

Title 10

VEHICLES AND TRAFFIC

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## Chapter 10.04

### TRAFFIC

#### Sections:

- 10.04.010 State Traffic Laws Adopted
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10.04.010 State Traffic Laws Adopted. Except as otherwise specifically provided in this code, the statutory provisions in Chapters 340 to 348 of the Wis. Stats. describing and defining regulations with respect 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 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 the highways, streets, and alleys of the State of Wisconsin.

- 10.04.20 Official Traffic Map and Control Devices; Prohibited Signs, Signals and Markers.

#### Subsections:

- 10.04.021 Duty of Street Superintendent to Erect and Install Uniform Traffic Control Devices
- 10.04.022 Official Traffic Map
- 10.04.023 Prohibited Signs and Markers on Streets and Highways
- 10.04.024 Removal of Unofficial Signs, Markers, Signals and Traffic Control Devices
- 10.04.025 Use of Engine Compression Brakes Prohibited

10.04.021 Duty of Street Superintendent 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 10.04.010, require the erection of traffic control devices for enforcement, the Street Superintendent 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 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 Street Superintendent will carry out the purposes of this code and give adequate warning to users of the streets and highways of the City.

10.04.022 Official Traffic Map.

a) Official Traffic Map Established. There is hereby established an Official Traffic Map for the City upon which shall be indicated no parking areas, restricted parking areas, stop signs, arterial intersections, yield signs, special speed limits, one-way streets, school crossings and all other restrictions or limitations contained in this code, as from time to time amended or modified by the City Council when the laws of the State of Wisconsin require the erection or use of official traffic control devices to enforce such restrictions or limitations.

b) Violations Prohibited. When official traffic control devices giving notice of the restrictions, prohibitions, and limitations shown on the Official Traffic Map are erected and maintained in accordance with the provisions of this Section, a violation of the restriction, prohibition or limitation shown on the Official Traffic map shall be a violation of the provisions of this code.

c) Map to be Maintained. A copy of the Official Traffic Map shall be maintained and displayed in the office of the Police Department.

d) Additions to Map. The City Council may from time to time make additions to or deletions from the Official Traffic Map and the Street Superintendent shall keep such Official Traffic Map current.

10.04.023 Prohibited Signs and Markers on Streets and 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 the City any sign, signal, marker, mark or monument unless permission is first obtained from the Street Superintendent. Any sign, signal, marker, mark or monument placed or maintained in violation of this Section shall be subject to removal as provided in Section 10.04.024.

10.04.024 Removal of Unofficial Signs, Markers, Signals, and Traffic Control Devices. The Street Superintendent 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 Street Superintendent to the City Council 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 municipal taxes.

10.04.025 Use of Engine Compressing Brakes Prohibited. No person shall use motor vehicle brakes within the corporate limits of the City of Whitehall which are in any way activated or operated by the compression of the engine of a motor vehicle, or any unit or part thereof, except in an emergency situation. Any person who shall violate this Ordinance shall pay a forfeiture of \$50.00 plus applicable court costs.  
(Adopted March 13, 2001)

#### Section 10.04.030 Speed Limits.

##### Subsections:

- 10.04.031 Speed Limits Increased
- 10.04.032 Speed Limits Decreased

10.04.031 Speed Limits Increased. Speed limits are increased as follows upon the following designated streets or portions thereof: NONE.

10.04.032 Speed Limits Decreased. For that part of Schansberg Road in the City Limits of Whitehall, vehicle traffic shall be limited to 45 miles per hour at all times.  
(Amended February 14, 1989)

#### Section 10.04.040 Through Streets and Controlled Intersections.

##### Subsections:

- 10.04.041 Through Streets Designated
- 10.04.042 Designation of Location of Stop Signs
- 10.04.043 Designation of Arterial Highways
- 10.04.044 Railroad Grade Crossing Stops
- 10.04.045 Designation of Right-Turn-No-Stop Intersections
- 10.04.046 Yield Signs to be Erected
- 10.04.047 Operators to Obey Traffic Control Devices

10.04.041 Through Streets Designated. In the interest of public safety and pursuant to authority granted by Wisconsin law, the following streets or portions thereof are declared to be through streets:

Roosevelt Street from U.S. 53 (Ervin St.) north to Green Bay and Western Railroad Tracks

Lou Boulevard from Fredrickson Street north to U.S. 53 (Ervin St.)

Lee Street from Fredrickson Street north to U.S. 53 (Ervin St.)

Claire Street from U.S. 53 (Ervin St.) south to City Limits

South Abrams street from Hillside Drive north to U.S. 53 (Ervin St.)

Ervin Street from U.S. 53 (Main St.) west to Lincoln Cemetery

Park Street from Ervin Street north to Hobson Street

Hobson Street from Park Street west to Sheila Boulevard

Hobson Street from west City Limits east to Sheila Boulevard

Elm Street from Green Bay and Western Railroad Tracks to Wisconsin 121 (Dewey Street)

Second Street from Elm Street west to Jurowski Drive

West Street from Wisconsin 121 (Dewey Street) north to City Limits

Scranton Street from West Street east to U.S. 53 (Main Street)

Scranton Street from Mill Street east to U.S. 53 (Main Street)

Blair Street from West Street east to U.S. 53 (Main Street)

Abrams Street from Scranton Street south to Melby Street

Camp Street from Green Bay and Western Railroad Tracks north to Scranton Street

Mill Street from Green Bay and Western Railroad Tracks north to Scranton Street

Main Street from North City Limits south to Ervin Street

Ervin Street from Main Street east to South City Limits

Hobson Street from Park Street to Sheila Boulevard (Adopted 6-9-92)

Hobson Street from Main Street west to Sheila Boulevard (Adopted 5-12-92)

10.04.042 Designation of Location of Stop Signs. In the interests of public safety, stop signs shall be installed at the intersections of all City Streets with through streets designated in 10.04.041 of this Section. In addition, in the interests of public safety, stop signs shall be installed at the following locations to control traffic on the streets over which the City has jurisdiction:

Hopkins Street, at its intersection with Lee Street

Hopkins Street, at its intersection with Lou Boulevard

Anderson Street, at its intersection with Lou Boulevard

Anderson Street, at its intersection with Clair Street

Hillside Drive, at its intersection with County Trunk D (South Main Street)

South Street, at its intersection with County Trunk D (South Main Street)

County Trunk D, (South Main Street) at its intersection with Ervin Street

Ervin Street, at its intersection with County Trunk D (South Main Street)

Park Street, at its intersection with Ervin Street

Lincoln Street, at its intersection with Park Street

Park Street at its intersection with Hobson Street

Hobson Street, at its intersections with Park Street

Lincoln Street, at its intersection with Hobson Street

West Street, at its intersection with Hobson Street

Sunset Boulevard, at its intersection with Hobson Street

Christine Boulevard, at its intersection with Hobson Street

Sheila Boulevard, at its intersection with Hobson Street

Hobson Street, at its intersection with Sheila Boulevard

Kopp Street, at its intersection with Hobson Street

Second Street, at its intersection with Jurowski Drive

North Second Street, at its intersection with Second Street

Dodge Street, at its intersection with West Street

Scranton Street, at its intersection with West Street

Blair Street, at its intersection with West Street

Earle Street, at its intersections with Blair Street

Earl Street, at its intersections with Scranton Street

Hancock Street, at its intersection with Blair Street

Hancock Street, at its intersection with Scranton Street

Ellis Street, at its intersection with Blair Street

Ellis Street, with its intersection with Scranton Street

Park Ridge Heights, at its intersection with Town Road

Abrams Street, at its intersection with Scranton Street

Dodge Street, at its intersection with Abrams Street

Dodge Street, at its intersection with Mill Street

Kelly Street, at its intersection with Abrams Street

Melby Street, at its intersection with Roosevelt Street

Melby Street, at its intersection with Owen Street

Clarke Street, at its intersection with Owen Street

Anderson Street, at its intersection with Lee Street (for East bound traffic)  
(Adopted 2-12-91)

South Street, at its intersection with South Abrams Street (for East bound traffic)  
(Adopted 11-12-91)

Hobson Street, at its intersection with Sheila Boulevard (for West bound traffic)  
(Adopted 10-11-94)

Hillside Drive, at its intersection with South Abrams Street (for East and West bound traffic) (Adopted 9-14-99)

Fredrickson Street, at its intersection with Lou Boulevard (Adopted 6-14-94)

Hobson Street, at its intersection with Park Street (Adopted 6-9-92)

West Street, at its intersection with Blair Street (for South bound traffic) (Adopted 6-13-89)

South Street, at its intersection with South Abrams Street (for West bound traffic) (Adopted 8-14-90)

Dodge Street Alley, at its intersection with Ellis Street (for East bound traffic) (Adopted 3-10-87)

Roosevelt Street, at its intersection with Melby Street (Adopted 8-13-85)

On Fredrickson Street, at its intersection with Lee Street (Adopted 4-11-06)

On South Abrams Street, at its intersection with Hillside Drive (Adopted 6-13-06)

10.04.043 Designation of Arterial Highways. The following streets in the City of Whitehall in the interest of public safety are hereby declared to be arterial streets:

Dewey Street and Main Street in their entirety and Ervin Street from the intersection with U.S. Highway 53 to the intersection with Main Street. All vehicles proceeding into said arterial streets shall stop before entering said streets.

10.04.044 Railroad Grade Crossing Stops. Pursuant to authority granted in Section 349.085, Wis. Stats., operators of vehicles shall be required to stop at the following railroad grade crossings:

Green Bay and Western crossing on Roosevelt Street between Mill Street and Melby Street

Green Bay and Western Crossing on Abrams Street between Kelly and Dodge Street

10.04.045 Designation of Right-Turn-No-Stop Intersections. In the interests of public safety, right turn no stop signs shall be installed beneath the stop signs at the following locations to control traffic on the streets over which the City has exclusive jurisdiction:

On the North side of Dodge Street at its intersection with Ellis Street

10.04.046 Yield Signs to be Erected. The Street Superintendent is authorized to erect yield right-of-way signs conforming to the Wisconsin Official Traffic Control Device Manual at the following intersections on streets in the exclusive jurisdiction of the City provided that if the intersected street is part of a through street designated under 10.04.041 of this Section, the provision of Section 359.07(7)(a), Wis. Stats., apply:

On Maranatha Place at its intersection with Hartwill Street

On Hartwill Street at its intersection with Elm Street

On First Street at its intersection with Elm Street

On the south side of Kelly Street at its intersection with Abrams Street

On Hobson Street at its intersection with Abrams Street

On Sherwood Street at its intersection with Melby Street

On Mill Street at its intersection with Scranton Street

10.04.047 Operators to Obey Traffic Control Devices. Every operator of a vehicle approaching an intersection at which an Official Traffic Control Device is erected in accordance with this Section shall obey the direction of such Official Traffic Control Device as required by the Wis. Stats. incorporated by reference in Section 10.04.010 of this code. Operators of vehicles approaching a stop sign shall stop before entering a street or highway as required by Section 346.46, Wis. Stats. Operators approaching intersections at which a yield sign has been installed shall yield the right-of-way to other vehicles as required by Section 346.18(6), Wis. Stats.

Section 10.04.050 One Way Highways, Safety Zones, Safety Islands, Turns and Lanes

Subsections:

10.04.051 One Way Streets

10.04.052 Turns Prohibited

10.04.053 Miscellaneous Lane and Turn Controls

10.04.051 One Way Streets. The following streets or highways or portions thereof maintained by the City are hereby designated one way streets or highways, and no person shall drive or operate a vehicle on such street or portion thereof except in the one direction designated below:

a) Dodge Street, from Main Street to Abrams Street, is designated as a one way, one lane street. All vehicles shall travel in an easterly direction on that portion of Dodge Street as designated. (Amended May 12, 2009)

10.04.052 Turns Prohibited.

a) Right Turns Prohibited. No operator of any vehicle shall make a right turn at any of the following locations: NONE

b) Left Turns Prohibited. No operator of any vehicle shall make a left turn at any of the following locations: NONE

c) U-Turns Prohibited. U-Turns are prohibited at the following locations:

1. At the intersection of Main Street and Dodge Street
2. At the intersection of Main Street and Scranton Street

10.04.053 Miscellaneous Lane and Turn Controls. The Street Superintendent is authorized, when in his or her judgment the safety of the situation requires, to place Official Traffic Control Devices within or adjacent to intersections directing that a different course from that specified in Section 346.31, Wis. Stats., be traveled by vehicles turning at the intersection and to mark lanes for traffic designating separate lanes for slow moving traffic or for traffic moving in a particular direction.

Section 10.04.060 Weight Limits and Heavy Traffic Routes

Subsections:

10.04.061 Streets Designated Class “B” Highways

10.04.062 Special and Season Weight Limitations

10.04.063 Heavy Traffic Routes

10.04.064 Restrictions on Use of Other Streets by Heavy Traffic

10.04.061 Streets Designated Class “B” Highways. All streets within the City of Whitehall, Wisconsin, are hereby designated Class “B” highways subject to weight limitations imposed on Class “B” highways by the Wis. Stats. adopted by reference in Section 10.04.010 of this code except the following enumerated streets or parts of streets:

- a) All State or Federal Highways and connecting streets.
- b) All County Trunk Highways unless otherwise designated by the County Board.

10.04.062 Special and Season Weight Limitations. The Street Superintendent shall have the authority to impose special or seasonal weight limits on any highway, street, bridge or culvert maintained by the City to prevent injury to the roadway or for the safety of the users of such bridge or culvert and shall be responsible for erecting Uniform Traffic Control Devices giving notice thereof in accordance with the provision of Section 10.04.020 of this Ordinance.

10.04.063 Heavy Traffic Routes. The following streets or parts thereof within the jurisdiction of the City are hereby designated heavy traffic routes:

West Street, from its intersection with Dewey Street north to Blair Street

Blair Street from its intersection with West Street east to Main Street

Jurowski Drive (all)

Scranton Street from its intersection with Main Street east to the Trempealeau River

Owen Street (all)

Mill Street (all)

Roosevelt Street (all)

10.04.064 Restrictions on Use of Other Streets by Heavy Traffic. No person shall operate or move a vehicle, except a motor bus, which is not equipped completely with pneumatic tires or has a combined vehicle load weight exceeding 6,000 pounds on any street not part of the heavy traffic route designated in Section 10.04.063 above, except for the purpose of obtaining orders for, or moving or delivering supplies or commodities to or from a place of business or residence which has an entrance thereon; provided, in no event shall the weight of the vehicle and load on any street not defined or designated as a heavy traffic route under Section 10.04.063 above exceed the limitations of pertaining to Class "A" highways or deliveries on Class "B" highways established by Wis. Stats.

- a) No person shall operate or move a vehicle which has a combined vehicle load weight exceeding 12,000 pounds on Dodge Street, (Dodge Street Alley) from its intersection with West Street, east to Earle Street. (Adopted May 9, 2000)

#### Section 10.04.070 Parking Regulations

##### Subsections:

- 10.04.071 Parking Prohibited at All Times
- 10.04.072 Parking Prohibited During Certain Periods
- 10.04.073 Parking, Stopping or Standing Prohibited
- 10.04.074 Parking Prohibited Along Postal Deposit Box
- 10.04.075 Limited Time Parking
- 10.04.076 Miscellaneous Parking Restrictions
- 10.04.077 Unlawful Removal of Parking Citations
- 10.04.078 Removal of Illegally Parked Vehicles
- 10.04.079 Registration Record of Vehicle as Evidence

10.04.071 Parking Prohibited at All Times. 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 moved promptly in case of an emergency or to avoid obstruction of traffic, no person shall at any time park or leave standing any vehicle as follows:

No vehicle shall be permitted to be parked or otherwise left unattended within the City of Whitehall so as to impede, obstruct, or interfere with access to or from any public or private driveway, alley or right of way.

No vehicle shall be permitted to be parked or otherwise left unattended within the City of Whitehall adjacent to any Mail Boxes that send or receive U.S. Mail, so as to impede, obstruct or interfere with the delivery or receipt of U.S. Mail.

10.04.072 Parking Prohibited During Certain Periods. No person shall park or leave standing any vehicle upon any of the following streets or parts of streets at the time indicated, except temporarily for the purpose of and while actually engaged in receiving or discharging passengers:

Portion of Hobson Street that abuts Sunset Elementary School, used for loading and unloading school passengers.

- (a) No person shall park or leave standing any vehicle on Hobson Street (north and south sides) from its intersection with Kopp Street to its intersection with Tower Drive, during the time that public school classes are in session (during school hours). (Adopted August 8, 2006)

10.04.073 Parking, Stopping or Standing Prohibited. No person shall park, stop or leave standing any vehicle, for any purpose upon the following Streets, or parts of street, at any time:

Owen Street – Either the East or West side of Owen Street between its intersection with Melby Drive to Ervin Street (U.S. Highway 53).

Lincoln Street – North Side of Lincoln Street from its intersection with Main Street (U.S. Highway 53) to Park Street, as marked with signs.

Lincoln Street – North side of Lincoln Street from its intersection with Park Street west to Hobson Street, as marked with signs.

No Truck Parking – Main Street – It shall be unlawful for the operator of any truck weighing more than 12,000 pounds or with a box or rack of a greater length than eight and one-half (8 ½) feet to stop, stand, or park such vehicle upon either the west side or east side of Main Street (U.S. Highway 53) between the Dodge Street and Dewey Street intersection with Main Street, at any time.

Hobson Street – No parking on the south side of Hobson Street from its intersection with Park Street west to its intersection with Lincoln Street.

Blair Street – No parking on the south side of Blair Street from its intersection with West Street, east to Hancock Street.

Dewey Street – No parking on the north side of Dewey Street from its intersection with Main Street (U.S. Highway 53) west along Lots 3 and 4, Block 25, Melby’s First Addition, as marked with signs.

Dewey Street – No parking on the south side of Dewey Street from its intersection with Main Street (U.S. Highway 53) west to its intersection with Park Street.

Park Street – No parking on the west side of Park Street from its intersection with Hobson Street south to its intersection with Lincoln Street.

On West Street – On the east side from its intersection with Blair Street to the north end. (Adopted June 27, 2006)

10.04.074 Parking Prohibited Along Postal Deposit Box. No person shall park, stop, or leave standing any vehicle either attended or unattended in those parking spaces, described as follows, except for the purpose of depositing letters in the mailbox located adjacent thereto:

South side of Blair Street – Adjacent to U.S. Post Office.

10.04.075 Limited Time Parking. When official traffic control devices or signs are erected giving notice thereof, no person shall park, stop, or leave standing any vehicle, whether attended or unattended, for more than the following time periods between the hours of 9:00 a.m. and 5:00 p.m. on any day except Weekend days and Holidays on any of the following streets or parts thereof:

- a) Ten Minute Parking:
  - 1) Hobson Street – Ten minute parking on the north side of Hobson Street from Park Street east to the City Center parking lot entrance, as denoted by signs.
  - 2) Dewey Street – Ten minute parking along the three (3) stalls on the north side of Dewey Street, along the east half of Lot 5 and west half of Lot 4, Block 25, Melby’s First Addition, as marked with signs.
  - 3) Ellis Street – Ten minute parking on that portion of the west side of Ellis Street immediately adjacent to the “Post Office Building” which is Lot 5, Block 5, Original Plat to Whitehall.
  
- b) Two (2) Hour Parking Limit:
  - 1) Dodge Street – Both sides (north and south sides) of Dodge Street from its intersection with Main Street (U.S. Highway 53) west to Ellis Street, as marked by signs.

- 2) Scranton Street – North Side of Scranton Street from its intersection with Main Street East to Abrams Street.
  - 3) Scranton Street – North side of Scranton Street from its intersection with Main Street west to the east one-half of Lot 4, Block 6, Original Plat to Whitehall as marked by signs.
  - 4) Main Street – Both sides (east and west sides) of Main Street from its intersection with Dewey Street south to its intersection with Hobson Street.
  - 5) Parking Lot located Lot 1, Block 11, Original Plat to City of Whitehall (commonly referred to as “Clippers Foodliner Parking Lot”).
  - 6) Main Street – Both sides (east and west sides) of Main Street from its intersection with Dodge Street north to its intersection with Blair Street.
- c) One (1) hour Parking Limit:
- 1) Park Street – On the west side of Park Street the width of the City Center Building – between Dewey Street and Hobson Street, as marked by signs.
  - 2) Blair Street – On the north side of Blair Street, west of Main Street, as marked by signs.

10.04.076 Miscellaneous Parking Restrictions.

a) Street Maintenance. Whenever it is necessary to clear or repair a City street, roadway or parts thereof, the City Street Department or Utilities shall post such streets or parts thereof with signs bearing words such as “No Parking” or “No Parking – Street Maintenance” or “No Parking – Utility Work”, or similar signage. Such signs shall be erected at least one (1) hour prior to the time that work is to commence. No person shall park a vehicle or any type of equipment in violation of such signs.

b) Parking in Driveways. No person shall park or leave standing any motor vehicle in any private driveway without the permission of the owner or lessee of the property upon which such driveway is located, whether or not such driveway is posted to limit or restrict parking.

c) Parking Heavy Vehicles in Residential Districts. No operator of a motor truck, truck-tractor, trailer or semi-trailer, or any other vehicle or combination of vehicles weighing more than 12,000 pounds, other than motor buses, shall park such vehicle on any street other than a routed State Trunk highway in any Residential District, except for such time as is reasonably necessary to facilitate the loading or unloading of the vehicle.

d) Winter/ Snow Emergency Parking Restrictions. Whenever the Street Superintendent shall, by reason of heavy snow storm or blizzard, proclaim a snow emergency pursuant to Section 66.325 Wis. Stats., no person shall park, stop or leave standing any vehicle upon the streets or any portions of the streets during the hours set forth in said proclamation.

e) Parallel Parking. Vehicles shall be parked parallel to the curbing at all times unless official signs or markings indicate angle parking.

f) No Overnight Parking. Melby Park Parking Lot. For the purpose of designating No Overnight Parking in the City owned Melby Park Parking Lot located at the intersection of Hobson and Park Streets, no person shall park or leave standing any motor vehicle on the Melby Park Parking Lot between the hours of 2:00 a.m. and 6:00 a.m.

h) Physically Disabled/Handicapped Parking Stall – Main Street. On the west side of Main Street, the first parking stall south of Scranton Street shall be limited to physically disabled/ handicapped parking, as described in Section 346.503, Wis. Stats. (Adopted January 9, 2007)

i) Parking Restrictions – City Center Parking Lot. For the purpose of regulating parking in the City owned City Center Parking Lot located at 18620 Hobson Street, parking shall be restricted as designated by official traffic signs, designating parking for disabled/handicapped, Government vehicles, and One (1) hour parking. (Adopted January 9, 2007)

10.04.077 Unlawful Removal of Parking Citations. No person other than the owner or operator thereof shall remove a municipal parking violation ticket from a motor vehicle.

10.04.078 Removal of Illegally Parked Vehicles. Any vehicle parked or left standing upon a highway, street or alley or other public grounds in violation of any of the provisions of this Ordinance, is declared to be a hazard to traffic and public safety. Such vehicle shall be removed by the operator, upon request of any police officer, to a position where parking, stopping or standing is not prohibited. Any police officer, after issuing a citation for illegal parking, stopping or standing of any unattended vehicle in violation of this Ordinance is authorized to cause such vehicle to be removed to a position where parking is not prohibited. The officer may order that such vehicle be towed at the owner's expense. In addition to other penalties provided by Section 10.04.079 of this Ordinance, the owner or operator of a vehicle so removed shall pay all costs of towing and storage.

10.04.079 Registration Record of Vehicle as Evidence. When any vehicle is found upon a street or highway in violation of any provision of this Ordinance regulating the stopping, standing, or parking of vehicles and the identity of the operator 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 the appropriate penalty. (Adopted May 10, 2005)

## Section 10.04.080 Abandoned Vehicles

### Subsections:

- 10.04.081 Abandonment of Vehicles Prohibited
- 10.04.082 Definition
- 10.04.083 Presumption of Abandonment
- 10.04.084 Exceptions
- 10.04.085 Penalty for Violations – Removal and Impoundment or Sale
- 10.04.086 Notice to Owner
- 10.04.087 Sale
- 10.04.088 Purchaser to Remove Vehicle
- 10.04.089 Owner May File

10.04.081 Abandonment of Vehicles Prohibited. No person shall abandon any vehicle unattended with the City for such time and under such circumstances as to cause the vehicle to reasonably appear to be abandoned.

10.04.082 Definition. As used in this Section, “vehicle” means a motor vehicle, trailer, semi trailer, or mobile home as defined in Section 10.04.010 of this Ordinance, whether or not the vehicle is registered under Ch. 541, Wis. Stats.

10.04.083 Presumption of Abandonment. Any vehicle left unattended for more than 48 hours on any public street or grounds, or on private property where parking is prohibited, limited or restricted, without the permission of the owner or lessee, is deemed abandoned and constitutes a public nuisance; provided that the vehicle shall not be deemed abandoned under this Section if left unattended on private property out of public view, by permission of the owner or lessee. In addition, any vehicle that is not moved in thirty 30 days, and reasonably appears incapable of operation (including but not limited to not being licensed or registered with the State of Wisconsin for the current year), shall be deemed abandoned and a public nuisance, regardless of who owns the vehicle, or where it is parked within the City.

10.04.084 Exceptions. This Section shall not apply to a vehicle in an enclosed building; a vehicle in an appropriate storage place or depository maintained in a lawful place and manner authorized by the City or a vehicle parked in a paid lot or parking space where the required fee has been paid.

10.04.085 Penalty for Violations – Removal and Impoundment or Sale. The owner of any vehicle that is determined to be abandoned in violation of this Ordinance, or in the event the owner of the vehicle cannot be determined, the owner of the property where the abandoned vehicle is located, may be issued a Municipal Citation in the amount of \$20.00 plus court costs. Each day a violation continues shall result in a separate Citation issued. In addition, any vehicle found abandoned in violation of this Ordinance may be impounded by a City Police Officer until lawfully claimed or disposed of as provided in this Section. If the Chief of Police or his or her duly authorized

representative determines that towing costs and storage charges for the minimum impoundment period (30 days) would exceed the value of the vehicle, the vehicle may be junked or sold prior to the expiration of the impoundment period upon determination by the Chief of Police that the vehicle is not wanted for evidence or any other reason. (Amended August 12, 2003)

10.04.086 Notice to Owner. The City Police Officer removing or causing the removal of any vehicle found in violation of this Section shall immediately notify the Chief of Police of the abandonment and location of the impounded vehicle, and shall within 10 days thereafter notify the owner and lienholders of record, by certified mail, of the impoundment and of their right to reclaim the vehicle. The notice shall set forth the information contained in Section 342.40(3), Wis. Stats., and shall state that the failure of the owner or lienholders to exercise their rights to reclaim the vehicle shall be deemed a waiver of all right, title and interest in the vehicle and a consent to sale of the vehicle.

10.04.087 Sale. Each retained vehicle not reclaimed by the owner or lien holder may be disposed of by sealed bid or auction sale as provided in Section 342.40(3), Wis. Stats. Any listing of vehicles to be sold pursuant to this Section shall be made available by the City Clerk to any interested person or organization that makes a written request therefore, for a fee of \$1.00. The sale of a motor vehicle under the provisions of this Section shall forever bar all prior claims thereto and interest therein except as hereinafter provided. Within five (5) days after sale or disposition of a vehicle under this Section, the Clerk shall advise the Wisconsin Department of Transportation of such sale or disposition on a form supplied by the Department.

10.04.088 Purchaser to Remove Vehicle. The purchaser of any vehicle on sealed bid or auction sale under Section 10.04.087 shall have 10 days to remove the vehicle from the storage area upon payment of a storage fee of ten and no/100 dollars (\$10.00) for each day the vehicle has remained in storage after the second business day subsequent to the sale date. Ten days after the sale, the purchase shall forfeit all interest in the vehicle and the vehicle shall be deemed to be abandoned and may be again sold.

10.04.089 Owner May File. At any time within two (2) years after the sale of a motor vehicle as provided herein, any person claiming ownership of such vehicle or a financial interest therein may present a claim to the Common Council setting forth such facts as are necessary to establish such ownership or interest, and that the failure of the claimant to reclaim the vehicle prior to sale was not result of the neglect or fault of claimant. If the Common Council is satisfied as to the justice of such claim, it may allow the same, but in no case shall the amount allowed exceed the sum paid into the City Treasurer as the result of the sale of such motor vehicle, nor the amount of interest of the claimant thereon.

## Section 10.04.090 Advertising

### Subsections:

- 10.04.091 Advertising Not Allowed
- 10.04.092 Sale of Motor Vehicles on Private Property

10.04.091 Advertising Not Allowed. No person shall operate or park on any street any vehicle for the primary purpose of advertising.

10.04.092 Sale of Motor Vehicles on Private Property. Except for the owner of a private motor vehicle offering not more than one (1) vehicle for sale on their own property, no person shall offer or allow to be offered for sale a motor vehicle, whether attended or not, upon any private property within the City, not properly zoned and licensed for the sale of motor vehicles. This section shall not prohibit a person from operating a vehicle on a public right-of-way or legally parking a vehicle in a public parking space, bearing a for sale sign, for a period of time reasonably necessary for said person to accomplish a purpose unrelated to the display or offering for sale of the vehicle. In the event of a violation of this Section, a warning notice/notice of violation shall be posted upon any offending vehicle(s) and/or property deemed to be in violation of this Ordinance, allowing the vehicle, business and/or property owner(s) 24 hours in which to abate said violation. This notice shall be affixed to the offending vehicle and/or property, and shall indicate the offense and timeframe for removal of said violation upon property, noting that the owner/occupant of the property may be issued a Municipal Citation in the amount of \$20.00 plus court costs, for each day of violation. The offending vehicle(s) may also be towed from the property, at the owner's expense. (Adopted February 13, 2007)

## Section 10.04.100 Penalties

### Subsections:

- 10.04.101 Forfeiture Penalty
- 10.04.102 Other Dispositions and Sanctions
- 10.04.103 Forfeitures for Uniform Traffic Offenses
- 10.04.104 Forfeitures for Parking Violations

10.04.101 Forfeiture Penalty. The penalty for violation of any provision of this Ordinance shall be a forfeiture as hereinafter provided together with the costs of prosecution and the penalty assessment imposed by Section 165.87, Wis. Stats., where applicable. Payment of the judgment may be suspended by the sentencing judge for not more than 60 days. Any person who shall fail to pay the amount of the forfeiture, costs of prosecution and penalty imposed for violation of any provision of this code may, upon order of the court entering judgment therefore and having jurisdiction of the case, be imprisoned until such forfeiture, costs and assessment are paid, but not exceeding 90 days.

10.04.102 Other Dispositions and Sanctions.

a) Nothing herein shall preclude or affect the power of the sentencing court to exercise additional authorities granted by the Wis. Stats. to suspend or revoke the operating privileges of the defendant or to order the defendant to submit to assessment and rehabilitation or attend traffic safety school in addition to payment of a monetary penalty or in lieu of imprisonment.

b) If the court finds that a juvenile violated a civil law or Ordinance, the juvenile shall be subject to the dispositions and sanctions authorized by Section 1.08.025, City of Whitehall Code of Ordinances. (Amended January 13, 1998)

10.04.103 Forfeitures for Uniform Traffic Offenses. Forfeitures for violations of any traffic regulation set forth in the Wis. Stats. adopted by reference in Section 10.04.010 of this Ordinance shall conform to the forfeiture penalty permitted to be imposed for violations for the comparable State Statute, including any variations or increases for subsequent offenses; provided, however, that this subsection shall not permit prosecution under this Ordinance of any offense for which an imprisonment, penalty or fine may be imposed upon the defendant.

10.04.104 Forfeitures for Parking Violations.

a) Forfeitures for Uniform Statewide Parking, Stopping and Standing Offenses: Minimum and maximum forfeitures for violation of the offenses described in Sections 346.51 to 346.55, Wis. Stats., adopted by reference in Section 10.04.010 of this Ordinance shall be:

<u>OFFENSE</u>	<u>FORFEITURE</u>	
	Minimum	Maximum
346.51(1) Improper parking on/off roadway	\$10.00	\$200.00
346.52(1) Stopping/Standing in prohibited areas	\$10.00	\$40.00
2 <sup>nd</sup> conviction within one year	\$20.00	\$100.00
346.52(2) Stopping/Standing on highway by grade school	\$10.00	\$40.00
2 <sup>nd</sup> conviction within one year	\$20.00	\$100.00
346.53 Parking/standing where prohibited	\$10.00	\$40.00
2 <sup>nd</sup> conviction within one year	\$20.00	\$100.00
346.54 Improper parking/standing of vehicles	\$10.00	\$40.00
2 <sup>nd</sup> conviction within one year	\$20.00	\$100.00
346.55(1) Parking on left side of highway	\$20.00	\$200.00
346.55(2) Parking vehicle for sale on highway	\$20.00	\$200.00
346.55(3) Parking on posted and private property	\$10.00	\$100.00
346.55(4) 2 <sup>nd</sup> conviction within one year	\$40.00	\$100.00

b) Overtime Parking. The forfeiture for violations of the provisions of Section 10.04.075 of this Ordinance relating to limited time parking shall not be less than \$10.00 nor more than \$50.00 for the first offense within 24 hours and not less than \$20.00 nor more than \$100.00 for the second or subsequent offenses within 24 hours, all together with court costs and costs of prosecution, if any. Each two (2) hours during which a violation occurs or continues to occur shall be considered a separate offense.

c) Penalty For Other Parking Violations. The penalty for all other parking violations not included under paragraphs (a) or (b) above, shall be a forfeiture of not less than \$10.00 nor more than \$100.00, plus court costs and costs of prosecution, if any.

### Section 10.04.110 Enforcement

#### Subsections:

- 10.04.111 General
- 10.04.112 Applicable Court Procedures
- 10.04.113 Uniform Citation and Complaint
- 10.04.114 Parking Citations
- 10.04.115 Deposits and Stipulations

10.04.111 General. This Ordinance shall be enforced in accordance with the applicable provisions of the Wis. Stats. and this Section.

10.04.112 Applicable Court Procedures. Except where otherwise specifically provided by the laws of the State of Wisconsin or this Ordinance, the traffic regulations in this Ordinance shall be enforced in the Circuit Court of Trempealeau County in accordance with the provisions of Chapters 345 and 799, Wis. Stats.

10.04.113 Uniform Citation and Complaint. The Wisconsin Uniform Traffic Citation and Complaint described and defined in the Wis. Stats. shall be used for enforcement of all provisions of this code except those provisions which describe or define non-moving traffic violations and violations of Sections 346.71 through 346.73, Wis. Stats. Violations of Section 346.71 through 346.73, Wis. Stats., shall be reported to the District Attorney and the Wisconsin Uniform Traffic Citation shall not be used in such cases except upon written request of the District Attorney.

10.04.114 Parking Citations. The City Attorney shall recommend a citation for the use in enforcing the non-moving traffic offenses in this Code. When approved by the City Council, such citation shall be used for enforcement of non-moving traffic regulations created or adopted by this code, including violations of non-moving traffic regulations defined and described in the Wis. Stats., adopted by reference in Section 10.04.010 and all provisions of Sections 10.04.070 and 10.04.080 of this Code. The citation for non-moving traffic violations shall contain a notice that the person cited by discharge of the forfeiture for the violation of a non-moving traffic regulation and penalty thereof by complying with sub. 10.04.115(b) of this Section. The citation form attached

hereto is hereby approved for non-moving violations. Non-moving traffic citations may be issued by law enforcement officers or by civilian employees of the Police Department.

10.04.115 Deposits and Stipulations.

- a) Moving Traffic Offenses:
  - 1) Who may make. Persons arrested or cited for violation of moving traffic offenses created by this code shall be permitted to make deposits and stipulations of no contest or releases by the arresting office in accordance with the applicable provisions of the Wis. Stats.
  - 2) Delivery or Mailing of Deposit and Stipulation. The deposit and stipulation shall be delivered personally by the person cited or mailed to the office of the Clerk of Courts, Trempealeau County Courthouse, Whitehall, Wisconsin.
  - 3) Receipt Required. The official or person receiving the deposit shall furnish and deliver or mail an original receipt for such deposit to the alleged violator and shall deliver the deposit and stipulation, and a copy of the receipt within five (5) days to the Clerk of Courts.
  
- b) Non-Moving Traffic Offenses:
  - 1) Direct Payment of Penalty Permitted. Persons cited for violation of non-moving traffic offenses described and defined in this code may discharge the penalty thereof and avoid court prosecution by forwarding within 10 days of the issuance of the citation to the City Clerk the minimum penalty specified for the violation. When payment is made as provided in this paragraph, no court costs shall be charged.
  - 2) Court Prosecution. If the alleged violator does not deliver or mail a deposit as provided in sub. 1), within 10 days of the date of the citation the City Clerk shall forward a copy of the citation to the City Attorney for prosecution pursuant to law.

## Chapter 10.35

### REGULATION OF NEIGHBORHOOD ELECTRIC VEHICLES

#### Sections:

- 10.35.010 Neighborhood Electric Vehicles Defined
- 10.05.020 Permitted Uses of Neighborhood Electric Vehicles
- 10.35.030 Permitted Users of Neighborhood Electric Vehicles
- 10.35.040 Operation of Neighborhood Electric Vehicles
- 10.35.050 License
- 10.35.060 Enforcement

10.35.010 Neighborhood Electric Vehicles Defined. “Neighborhood Electric Vehicles” (NEV) means a self propelled motor vehicle that has successfully completed the Neighborhood Electric Vehicle America Test Program conducted by the Federal Department of Energy and that conforms to the definition and requirements for low speed vehicles as adopted in the Federal Motor Vehicle Safety Standards for “low-speed vehicles” under 49 CFR 571.3(b) and 571.500. NEV’s shall be 4-wheeled and have a speed range of at least 20 miles per hour and not more than 25 miles per hour on a paved surface and have a gross vehicle weight at rest of less than 2,500 pounds. NEV does not include an electric golf cart. All NEV’s shall have:

- a) Headlamps;
- b) Front and rear turn signals;
- c) Stop lamps;
- d) Reflex reflectors; one red on each side as far to the rear as practicable, and one red on the rear;
- e) An exterior mirror mounted on the driver’s side and either an exterior mirror on the passenger side or an interior rearview mirror;
- f) Parking brake;
- g) A windshield that conforms to the requirements of the Federal Motor Safety Standard on Glazing Materials (49 CFR 571.205);
- h) A Vehicle Identification Number (VIN) that complies with federal law 949 CFR 565;
- i) A Type 1 or Type 2 seatbelt assembly conforming to 49 CFR 571.209, and Federal Motor Safety Standard No. 209, for each designated seating position; and
- j) Meets the general test conditions under 49 CFR 571.50056.

10.35.020 Permitted Uses of Neighborhood Electric Vehicles. A licensed individual may operate an NEV on all streets of the City of Whitehall having a posted speed limit of 35 miles per hour or less.

10.35.030 Permitted Users of Neighborhood Electric Vehicles. To use a NEV on City streets as set forth in 10.35.020 above, the individual must have a valid Wisconsin driver's license.

10.35.040 Operation of Neighborhood Electric Vehicles. The operation of NEV's as permitted herein shall comply in all respects with Chapter 10.04 of the Code of Ordinances of the City of Whitehall.

10.35.050 License. NEV's shall be licensed by the State of Wisconsin. The license shall be displayed as required by the State of Wisconsin.

10.35.060 Enforcement. Enforcement of this Ordinance regulating the use of NEV's within the City shall be pursuant to Sections 10.04.100 and 10.04.110 of this Code of Ordinances. If not otherwise provided, the penalty for the improper or unauthorized use of a NEV within the City of Whitehall shall be \$100.00 plus Court costs, per occurrence.

(Chapter Adopted April 8, 2008)

## Chapter 10.36

### SNOWMOBILES

#### Sections:

- 10.36.010 Designated Trails
- 10.36.020 Hours of Operation and General Requirements
- 10.36.030 Uniform Offenses
- 10.36.040 Penalties
- 10.36.050 Severability

10.36.010 Designated Trails. No person shall operate a snowmobile within the City limits of the City of Whitehall except upon a designated trail within the City as hereinafter defined or upon the shortest and most reasonable normally traveled course as between the individual's place of residence and the closest designated trail, and strictly for the purpose of access to and from said trail. The designated snowmobile trails within the City of Whitehall are:

- a) On Roosevelt Street from Melby Street to Mill Street
- b) On Mill Street
- c) On Scranton Street from Mill Street to Abrams Street
- d) On Abrams Street from the Railroad Crossing to Blair Street
- e) On Blair Street from Abrams Street to Ellis Street.
- f) On Ellis Street from Blair Street to Larson Park to the Golf Course Trail
- g) On Melby Street from Roosevelt Street to Owen Street
- h) On Owen Street from Melby Street to Clarke Street
- i) On Clarke Street from Owen Street to Lee Street
- j) On Lee Street from Clarke Street to north right-of-way of US Highway 53
- k) On Hobson Street from West Street to Kopp Street
- l) On Kopp Street to Highway 121 to First Street (extend)
- m) On First Street to Elm Street
- n) On Hartwill Street from Elm Street to West Street
- o) On West Street from Hobson Street to Golf Course

(Amended December 26, 2000)

#### 10.36.020 Hours of Operation and General Requirements.

- a) No person shall operate a snowmobile within the City of Whitehall after 9:30 p.m. unless it is expressly for the purpose of returning directly to his or her place of residence from some point outside the City Limits.
- b) No person shall operate a snowmobile upon private property within the City of Whitehall without first securing the permission or consent of the owner of such property.

- c) No person shall operate a snowmobile within the City either in such a condition or in such a manner as to cause an unreasonable and unnecessary noise or disturbance.
- d) No person shall operate a snowmobile within the City of Whitehall designated trails in excess of 10 miles per hour.

10.36.030 Uniform Offenses. The City of Whitehall does enact and adopt by reference all rules and requirements which relate to snowmobiles and their operation as contained within Chapter 350 of the Wisconsin State Statutes.

10.36.040 Penalties. The penalty for violation of any provision of this Ordinance shall be as follows:

- a) First Offense – forfeiture of \$50.00 plus Court Costs, or in the discretion of the Officer, a warning citation.
- b) Second Offense – \$100.00 forfeiture plus Court Costs.
- c) Third Offense – \$200.00 forfeiture plus Court Costs, and report of offense to the State of Wisconsin, acting through the Department of Natural Resources, with a request that the snowmobile registration be revoked.  
(Amended March 9, 2004)

10.36.050 Severability. The provisions of this Ordinance shall be deemed severable and it is expressly declared that the Common Council would have passed the other provisions of this chapter 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. (December 30, 1974).

## Chapter 10.38

### ALL-TERRAIN VEHICLES

#### Sections:

10.38.010	Operation Restricted
10.38.020	State Statutes Adopted
10.38.030	Operation on Streets and Designated ATV Routes
10.38.040	Hours of Operation and General Requirements
10.38.050	Penalties
10.38.060	Severability

10.38.010 Operation Restricted. No person may operate an All-Terrain Vehicle as defined in Wisconsin State Statutes 340.01(2g), (hereinafter referred to as “ATV”) in the City of Whitehall except in compliance with this Chapter.

10.38.020 State Statutes Adopted. The City of Whitehall does enact and adopt by reference all rules and requirements which relate to ATV’s and their operation as contained within Chapter 23.33 of the Wis. Stats., except for the following statute subsections: (2g), (4z) and (10). A violation of any such statute provisions shall constitute a violation of this Ordinance.

10.38.030 Operation on Streets and Designated ATV Routes. Except as provided for in Section 10.38.040 f) and g) of this Ordinance, no person shall operate an ATV within the City limits of the City of Whitehall except upon a City maintained street which is the shortest and most reasonable normal travel course as between the individual’s place of residence and the closest designated ATV route. ATV’s may be operated on City maintained streets that are not designated ATV routes only for the purpose of direct access to or from a designated ATV route. The designated ATV routes within the City of Whitehall are:

- a) On North River Road from City limits to Main Street (US Highway 53)
- b) On Main Street (US Highway 53) from North River Road to a point 200 feet south of the Trempealeau River Bridge (ATV’s to cross bridge using the bridge sidewalk, yielding to pedestrian traffic).
- c) On Ellis Street from the north end to Blair Street.
- d) On Blair Street.
- e) On Abrams Street from Blair Street to Railroad crossing.
- f) On Scranton Street from Abrams Street to Mill Street.
- g) On Mill Street.
- h) On Roosevelt Street from Mill Street to Ervin Street.
- i) On Claire Street from Ervin Street to Anderson Street.
- j) On Melby Street from Roosevelt Street to Owen Street.
- k) On Owen Street from Melby Street to Clarke Street.

- l) On Hartwill Street from Maranatha Place to Elm Street.
- m) On Elm Street from Hartwill Street to Second Street.
- n) On Second Street.
- o) On Jurowski Drive from Second Street to Dewey Street.
- p) On Kopp Street.
- q) On Hobson Street from Kopp Street to West Street.
- r) On West Street from Hobson Street to Blair Street.

10.38.040 Hours of Operation and General Requirements.

- a) No person shall operate an ATV within the City of Whitehall after 9:30 p.m. unless it is expressly for the purpose of returning directly to his or her place of residence from some point outside the City limits, or except for a person which resides outside the City limits leaving the City using the most direct route.
- b) No person shall operate an ATV within the City of Whitehall in excess of 10 miles per hour.
- c) Unless otherwise designated in this Ordinance, persons operating ATV's shall stay as far to the right as possible on the roadway portion when traveling on City streets or routes. ATV's shall only be operated on the paved portions of City streets or routes.
- d) ATV's shall be ridden only in single file.
- e) Persons operating ATV's shall stop at all intersections and shall obey all traffic signs, signals and rules of the road, except as modified by this Ordinance.
- f) No person shall operate an ATV upon private property within the City of Whitehall without first securing the permission or consent of the owner of such property.
- g) No ATV may be operated on any City owned property, other than streets or routes, except pursuant to written permission issued in advance by the Mayor or Chief of Police.
- h) Except for a person authorized by the City or ATV Club to perform trail maintenance, no person operating an ATV shall tow any person, thing or apparatus.
- i) No person under the age of 12 years may operate an ATV in the City of Whitehall.
- j) No person under 16 years of age, but at least 12 years of age, may operate an ATV in the City of Whitehall unless he or she holds a valid ATV Safety Certificate issued by the State of Wisconsin.
- k) No person shall operate an ATV within the City either in such a condition or in such a manner as to cause an unreasonable and unnecessary noise or disturbance.

10.38.050 Penalties. The penalty for violation of any provision of this Ordinance shall be as follows:

- a) First Offense – forfeiture of \$50.00 plus Court costs, or in discretion of the officer, a warning citation.
- b) Second Offense - \$100.00 forfeiture plus Court costs.
- c) Third Offense - \$200.00 forfeiture plus Court costs, and report of offense to the State of Wisconsin, acting through the Department of Natural Resources, with a request that the ATV registration be revoked.

10.38.060 Severability. The provisions of this Ordinance shall be deemed severable and it is expressly declared that the Common Council would have passed the other provisions of this chapter 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.

(Adopted March 9, 2004)

## Chapter 10.39

### OPERATION OF GOLF CARTS ON CITY STREETS, ROUTES AND HIGHWAY CROSSINGS

#### Sections:

10.39.010	Operation Restricted
10.39.015	Golf Cart Defined
10.39.020	State Statute Authority
10.39.030	Operation on Streets and Designated Routes
10.39.035	Designated Highway Crossing Points
10.39.040	General Rules and Requirements
10.39.050	Penalties
10.39.060	Severability

10.39.010 Operation Restricted. No person may operate a golf cart, on the streets, alleys, routes and highways in the City of Whitehall, except in compliance with this Chapter.

10.39.015 Golf Cart Defined. For the purpose of this Ordinance Chapter, “Golf Cart” shall be defined as a three (3) or four (4) wheeled motorized vehicle, designed and built exclusively for the transport of persons and golf equipment, and approved for use on golf courses.

10.39.020 State Statute Authority. This Ordinance is adopted under the authority of Sections 349.18(1) (b) and (c) of Wisconsin Statutes 2003/04.

10.39.030 Operation on Streets and Designated Routes. Except as provided for in Section 10.39.040 f) and g) of this Ordinance, no person shall operate a golf cart within the City limits of the City of Whitehall except upon a designated golf cart street or route within the City as hereinafter defined, or upon a City maintained street which is the shortest and most direct travel course between the individual’s place of residence and the closest designated golf cart route. Golf carts may be operated on City streets and routes only for the purpose of traveling directly between the Whitehall Public Golf Course and owner/operator’s place of residence, or other structure owned/leased by the operator, where the cart is kept, not to exceed one mile. The designated golf cart streets and routes are as follows, said streets and routes being delineated by All-Terrain Vehicle signage:

- a) On Ellis Street from the north end to Blair Street.
- b) On Blair Street.
- c) On Abrams Street from Blair Street to Railroad crossing.
- d) On Scranton Street from Abrams Street to Mill Street.
- e) On Mill Street.
- f) On Roosevelt Street from Mill Street to Ervin Street.
- g) On Claire Street from Ervin Street to Anderson Street.

- h) On Melby Street from Roosevelt Street to Owen Street.
- i) On Owen Street from Melby Street to Clarke Street.
- j) On Hartwill Street from Maranatha Place to Elm Street.
- k) On Elm Street from Hartwill Street to Second Street.
- l) On Second Street.
- m) On Jurowski Drive from Second Street to Dewey Street.
- n) On Kopp Street.
- o) On Hobson Street from Kopp Street to West Street.
- p) On West Street from Hobson Street to Whitehall Public Golf Course.

10.39.035 Designated Highway Crossing Points. The following have been designated as golf cart crossing points upon the highways within the City of Whitehall:

- a) Highway 53 crossing at Blair Street.
- b) Highway 53 crossing at Roosevelt/Claire Street.
- c) Highway 121 crossing at West Street.
- d) Highway 121 crossing at Jurowski/Kopp Street.

10.39.040 General Rules and Requirements.

- a) No person may operate a golf cart upon any street, route, or highway crossing during hours of darkness unless all headlamps and tail lamps as required herein, are lighted. Any golf cart operated on City streets, routes and highway crossings during hours of darkness must be equipped with at least one (1) lighted lamp upon the front of the golf cart, emitting a white or amber colored light capable of revealing persons and objects 75 feet ahead, such lamp(s) to be located at a height of not more than 54 inches nor less than 24 inches; and shall be equipped with at least one (1) tail lamp mounted on the rear which emits a red light plainly visible from a distance of 500 feet to the rear, such rear lamp shall be located at a height of not more than 72 inches nor less than 20 inches.
- b) No person shall operate a golf cart upon the City streets, routes or highway crossings at a speed in excess of 10 miles per hour.
- c) Unless otherwise designated in this Ordinance, persons operating golf carts on City streets or routes shall stay as far to the right as possible on the roadway portion. Golf carts shall only be operated on the paved portions of City streets or routes.
- d) Golf carts operated on City streets or routes shall be ridden only in single file.
- e) Persons operating golf carts on City streets or routes shall stop at all intersections and shall obey all traffic signs, signals and rules of the road, except as modified by this Ordinance.
- f) No person shall operate a golf cart upon private property within the City of Whitehall, without first securing the permission or consent of the owner of such property.

- g) No golf cart may be operated on any City owned property, other than the public golf course properties or streets or routes, except pursuant to written permission issued in advance by the Mayor or Chief of Police.
- h) Except for a person authorized by the City, no person operating a golf cart on City streets or routes shall tow any person, thing or apparatus.
- i) No person under the age of 16 years may operate a golf cart on City of Whitehall streets, routes or highway crossings.
- j) No person shall operate a golf cart on City streets or routes either in such a condition or in such a manner as to cause an unreasonable and unnecessary noise or disturbance.

10.39.050 Penalties. The penalty for violation of any provision of this Ordinance shall be as follows:

- a) First Offense – forfeiture of \$50.00 plus Court costs, or in discretion of the Officer, a warning citation.
- b) Second Offense - \$100.00 forfeiture plus Court costs.
- c) Third Offense - \$200.00 forfeiture plus Court costs.

10.39.060 Severability. The provisions of this Ordinance shall be deemed severable and it is expressly declared that the City Council would have passed the other provisions of this Chapter irrespective of whether or not one or more provisions may be declared invalid, and if any provision 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.

(Adopted April 11, 2006)

## Chapter 10.40

### BICYCLES

#### Sections:

- 10.40.010 Definition “Bicycle”
- 10.40.020 Conditions – Traffic Signals
- 10.40.030 Conditions – Rules of Road
- 10.40.040 Conditions – Riding
- 10.40.050 Conditions – Number of Persons Riding
- 10.40.060 Conditions – Ride on Right
- 10.40.070 Conditions – Speed
- 10.40.080 Conditions – Attaching Rider to Vehicle
- 10.40.090 Conditions – Carrying Packages
- 10.40.100 Conditions – Riding on Sidewalks
- 10.40.110 Conditions – Riding on Sidewalks under Age 12
- 10.40.120 Conditions – Parking
- 10.40.130 Conditions – Bicycle Equipped and Operated in Compliance with Statutes
- 10.40.140 Special Penalties

10.40.010 Definition “Bicycle”. The term “Bicycle” shall include any vehicle consisting of an arrangement or combination of two wheels, twenty inches or more in diameter, one following the other, supported by a frame propelled wholly or in part by the feet acting upon pedals. The term “person” shall mean and include one or more persons of either sex, natural persons, corporations, partnerships, associations and joint stock companies residing in or having a place of business in the City of Whitehall, Wisconsin. (1960 Code, Sec. 11.07 1961 Amendment)

10.40.020 Conditions – Traffic Signals. Any person operating a bicycle shall obey all official traffic control signals, signs and other control devices applicable to vehicles, unless otherwise directed by a police officer. (1972 Code, Sec. 5.24.090)

10.40.030 Conditions – Rules of Road. Every person riding a bicycle upon a public street or highway shall be granted all of the rights, and shall be subject to all of the duties, applicable to the driver of a vehicle by the laws of this State declaring rules of the road applicable to the driver of a vehicle. (1972 Code, Sec. 5.24.100)

10.40.040 Conditions – Riding. A person propelling a bicycle shall not ride other than astride and seated upon a permanent seat attached thereto. (1972 Code, Sec. 5.24.110)

10.40.050 Conditions – Number of Persons Riding. No bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped. (1972 Code, Sec. 5.24.120)

10.40.060 Conditions – Ride on Right. Every person operating a bicycle upon the roadway of a public street or highway shall ride as near to the right hand side of such roadway as practicable and shall not ride two abreast, except on paths or parts of a roadway set aside for the exclusive use of bicycles. Whenever a usable path for bicycles has been provided adjacent to a roadway, bicycle riders shall use such path and shall not use the roadway. (1972 Code, Sec. 5.24.130)

10.40.070 Conditions – Speed. No person shall operate a bicycle at a speed greater than is reasonable and prudent under the conditions then existing. (1972 Code, Sec. 5.24.140)

10.40.080 Conditions – Attaching Rider to Vehicle. No person riding upon a bicycle shall attach the same or himself to any vehicle upon a roadway. (1972 Code, Sec. 5.24.150)

10.40.090 Conditions – Carrying Packages. No person operating a bicycle shall carry any package, bundle or article which prevents the rider from keeping both hands upon the handlebars. (1972 Code, Sec. 5.24.160)

10.40.100 Conditions – Riding on Sidewalks. No person 12 years of age or older shall ride a bicycle upon any public sidewalk within the City of Whitehall. (1972 Code, Sec. 5.24.170)

10.40.110 Conditions – Riding on Sidewalks Under Age 12. Persons under the age of 12 shall be permitted to operate bicycles on the sidewalks of the City of Whitehall except in the business district, defined as both sides of Main Street between Blair Street and Dewey Street. (1972 Code, Sec. 5.24.180)

10.40.120 Conditions – Parking. No person shall park a bicycle upon a public street other than upon the roadway against the curb or upon the sidewalk on a rack to support the bicycle or against a building or at the curb, in such manner as to afford the least obstruction to pedestrian traffic. (1972 Code, Sec. 5.24.190)

10.40.130 Conditions – Bicycle Equipped and Operated in Compliance with Statutes. Every bicycle on a public street or highway shall be equipped and operated in compliance with Sections 346.79 through 346.81, Wis. Stats. (1972 Code, Sec. 5.24.200)

10.40.140 Special Penalties. In addition to the penalties set forth in Chapter 1.08 of this Code, a violation of this Chapter shall be punished by the penalties as set forth in Section 346.82, Wis. Stats., and/or by the confiscation of the bicycle by the Whitehall Police Department for a period of one (1) week (first offense), one (1) month (second offense) and six (6) months (third and subsequent offenses).

## Chapter 10.44

### IN-LINE SKATES AND ROLLER DEVICES

#### Sections:

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#### 10.44.010 Definitions.

- a. “In-Line Skates” means skates with wheels arranged singly in a tandem line rather than in pairs.
- b. “Right-of-way” means the right of one vehicle or pedestrian to proceed in a lawful manner in preference to another vehicle or pedestrian approaching under such circumstances of direction, speed and proximity as to give rise to danger of collision unless one grants precedence to the other.
- c. “Roller Device” means roller skates irrespective of the configuration of the wheels, roller blades, skateboards, scooters, unicycles or any other wheeled device or apparatus whether or not affixed or strapped to the body or upon which the operator rests or rides, which is propelled by power from the operator of such device, excepting bicycles.

10.44.020 State Laws Applicable. Every person using in-line skates or a roller device upon a public roadway shall be subject to the provisions of all ordinances and State laws applicable to the operator of any vehicle, except those provisions with reference to equipment of vehicle and except those provisions which by their nature would have no application.

10.44.030 Operation on Sidewalks or Walkways. Every person using in-line skates or a roller device upon a sidewalk or pedestrian walkway shall yield the right-of-way to any pedestrian and shall exercise due care when passing any other persons proceeding in the same direction. No in-line skater or person using a roller device shall use the sidewalks in the central business district, defined as both sides of Main Street between Blair Street and Dewey Street.

10.44.040 Conditions – Ride on Right. Every person using in-line skates or a roller device upon the roadway of a public street or roadway shall keep close to the right hand side (curb) as practicable. In-line skaters and persons using a roller device are prohibited to use the roadway on all State and County Trunk Highways.

10.44.050 Clinging to moving vehicles prohibited. No person using in-line skates or a roller device shall cling to or attach to any bicycle or other moving vehicle upon a public roadway, public parking lot, or public property of any type.

10.44.060 Observance of Traffic Regulations. Every person using in-line skates or a roller device shall stop for all arterial stop signs, and shall obey all official traffic control signals, signs and other control devices applicable to vehicles.

10.44.070 Yielding to Traffic. The operator of a vehicle shall yield the right-of-way to a user of in-line skates or a roller device in the same manner as for bicyclists and pedestrians under Sections 346.23, 346.24, 346.37 and 346.38 of the Wis. Stats. Every person when using in-line skates or a roller device shall, upon entering a public roadway yield the right-of-way to motor vehicles, that a person using in-line skates or a roller device shall be subject to the same regulations as bicyclists and pedestrians under Sections 346.23, 346.24, 346.37 and 346.38 of the Wis. Stats.

10.44.080 Operating During Hours of Darkness. Every person using in-line skates or a roller device upon a public roadway must during hours of darkness wear or have attached to themselves a light or reflective material that is visible for a distance of 500 feet when directly in front of lawful upper beams of headlamps on a motor vehicle.

10.44.090 Conditions – Speed. No person shall use in-line skates or a roller device at a speed greater than is reasonable and prudent under the conditions then existing, and no person using in-line skates or a roller device upon a public roadway shall participate in any game, race, speed or endurance contest with another skater, bicycle or vehicle.

10.44.100 Operation Within Public Buildings and Business Establishments Prohibited. No person may use in-line skates or a roller device within a public building or within a business establishment unless express permission is given to operate within a building and signs are posted denoting this permission.

10.44.105 Operation on Private Property and Business Property Prohibited. No person may use in-line skates or a roller device on any Private Property or Business/

Commercial Property unless express permission is given to operate on the property.  
(Adopted August 14, 2007)

10.44.110 Ramps or Jumps Prohibited on Public Property. No person using in-line skates or a roller device shall use ramps or jumps on public properties (including parking lots) unless express permission is given to the contrary for a particular event.

10.44.120 Penalties. Any person who violates any provision of this Ordinance shall forfeit not less than \$25.00 nor more than \$250.00 plus court costs. First offense will be \$25.00 plus court costs for a juvenile, or \$50.00 plus court costs for an adult. Also, any parent or guardian of any child who authorizes or knowingly permits such child to violate any of the provisions of this Chapter may be subject to the provisions of Sections 346.77 and 346.82(1), Wis. Stats.

(Chapter Adopted July 9, 1996)