

A. Intent - The Village of Amherst adopts the following ordinance and routes for the operation of all-terrain vehicles and utility terrain vehicles upon all village streets specifically noted in Section C. This ordinance will go into effect upon adoption by the Village Board and the installation of proper signage.

B. Statutory Authority - This ordinance is created pursuant to Village authority as authorized by 23.33 (8)(b) Wis. Stats. The applicable provisions of 23.33 pursuant to routes are adopted.

C. Routes - The following streets are designated as routes: All Village Streets unless otherwise posted. This specifically includes all paved village street surfaces designated for automobile traffic and parking. This specifically excludes all village sidewalks and paved or unpaved right of ways not intended for motor vehicle use.

The Village of Amherst designates to the Public Safety Committee with consideration of the Director of Public Works, the authority to temporarily close, terminate or modify routes at any time.

D. Conditions - As a condition for the use of these routes, the following shall apply to all operators (and passengers where applicable);

- (1) All operators shall observe the posted speed limits within the Village of Amherst: 25 mph maximum with 15 mph limit in school zones.
- (2) Routes must be signed in accordance with NR 64.12 and NR 64.12 (7) (c) and Wisconsin Department of Transportation requirements.
- (3) All operators shall have a liability insurance policy in force covering any ATV or UTV operated on Village Streets.

E. Enforcement - This ordinance shall be enforced by any law enforcement officer authorized to enforce the laws of the State of Wisconsin.

F. Penalties - Wisconsin state ATV penalties as found in Section 23.33. (13) (a) Wis. Stats. are adopted by reference.

G. Severability - The provision of this ordinance shall be deemed severable and it is expressly declared that the Village would have passed the other provisions of this ordinance irrespective of whether or not one or more provisions may be declared invalid. If any provision of this ordinance or the application to any person or circumstances is held invalid, the remainder of the ordinance and the application of such provisions to other persons or circumstances shall not be deemed affected.

### **13.10 ENFORCEMENT**

The provisions of this ordinance shall be enforced by all Village Officers. "Village Officers" shall include the Village President, all Village Trustees, all law enforcement personnel of any department with whom the Village has contracted for law enforcement, and shall specifically include all law enforcement personnel of the Portage County Sheriff's Department.

Effective: 1-14-89