# CHAPTER 22

## TRAFFIC AND VEHICULAR CONTROL

**Sec. 22.01** Regulation Of Highway And Public Way Traffic.....
**Sec. 22.02** Regulation Of Boats, Snowmobiles, And All-Terrain Vehicles.....
**Sec. 22.03** Snowmobile Routes Established.....
**Sec. 22.04** Traffic Signs, Control Devices, Prohibited Signs, Signals And Markers, Official Traffic Map.....
**Sec. 22.05** Parking.....
**Sec. 22.06** Leaving Keys In Vehicle Prohibited Parking Vehicles With Motor Running.....
**Sec. 22.07** Unattended Motorized Machinery.....
**Sec. 22.08** Traffic And Parking Regulations On School Grounds.....
**Sec. 22.09** Registration Record Of Vehicle As Evidence.....
**Sec. 22.10** School Bus Warning Lights.....
**Sec. 22.11** Heavy Traffic Routes.....
**Sec. 22.12** Inspection And Registration Of Bicycles.....
**Sec. 22.13** ATV/UTV Routes and Operation.....

## TRAFFIC AND VEHICULAR CONTROL

**Sec. 22.01** Regulation of Highway And Public Way Traffic

1. State traffic laws adopted. Except as specifically provided otherwise, all provisions of Chapters 340 to 348 and 350 of the Wisconsin Statutes and all rules promulgated by the Wisconsin Department of Transportation under the provisions of chapters 110, 347 and 348 of the Wisconsin Statutes, are hereby adopted and by reference made a part of this Municipal Code as if fully set forth herein. Any act required to be performed or prohibited by any statute or rule incorporated by reference herein are respectively required or prohibited by this ordinance.
2. Penalty
   a. The forfeiture for violation of any provision of chapters and rules adopted by reference in this Chapter shall conform to the forfeiture for violation of a comparable state offense, including all costs, fees, and assessments provided for in the Wisconsin Statutes.
   b. In the alternative to (1), the Village may issue a municipal ordinance citation for any type of violation referenced above, in conformity with state statutes.
   c. 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.
3. Reference to Statutes and Rules. The terms "Wisconsin Statutes" and "rules" wherever used in this section shall mean the then current Wisconsin Statutes, as revised and all rules promulgated by the Wisconsin Department of Transportation pursuant thereto and shall incorporate by reference any existing or future amendments.

**Sec. 22.02** Regulation of Boats, Snowmobiles, and All-Terrain Vehicles

1. State Law Adopted. Except as specifically provided in this ordinance, all provisions of chapters 23, 30, and 350 of the Wisconsin Statutes, and all rules promulgated by the Wisconsin Department of Natural Resources under chapters 23, 30, and 350 of the Wisconsin statutes, are hereby adopted and by reference made a part of this Municipal Code as if fully set forth herein. Any act required to be performed or prohibited by any statute or rule incorporated by reference herein are respectively required or prohibited by this ordinance.
2. Trespass to Public Land. Notwithstanding other provisions of this Municipal Code, or any provision of the Wisconsin statutes or rules, no person may operate a snowmobile, all-terrain vehicles, or any other recreational vehicle on any property owned, leased, controlled, maintained by the Village of Whiting or any other public entity without express permission, or otherwise allowed by law.
3. Penalty.
   a. The forfeiture for violation of any provision of the chapters and rules adopted by reference in Chapter 21 of this Municipal Code shall conform to the forfeiture for violation of a comparable state offense.
   b. In the alternative to (a), the Village may issue a citation for any type of violation referenced above, in conformity with this Municipal Code, or may issue a citation in accordance with section other provisions of State Law.
   c. 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.
   4. Reference to Statutes and Rules. The terms "Wisconsin statutes" and "rules" wherever used in this section shall mean the then current Wisconsin statutes, as revised, and all rules promulgated by the Wisconsin Department of Natural Resources pursuant thereto and shall incorporate by reference any existing or future amendments.

**Sec. 22.03** Snowmobile Routes Established

1. OPERATION PERMITTED. Except as provided in Sections 350.02 and 350.045 of the Wisconsin Statutes, no person shall operate a snowmobile upon any public right-of-way, in any public park, or on any other public municipal property in the Village except as provided herein, snowmobiles may be operated on Village streets only for the purpose of accessing established snowmobile trails.
2. SPEED. No person shall operate a snowmobile upon any public highway within the Village at a speed in excess of fifteen (15) miles per hour within five hundred (500) feet of a dwelling. No person shall operate a

snowmobile on any trial designated in this Municipal Code or in any public park or recreation area at a speed in excess of the posted limit.

3. HOURS OF OPERATION RESTRICTED. No person shall operate a snowmobile or other off-highway vehicle anywhere within the Village between the hours of 1:00 a.m. and 6:00 a.m., except to return home by the most direct route.
4. UNATTENDED VEHICLES. No person shall leave or allow a snowmobile owned or operated by him to remain unattended on any public highway or public property while the motor is running or with the starting key left in the ignition.
5. OPERATION ON SIDEWALKS PROHIBITED. No person shall operate a snowmobile upon any sidewalk, pedestrian way or upon the area between the sidewalk and the curb line of any street in the Village, except as specifically authorized herein or for the purpose of crossing to obtain immediate access to an authorized area of operation.
6. SNOWMOBILE AND OTHER OFF-HIGHWAY VEHICLE OPERATION RESTRICTED. It shall be unlawful to operate any snowmobile or any other motor-driven craft or vehicle principally manufactured for off-highway use on the Village streets, alleys, parks, parking lots, or on any public lands or private lands or parking lots held open to the public. The operator shall at all times have the express consent of the owner before operation of such craft or vehicle on private property not owned or controlled by him.

**Sec. 22.04** Traffic Signs, Control Devices, Prohibited Signs, Signals and Markers, Official Traffic Map

1. PUBLIC WORKS COMMITTEE CHAIRMAN TO ERECT AND INSTALL UNIFORM TRAFFIC CONTROL DEVICES. Whenever traffic regulations created by this Chapter, including a State of Wisconsin traffic regulation adopted herein, require the erection of traffic control devices for enforcement, the Public Works Committee Chairman shall procure, erect and maintain uniform traffic control devices conforming to the Manual on Uniform Traffic Control Devices 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 Public Works Committee Chairman or his designee will carry out the purpose of this Chapter and give adequate warning to the users of the streets and highways of the Village of Whiting.
2. PROHIBITED SIGNS AND MARKERS IN HIGHWAYS. No person, other than an officer authorized by this Chapter 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 Village any sign, signal, marker, mark or monument unless permission is first obtained from the Public Works Committee Chairman or where applicable, the State Highway Commission. Any sign, signal, marker, mark or monument placed or maintained in violation of this subsection shall be subject to removal as provided herein.
3. REMOVAL OF UNOFFICIAL SIGNS, MARKERS, SIGNALS AND TRAFFIC CONTROL DEVICES. The Public Works Committee Chairman or his designee may remove any sign, signal, marking or other device which is placed, maintained or displayed in violation of this Chapter 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 Public Works Committee Chairman or his designee to the Village Board for review and certification at its next regular meeting following the Board 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.
4. OFFICIAL TRAFFIC MAP.
   a. Official Traffic Map Established. There is hereby established an Official Traffic Map for the Village of Whiting upon which shall be indicated no parking areas, restricted parking areas, stop signs, arterial intersections, yield signs, special limitations contained in this Chapter, as from time to time amended or modified by the Village Board 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 provision of this Section a violation of restriction, prohibition, or limitation shown on the Official Traffic Map shall be a violation of the provisions of this Chapter.

c. Map to be Maintained. A copy of the official Traffic Map shall be maintained and displayed in the office of the Clerk-Treasurer.
d. Additions to Map. The Board may from time to time make additions to or deletions from the Official Traffic Map and the Clerk-Treasurer shall keep such Official Traffic Map current.

**Sec. 22.05** Parking

1. POSTED LIMITATIONS.
   a. The Village Board may designate certain streets or portions of streets as no parking or no stopping or standing zones or as zones for parking by physically handicapped persons and may limit the hours in which the restrictions apply. The Village shall mark, by appropriate signs, each zone so designated in accordance with the provisions of Sec. 349.13, Wis. Stats.
   b. Except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic control device, no person shall stop or park a vehicle in an established no stopping or standing zone when stopping or standing is prohibited. No vehicle shall be parked in a No Parking zone during hours when parking is prohibited except physicians on emergency calls or as permitted by state law or elsewhere by this Municipal Code.
   c. The Public Works Committee Chairman is hereby granted the authority, within the reasonable exercise of police power to prohibit, limit the time or otherwise restrict the stopping, standing or parking of vehicles beyond the provisions of Chapter 346 and shall also have the authority to restrict the turning or movement of heavy traffic and to impose special weight limitations on any highway or portions thereof which, because of the weakness of the roadbed due to deterioration or climatic conditions or other special or temporary conditions would likely be seriously damaged or destroyed in the absence of any restrictions on heavy traffic movement or special weight limitations.
   d. No prohibition, restriction or limitation on parking or restriction on movement or turning of heavy traffic and imposition of special weight limits is effective, unless official traffic control devices have been placed or erected, indicating the particular prohibition, restriction or limitation.
   e. After the parking limitations on any given street have expired, any change of location of not more than one stall following expiration of the parking period allowed shall be and constitute a violation this Chapter.
2. PARKING ON MUNICIPAL BUILDING PROPERTY PROHIBITED. No unauthorized person shall leave or park any motor vehicle in or on the Village of Whiting Municipal Building Property.
3. ALL-NIGHT PARKING PROHIBITED. No person, except physicians on emergency calls, shall park any vehicle for a period of time longer than thirty (30) minutes between the hours of 2:00 a.m. and 6:00 a.m. of any day on any of the streets in the Village of Whiting.
4. PARKING LIMITATIONS ON SPECIFIED STREETS PROHIBITED AT CERTAIN TIMES DURING THE CALENDAR YEAR. No person except in accordance with one of the exceptions set forth in Section 346.50 of the Wisconsin Statutes Revised, shall leave or park any motor vehicle during the period November 15 of each year through March 31 of the following year during any day or night during said period on any day of the week on the following described streets or on portion of the following described streets:
   a. On School Street on the eastside thereof, from Hummel Lane north to Acorn Street, and on both sides of said School Street from Acorn Street north to the Village limits.
   b. On Acorn Street on the north side thereof from School Street east to Lynda Lane.
5. PARKING ON SPECIFIC STREETS PROHIBITED AT ALL TIMES. No unauthorized person shall leave or park any motor vehicle for any period of time during any day or night of any day of the week on the following described streets:
   a. The entire length of Post Road in the Village of Whiting.
   b. Whiting Avenue from Village limits to Sherman Avenue.
   c. Whiting Road from Sherman Avenue to the intersection of Tommy's Turnpike.
   d. Tommy's Turnpike from the intersection of Whiting Road and extending to the intersection of Post Road.
   e. Church Street from the Village limits and extending to the intersection of Post Road.
   f. On the northside of Elm St. from Willard St. extending East to the Village Limits.
6. PARKING OF VEHICLES OVER 10,000 POUNDS OR 16 FEET RESTRICTED.
   a. No person owning or having control of any truck, trailer, truck power unit, tractor, bus or recreation vehicle in excess of ten thousand (10,000) pounds gross weight, or over sixteen (16) feet in length, or

having an enclosed area of a height of more than eight (8) feet from the roadway, shall park same upon any street, avenue or public way in the Village between the hours of 6:00 p.m. and 7:00 a.m.

b. One (1) hour parking will be allowed between 7:00 a.m. and 6:00 p.m. the provisions of this subsection shall not be deemed to prohibit the lawful parking of such equipment upon any street, avenue or public way in the Village for the actual loading or unloading of goods, wares or merchandise, providing, however, the "loading" and "unloading," as used in this Section, shall be limited to the actual time consumed in such operation. The Village Board may, however, designate specific truck parking zones.

7. MISCELLANEOUS PARKING RESTRICTIONS.
   a. PARKING DURING SNOW REMOVAL. No person shall park, place or leave standing any automobile, truck or other vehicle on any street or public way after one (1) hour from the time such area has been designated and marked with signs or barriers by an agent of the Village indicating no parking due to snow removal. The Village Board hereby declares that an emergency exists during and following a snowstorm until the snow from the storm has been removed; therefore, this paragraph shall be controlling over any other ordinance which might in any way conflict.
   b. STREET MAINTENANCE. Whenever it is necessary to clear or repair a Village roadway or any part thereof, the Village shall post such highways or parts thereof with signs bearing the words "No Parking-Street Maintenance Work." Such signs shall be erected at least two (2) hours prior to the time that street maintenance work is to be commenced. No person shall park a motor vehicle in violation of such signs.

**Sec. 22.06** Leaving Keys in Vehicle Prohibited Parking Vehicles with Motor Running

1. LEAVING KEYS IN VEHICLE. No person shall permit any motor vehicle in his custody to stand or remain unattended on any street, alley or other public area, except an attended parking area; unless either the starting lever, throttle, steering apparatus, gear shift or ignition of the vehicle is locked and the key for such lock is removed from the vehicle.
2. PARKING VEHICLES WITH MOTOR RUNNING. No person shall park or leave standing any motor vehicle with the motor or refrigerator unit running for more than five (5) minuets within three hundred (300) feet of any residence within the Village between the hours of 10:00 p.m. and 7:00 a.m.

**Sec. 22.07** Unattended Motorized Machinery

It shall be unlawful for any person, firm or corporation to permit any construction, compaction, earth-grading or farm machinery which is self-propelled and moves upon the surface of the earth, and which is owned or controlled by him to stand for any period of time unattended without locking the ignition system or otherwise rendering said machinery inoperable so as to prevent any person unauthorized by the owner or individual in control thereof from starting said machinery.

**Sec. 22.08** Traffic and Parking Regulations on School Grounds

Pursuant to the provisions of Section 118.105, Wis. Stats., the following regulations shall apply to the grounds of any public-school grounds located within the Village:

1. PARKING. All parking on any public-school grounds from 7:30 a.m. to 4:30 p.m. shall be restricted to areas designed for parking by the School Board. When signs are erected by the School Board giving notice of such restrictions, all persons shall park only in areas designated and signed for visitor parking. There shall be no parking on said grounds between 11:00 p.m. and 6:00 a.m., except when school functions extend past 11:00 p.m.; on such nights there shall be no parking one (1) hour after the function has concluded.
2. SPEED LIMITS. No person shall at any time operate a motor vehicle upon any public-school grounds at a speed in excess of ten (10) miles per hour.
3. VEHICLES PROHIBITED AT SPECIFIED TIMES. No person shall at any time operate a motor vehicle, other than a school bus and emergency vehicle, in or upon any drive designated for buses only by sign during the hours of 7:30 a.m. to 9:00 a.m. and during the hours of 3:00 p.m. to 4:30 p.m. on any weekday during the months school is in session.

**Sec. 22.09** Registration Record of Vehicle as Evidence

When any vehicle is found upon a street or highway in violation of any provision of this Chapter 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 deemed to have committed the violation for purposes of enforcement of this chapter and shall be subject to the applicable forfeiture penalty; provided the defenses defined and described in Section 346.485(5)(b), Wis. Stats., shall be a defense for an owner charged with such violation.

**Sec. 22.10** School Bus Warning Lights

Notwithstanding the provisions of Section 346.48(2)(b)(2)., Wis. Stats., school bus operators shall use flashing red warning lights in residential and business districts when pupils or other authorized passengers are to be loaded or unloaded at locations at which there are no crosswalk or traffic signals so that pupils must cross the street or highway before being loaded or after being unloaded.

**Sec. 22.11** Heavy Traffic Routes

Under the authority of section 349.17(1) of the Wisconsin State Statutes, the Village Board does hereby enact the following restrictions respective to the movement of heavy traffic within the Village of Whiting:

1. Except as provided in (2) and (3) below, all heavy traffic is prohibited from operating on any street or highway within the jurisdictional boundaries of the Village of Whiting.
2. The following streets are designated as truck routes, and shall be used for the movement of heavy traffic within the limits of the Village of Whiting:
   a. Post Road
   b. Water Street
   c. McDill Avenue
   d. Tommy's Turnpike
   e. Whiting Road
   f. Whiting Avenue
3. The following vehicles are exempt from the restriction of this section:
   a. Vehicles owned by the Village of Whiting.
   b. Authorized emergency vehicles.
   c. Vehicles used in construction, road maintenance, or refuse collection so long as they are actually engaged in construction, road maintenance or refuse collection, or are traveling in support thereof and their movement on restricted streets or highways is absolutely necessary and is made using the most direct and shortest route from an authorized truck route.
   d. Vehicles used for the purpose of obtaining orders for supplies, of moving or delivering supplies or commodities to or from any place or business or residence which as an entrance on such street or highway so long as such movement is made using the most direct and shortest route from an authorized truck route.
   e. Any vehicle moving under the direction of a traffic officer.
   f. Any vehicle who has obtained prior authorization from the Director of Public Works.
4. The term "heavy traffic" shall have the same meaning as it is defined under Section 349.17(2) of the Wisconsin State Statues. Restrictions over the movement of heavy traffic shall not be enforced unless appropriate signage has been erected to inform, warn, prohibit and guide traffic as may be needed. Violations of the ordinance shall be enforced under Section 346.04(2) of the Wisconsin State Statues.

**Sec. 22.12** Inspection and Registration of Bicycles

1. REGISTRATION REQUIRED. No person shall operate a bicycle upon any street, sidewalk or public highway within the Village of Whiting unless said bicycle shall first have been properly registered and tagged as hereinafter provided.
2. FORM OF REGISTRATION. Every owner or operator of a bicycle within the Village shall, prior to operation, file with the Village Clerk-Treasurer a complete description of such bicycle upon a blank form to be provided for the purpose, which such filing of description shall constitute a registration of such bicycle for the purpose of this section. Such registration shall be serially numbered and kept on file by the Clerk-Treasurer as a public record.

3. IDENTIFICATION STICKER. Immediately upon the registration of the bicycle, the licensee shall affix to such bicycle a license tag or sticker, serially numbered to correspond with the registration of each bicycle. Each tag shall thereafter remain affixed to such bicycle unless removed by the Village for cause or for replacement with another tag upon re-registration. A fee of Three ($3.00) Dollars per registration shall be made for the licensing of any bicycle under the provisions of this Section. Each bicycle license shall be permanent, or until the licensee shall sell or transfer interest to said bicycle. All newly acquired bicycles shall be registered within thirty (30) days of the date of the date of purchase or acquisition or shall be subject to a One ($1.00) Dollar penalty in addition to the normal registration fee. The fee for a replacement license shall be Three ($3.00) Dollars. The sticker shall be placed upon the frame of the bicycle.
4. CHANGE OF OWNERSHIP. Within ten (10) days after any bicycle registered here under shall have changed ownership or been dismantled and taken out of operation such information shall be reported to the Police Department by the person in whose name the bicycle has been registered. The fee in case of a change of ownership or address when it is not necessary to issue a new sticker shall be One and 50/100 ($1.50) Dollars. In case of a change of ownership or address, no new sticker need be issue for the bicycle unless the sticker has been damaged or has been lost.

**SEC. 22.13** ATV/UTV Routes and Operation

1. PURPOSE. The purpose of this ordinance is to establish designated routes and operational regulations for all-terrain vehicles (ATVs) and utility terrain vehicles (UTVs) within the Village of Whiting.

2. STATUTORY AUTHORITY. This ordinance is enacted pursuant to the authority granted under Wisconsin Statutes § 23.33(8)(b). All applicable provisions of state statue § 23.33 and Portage County Ordinance 2.28 are hereby adopted by reference.

3. DESIGNATED ROUTES. ATV/UTV operation is permitted on all Village of Whiting streets unless otherwise posted. This includes all paved streets designated for motor vehicle use and parking.

4. BUSINESS HIGHWAY 51/POST ROAD. Pursuant to Wis.Stat. s 23.33(11)(am)4, the Village of Whiting authorizes the operation of ATV/UTV's on that portion of Business Highway 51/Post Road within the Village extending from Minnesota Avenue to Tommy's Turnpike/Porter Road that is posted with a speed limit of 35 mph or less.

5. OPERATION PROHIBITIONS. Operation is not permitted on:

    a. Any sidewalk unless the ATV/UTV operator is performing the operation of snow removal or grass cutting.

    b. Any paved or unpaved right-of-way, path or trail not intended for motor vehicle traffic.

6. BOARD AUTHORITY TO CHANGE AUTHORIZED ROUTES. The village Board is authorized to add or close routs, either temporarily or permanently, as deemed necessary for public safety or infrastructure needs.

7. CONDITIONS. The following conditions apply to all ATV/UTV operators (and passengers where applicable) while operating within the Village of Whiting:

    a. Operators must obey the speed limit on all Village streets, which is 25 mph, unless otherwise posted.

    b. ATV/UTV operation within posted and activated school zones shall not exceed 15 mph.

    c. Machines must be operated single file, and on the right side of the roadway being traveled.

    d. Operation of ATVs/UTVs is prohibited between the hours of 11:00 p.m. and 4:00 a.m.

    e. Routes used for ATV/UTV operation must be signed in accordance with Wisconsin NR 64.12, NR64.12(7)(c), and Wisconsin Department of Transportation requirements.

    f. All operators must carry proof of valid liability insurance coverage for any ATV or UTV driven on village streets.

8. AUTHORIZED ENFORCEMENT. The provisions of this ordinance shall be enforced by the following:

    a. Any law enforcement officer authorized to enforce the laws of the state of Wisconsin, as applicable in this ordinance.

    b. The Whiting Village President or his designees, as applicable in this ordinance.

9. PENALTIES.

    a. Certain violations of this ordinance, enforceable by law officers, are subject to penalties as outlined in Wisconsin Statute Sec. 23.33(13)(a) and Portage County ordinance 2.28.

    b. Other violations of this ordinance, enforceable by the Whiting Village President or his designees, are subject to civil penalties.

    c. All provisions of Whiting ordinance Chapter 2, Sections 2.02, 2.04 Paragraphs 4 and 5, and Sections 2.05, 2.06, and 2.07 are applicable to civil penalties imposed by the Village.

    d. See Whiting ordinance Chapter 34, Section 34.02 Paragraph 1 for the current first offense civil forfeiture amount.

    e. See Whiting ordinance Chapter 34, Section 34.02 Paragraph 2 for the current second offense civil forfeiture amount.

10. SEVERABILITY. If any provision of this ordinance is found to be invalid or unenforceable, such decision shall not affect the validity of the remaining provisions. The Village of Whiting affirms that it would have enacted the remaining portions regardless of the invalidity of any part.