

Chapter 260

VEHICLES AND TRAFFIC

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[HISTORY: Adopted by the Village Board of the Village of Albany 5-11-1992 as Title 10, Ch. 1 of the 1992 Code. Amendments noted where applicable.]

GENERAL REFERENCES

Alcoholic beverages -- See Ch. 70.
Bicycles and play vehicles -- See Ch. 79.
Building construction -- See Ch. 86.
Driveways -- See Ch. 114.
Nuisances -- See Ch. 194.
Parks and navigable waters -- See Ch. 198.
Operation of vehicles in cemeteries -- See Ch. 202, § 202-12C.
Snowmobiles -- See Ch. 223.
Streets and sidewalks -- See Ch. 232.
Trees and shrubs -- See Ch. 241.
All-terrain and off-road vehicles -- See Ch. 253.
Abandoned and junked vehicles and appliances -- See Ch. 257.

ARTICLE I General Provisions

§ 260-1. State traffic laws adopted.

A. Statutes adopted. Except as otherwise specifically provided in this Code, the statutory provisions in Chs. 340 to 349 of the Wisconsin Statutes, describing and defining regulations with respect to vehicles and traffic, for which the penalty is a forfeiture only, exclusive of any regulations for which the statutory penalty is a fine or term of imprisonment or exclusively state charges, are hereby adopted and by reference made a part of this chapter as if fully set forth herein. Any act required to be performed or prohibited by any regulation incorporated herein by reference is required or prohibited by this chapter. Any future amendments, revisions or modifications of the statutory regulations in W.S.A. chs. 340 to 349 incorporated herein are intended to be made part of this chapter in order to secure to the extent legally practicable uniform statewide regulation of vehicle traffic on the highways, streets and alleys of the State of Wisconsin. Any person who shall, within the Village of Albany, Wisconsin, violate any provisions of any statute incorporated herein by reference shall be deemed guilty of an offense under this section.

B. Other state laws adopted. There are also hereby adopted by reference the following sections of the Wisconsin Statutes, but the prosecution of such offenses under this chapter shall be as provided in W.S.A. chs. 340 to 349, and the penalty for violation thereof shall be limited to a forfeiture as hereinafter provided in this chapter:

346.935	Intoxicants in motor vehicles ¹
941.01	Negligent operation of vehicle off highway
941.30	Recklessly endangering safety ²
943.11	Entry into locked vehicle
943.23	Operating motor vehicles without owner's consent

¹ Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

² Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

C. Statutes specifically incorporated by reference. Whenever this chapter incorporates by reference specific sections of the Wisconsin Statutes, such references shall mean the Wisconsin Statutes of 1989-1990, as from time to time amended, repealed or modified by the Wisconsin Legislature.

D. General references. General references in this chapter to Wisconsin statutory sections or chapters describing or defining procedures or authority for enactment or enforcement of local traffic regulations shall be deemed to refer to the most recent enactments of the Wisconsin Legislature describing or defining such procedures or authorities.

§ 260-2. State Administrative Code provisions adopted.

A. Administrative regulations adopted. The following administrative rules and regulations adopted by the Secretary of the Wisconsin Department of Transportation and published in the Wisconsin Administrative Code, exclusive of any provisions therein relating to the penalties to be imposed, are hereby adopted by reference and made part of this chapter as if fully set forth herein:

Wis. Adm. Code - MVD 3 Reciprocity - Nonresident Motor Carriers (Penalties of W.S.A. s. 341.04 apply)

Wis. Adm. Code - MVD 4 Lettering on Vehicles, Display of Evidence of Registration and Dual Permit

Wis. Adm. Code - MVD 5 Standards for Motor Vehicle Equipment

Wis. Adm. Code - MVD 6 Transportation of Explosives by Motor Vehicle

Wis. Adm. Code - MVD 17 Transportation of Explosives by Motor Vehicle

Wis. Adm. Code - MVD 18 Protective Headgear Standards and Specifications

Wis. Adm. Code - MVD 22 Standards and Specifications - Design and Mounting SMV Emblem

B. Noncompliance prohibited. No person shall operate or allow to be operated on any highway, street or alley within the village a vehicle that is not in conformity with the requirements of Subsection A or the provisions of W.S.A. s. 110.075 and ch. 347, incorporated by reference in § 260-1.

C. Owner's liability. Any owner of a vehicle not equipped as required by this section who knowingly causes or permits such vehicle to be operated on a highway in violation of this section is guilty of the violation the same as if he or she had operated the vehicle. The provisions of W.S.A. s. 347.04 relating to nonapplicability of demerit points shall apply to owners convicted of a violation of this section.

D. Safety checks.

(1) Operators to submit to inspection. When directed to do so by any law enforcement officer, the operator of any motor vehicle shall stop and submit such vehicle to an inspection and such tests as are necessary to determine whether the vehicle meets the requirements of this section or that the vehicle's equipment is in proper adjustment or repair. No

person, when operating a motor vehicle, shall fail to stop and submit such vehicle to inspection when directed to do so by any law enforcement officer as herein provided.

(2) Authority of officer. Any law enforcement officer of the village is hereby empowered whenever he or she shall have reason to believe that any provision of this section is being violated to order the operator of the vehicle to stop and to submit such vehicle to an inspection with respect to brakes, lights, turn signals, steering, horns and warning devices, glass, mirrors, exhaust systems, windshield wipers, tires and other items of equipment.

(3) Vehicle to be removed from highway. Whenever, after inspection as provided by this section, a law enforcement officer determines that a vehicle is unsafe for operation, he or she may order it removed from the highway and not operated, except for purposes of removal and repair, until the vehicle has been repaired as directed in a repair order. Repair orders may be in the form prescribed by the Secretary of the Department of Transportation under W.S.A. s. 110.075(5), and shall require the vehicle owner or operator to cause the repairs to be made and return evidence of compliance with the repair order to the department of the issuing officer within the time specified in the order.

E. Penalty. Penalty for violation of any provision of this section, including the provisions of the Wisconsin Administrative Code incorporated herein by reference, shall be as provided in Subsection C, together with the costs of prosecution and applicable penalty assessment.

§ 260-3. Official traffic signs and control devices; prohibited signs, signals and markers.

A. Duty of Street Superintendent to erect and install uniform traffic control devices. Whenever traffic regulations created by this chapter, including a State of Wisconsin traffic regulation adopted by reference in § 260-1, 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 or his designee, will carry out the purposes of this chapter and give adequate warning to users of the streets and highways of the Village of Albany.

B. Code numbers to be affixed to official traffic control devices. The Street Superintendent or his designee shall cause to be placed on each official traffic control sign a guide board, mile post, signal or marker erected under Subsection A and a code number assigned by the Wisconsin Department of Transportation, and shall also place or direct the placing of code numbers on all existing official traffic control devices as required by the laws of the State of Wisconsin.

C. 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 or marker, mark or monument unless permission is first obtained from the Street Superintendent 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 in Subsection D.

D. Removal of unofficial signs, markers, signals and traffic control devices. The Street Superintendent 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 Street Superintendent or his designee to the Village 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.

State Law Reference: W.S.A. ss. 346.41 and 349.09.

§ 260-4. 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 specifically § 260-1, and shall be subject to the applicable forfeiture penalty, provided that the defenses defined and described in W.S.A. s. 346.485(5)(b) shall be a defense for an owner charged with such violation.

§ 260-5. School bus warning lights.

A. Regulation of operators.

(1) Notwithstanding the provisions of W.S.A. s. 346.48(2)(b)2 adopted by reference in § 260-1 to the contrary and except as provided in Subsection B below, 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.

(2) The operator of a school bus equipped with flashing red warning lights shall actuate such lights at least 100 feet before stopping to load or unload pupils or other authorized passengers, and shall not extinguish such lights until loading or unloading is completed and persons who must cross the street or highway are safely across.

(3) The operator of a school bus shall use the flashing red warning lights when loading or unloading passengers from either side where the curb and sidewalk are laid on one side of the road only.

(4) The operator of a school bus shall use the flashing red warning lights when loading or unloading passengers in a residential or business district when the passengers are to be loaded or unloaded at a location at which there are:

- (a) No traffic signals.
- (b) Sidewalk and curb are laid on both sides of the street or highway.

(c) Such persons must cross the street or highway before being loaded or after being unloaded.

(5) The operator of a motor vehicle which approaches from the front or rear of any school bus which has stopped on a street or highway when the bus is displaying flashing red warning lights shall stop the vehicle not less than 20 feet from the bus and shall remain stopped until the bus resumes motion or the operator extinguishes the flashing red warning lights. The operator of a school bus which approaches the front or rear of another school bus that has stopped and is displaying red warning lights shall stop not less than 20 feet from the other bus, display its red warning lights and remain with red warning lights actuated until the other bus resumes motion or the other operator extinguishes the flashing red warning lights.

B. Pursuant to W.S.A. s. 349.21(2), the use of flashing red warning lights by school bus operators is prohibited when pupils or other authorized passengers are loaded or unloaded directly from or onto the school grounds or that portion of the right-of-way between the roadway and the school grounds in a zone designated by "School" warning signs as provided in W.S.A. s. 118.08(1), in which a street or highway borders the grounds of a school.

§ 260-6. Blue warning lights on police vehicles.

A. Pursuant to W.S.A. ss. 346.03(3), 346.94(14), 346.95(3) and 347.25(1),(1m)(a) and (b) and (4), a marked police vehicle under W.S.A. s. 340.01(3)(a) may be equipped with a blue light and a red light which flash, oscillate or rotate.

B. If the vehicle is so equipped, the lights shall be illuminated when the operator of the police vehicle is exercising the privileges granted under W.S.A. s. 346.03. The blue light shall be mounted on the passenger side of the vehicle, and the red light shall be mounted on the driver side of the vehicle. The lights shall be designed and mounted so as to be plainly visible and understandable from a distance of 500 feet during normal sunlight and during hours of darkness. No operator of a police vehicle may use the warning lights except when responding to an emergency call or when in pursuit of an actual or suspected violator of the law, when responding to but not upon returning from a fire alarm or when necessarily parked on a highway in a position which is likely to be hazardous to traffic using the highway.

§ 260-7. Accident reports.

The operator of every vehicle involved in an accident shall, immediately after such accident, file with the Police Department a copy of the report required by W.S.A. s. 346.70, if any. If the operator is unable to make such report, any occupant of the vehicle at the time of the accident capable of making such report shall have the duty to comply with this section. Such reports shall be subject to the provisions and limitations of W.S.A. ss. 346.70(4)(f) and 346.73, specifically that accident reports filed with this section shall be for the confidential use of the Department and shall not be open to public inspection except as permitted by W.S.A. s. 346.73.

ARTICLE II **Controlled Intersections; Street Traffic Regulations**

§ 260-8. 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 chapter shall obey the direction of such official traffic control device as required by the Wisconsin Statutes, incorporated by reference in § 260-1. Operators of vehicles approaching a stop sign shall stop before entering a highway as required by W.S.A. s. 346.46. Operators approaching intersections at which a yield sign has been installed shall yield the right-of-way to other vehicles as required by W.S.A. s. 346.18(6).

§ 260-9. Heavy traffic routes.

A. Heavy traffic. For the purposes of this section, "heavy traffic" means all vehicles not operating completely on pneumatic tires and all other vehicles or combination of vehicles, other than motor buses, designed or used for transporting property of any nature and having a gross weight of more than 15,000 pounds.

B. Heavy traffic routes designated. The following streets and parts of streets within the Village of Albany are hereby designated heavy traffic routes:

Name of Street	Location
Cincinnati Street	From State Highway 59 to State Street
County Trunk E (S. Mechanic Street)	South of the Highway 59 intersection to the village limits
East Main Street	From State Highway 59 and County Trunk E intersection to Summit Street
Fourth Street	From Summit Street to Cincinnati Street
Mineral Street	From Taylor Street to the village limits
State Highway 59	Through the entire village
State Street	From County Trunk E (S. Mechanic Street) to the village limits
Summit Street	From East Main Street to Fourth Street
Taylor Street	From West Main Street to Mineral Street

C. Restrictions on use of other streets by heavy traffic. No vehicle with a combined vehicle load weight exceeding 15,000 pounds shall be parked, operated or moved on any street or alley not part of the heavy traffic route designated in Subsection B above in the village, except for the purpose of obtaining orders for, moving or delivering supplies or commodities to or from a place of business or residence facing thereon. In no event shall the weight of vehicle and load on

such other street exceed the limitations of W.S.A. s. 348.15 or 348.16(3), pertaining to Class "A" highways or deliveries on Class "B" highways.

D. Administration. The Police Department shall administer this section. Administration shall include:

(1) Posting of signs. Appropriate signs shall be posted giving notice of this section and of the heavy traffic routes established herein. Yellow sign posts may also be used to designate heavy traffic routes.

(2) Construction equipment.

(a) The Police Department or Village Clerk-Treasurer may grant temporary permits to allow heavy construction equipment to use village streets or highways not designated as heavy traffic routes. These permits may be granted only when use of a nondesignated route is necessary for the equipment to reach a construction site. No permit may be issued unless the person or corporation owning the equipment agrees to reimburse and hold the village harmless for any damage done to the village street by the equipment and/or any personal injury or property damage done to the village street by the equipment and/or any personal injury or property damage caused in part or or in whole by the street damage.

(b) Village owned or operated equipment is specifically excluded from the provisions of this section.

E. Liability. Any operator, corporation, owner or agent whose heavy traffic vehicle damages any village streets or highways in violating this section shall be liable and required to pay the village the cost of repair or replacement of the damaged street or highway.

F. Special and seasonal weight limitations. The Chief of Police shall have the authority to impose special or seasonal weight limits on any highway, bridge or culvert maintained by the village 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 proving of § 260-3.

§ 260-10. One-way streets.

Pursuant to W.S.A. s. 349.10, the following streets and parts thereof are declared to be one-way streets, and no person shall operate any vehicle thereon except in the indicated direction:

Name of Street	Direction of Travel	Location
Fifth Avenue	Southbound	Between Fourth Street and E. Main Street
Main Street and Mechanic Street	Northbound and eastbound	The alley extending from Main Street on the south to Mechanic Street on the east

N. Jackson Street	Southbound	Between Washington Street and Mineral Street
North Water Street	Northbound	Between Main Street and Milwaukee Street
School Street	Northbound	Between Fifth Street and Main Street
Washington Street	Westbound	Between Sugar River Parkway and North Jackson Street

**ARTICLE III
Parking Regulations**

§ 260-11. Restriction on parking; posted limitations.

A. Forty-eight-hour limitation. No person, firm or corporation shall park or leave standing any automobile, truck, tractor, trailer or vehicle of any description on any public street or public parking lot in the Village of Albany for a period of 48 or more consecutive hours in the same location at any time, except that where more restrictive parking limits have been established, the more restrictive limits shall apply. The Chief of Police and/or Street Superintendent may authorize temporary parking for a longer period of time; such authorization may be withdrawn on twenty-four-hour notice. When any law enforcement officer shall find a vehicle standing upon a public street or parking lot in violation of the provisions of this section, he is authorized to move such a vehicle or to require the operator in charge thereof to move such vehicle to a position permitted under this chapter. The law enforcement officer may cause said vehicle to be removed to a proper impoundment and storage area within the village where storage space is available, and in such case the owner shall pay the costs of removing said vehicle and the storage fees on said vehicle before he may recover the possession thereof.

B. Posted limitations.

(1) 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 W.S.A. s. 349.13.

(2) 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 Code.

(3) The Chief of Police 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 W.S.A. ch. 346. The Chief of Police shall 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.

(4) 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.

(5) 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 of this chapter.

(6) No overnight parking of any motor vehicle in the Ball Park Parking Lot.³

(7) No truck parking in the Ball Park Parking Lot.⁴

§ 260-12. Parking restrictions during temporary snow removal or street maintenance.

A. Street maintenance. Whenever it is necessary to clear or repair a village roadway or any part thereof, the Street Superintendent 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 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.

B. Temporary parking restrictions for special events. Pursuant to the provisions of W.S.A. s. 349.13, the Chief of Police is authorized to direct that temporary "No Parking" signs be erected during parades, festivals and other authorized events that require the regulating of vehicle stopping, standing or parking on village roadways. The temporary regulation shall be limited to the time the event exists or is likely to exist.

C. 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 hour from the time such area has been designated and marked with signs or barriers by the Street Superintendent indicating no parking due to snow removal.

§ 260-13. Stopping or parking prohibited in certain specified places.

A. 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:

(1) Within an intersection.

(2) On a crosswalk.

(3) On a sidewalk or terrace area, except when parking in such place is clearly indicated by official traffic signs or markers. "Terrace or sidewalk area" means that area between

³Editor's Note: Added at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

⁴Editor's Note: Added at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

the sidewalk and the nearest curbline running parallel or generally parallel thereto, or in the absence of a sidewalk, 10 feet beyond the curbline.

(4) Alongside or opposite any highway excavation or obstruction when such stopping or standing would obstruct traffic or when pedestrian traffic would be required to travel in the roadway.

(5) On the roadway side of any parked vehicle unless double parking is clearly indicated by official traffic signs or markers.

(6) Upon any portion of a highway where and at the time when stopping or standing is prohibited by official traffic signs indicating the prohibition of any stopping or standing, or at any time upon any street or portion of any street along any curb painted yellow as authorized by the Village Board.

(7) In any place or manner so as to obstruct, block or impede traffic.

(8) Within 10 feet of a fire hydrant, unless a greater distance is indicated by an official traffic sign.

(9) Upon any portion of a highway where and at the time when parking is prohibited, limited or restricted by official traffic signs.

(10) Upon any bridge.

(11) Upon any street or highway within the village limits any vehicle which faces a direction different from the direction of normal traffic flow for the lane of traffic in which said vehicle is stopped or standing.

(12) Upon any terrace or sidewalk in the village at any time.

(13) In a loading zone.

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

C. Vehicles not to block private drive, alley or fire lane. No vehicle shall, at any time, be parked so as to unreasonably restrict the normal access to any private drive, alley or fire lane. Said access shall be deemed to be unreasonably restricted if any vehicle is parked within four feet of either side of said access. Upon discovery by a police officer or upon complaint by the owner of any such blocked drive, alley or fire lane, the Chief of Police may order said vehicle towed from such position at the risk and expense of the owner of said vehicle.

D. Parking vehicle for repair or to display for sale prohibited. No person shall stand or park a vehicle on any street, alley, public right-of-way or municipal parking lot in the village for the purpose of repairing said vehicle or to display such vehicle for sale.

§ 260-14. Parking reserved for vehicles of disabled.

When official traffic signs indicating such restriction have been erected in accordance with § 260-3, no person shall park, stop or leave standing any vehicle on any portion of a street, highway

or public or private parking facility reserved for vehicles displaying special registration plates or identification cards or emblems issued by the Wisconsin Department of Transportation or, for vehicles registered in another jurisdiction, by such other jurisdiction designating the vehicle as one used by a physically disabled person.

§ 260-15. Leaving keys in vehicle; parking vehicles with motor running.

A. Leaving keys in vehicle. No person shall permit any motor vehicle 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. Whenever any police officer shall find any vehicle standing with the key in the ignition in violation of this section, such officer is authorized to remove such key from the vehicle and deliver the key to the Police Department for safe custody.

B. 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 15 minutes within 300 feet of any residence or in any area zoned residential within the village between the hours of 10:00 p.m. and 7:00 a.m.

§ 260-16. 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.

§ 260-17. Angle parking.

A. Angle parking or parking diagonally is prohibited on all the streets, alleys and highways of the village except where vehicle parking markers indicate that angle parking is permissible. All vehicles shall park parallel to and within one foot of the curb except where streets and parking lots are so marked for angle parking.

B. No person shall at any time park any vehicle:

(1) In any direction other than the designated parking angle, where angle parking spaces are so designated and provided by appropriate markings.

(2) Backwards into angle parking spaces so designated and provided by appropriate markings.

(3) With a trailer attached or any vehicle longer than 20 feet on any street where angle parking is so provided and allowed.

§ 260-18. Parking during snow emergencies.

A. Hours.⁵

(1) After a snowfall of more than one inch, no parking shall be permitted from 2:00 a.m. to 6:00 a.m. on the following streets:

Name of Street	Location
Main Street	From Sugar River Bridge to Mechanic Street
Milwaukee Street	Between Water Street and Mechanic Street
Oak Street	Entire length
Water Street	From Milwaukee Street to the village storage shed (pumphouse #1)

(2) If snow removal is necessary from 6:00 a.m. to 2:00 a.m. on such streets, the Chief of Police may require vehicles parked thereon to be moved as needed to permit snow removal.

B. Parking is prohibited on all other village streets for 24 hours after snowfall of one inch or until snow removal is completed.

C. Any vehicle parked in violation of this section may be towed away at the direction of the Chief of Police. The towing and storage, if required, shall be charged to the owner of the vehicle.

§ 260-19. Unlawful removal of parking citations.

No person other than the owner or operator thereof shall remove a village parking ticket from a motor vehicle.

§ 260-20. Operation of motor vehicles in public parking lots.

A. Unlicensed operators prohibited. No person who does not hold a valid operator's license shall operate a vehicle in any public parking lot or ramp or in any private parking lot or ramp held out for the use of parking for the general public.

B. Traffic regulations applicable. All provisions of § 260-1 and of the Wisconsin Statutes and laws incorporated herein by reference shall be applicable on any public parking lot or ramp and on any private parking lot, road or ramp held out for use for the general public for parking or vehicular traffic.

§ 260-21. Removal of illegally parked vehicles.

⁵Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

A. Hazard to public safety. Any vehicle parked, stopped or standing upon a lot or ramp in violation of any of the provisions of this chapter is declared to be a hazard to traffic and public safety.

B. Removal by operator. Such vehicle shall be removed by the operator in charge, upon request of any traffic officer, to a position where parking is permitted or to a private or public parking or storage premises.

C. Removal by traffic officer. Any traffic officer, after issuing a citation for illegal parking, stopping or standing of an unattended vehicle in violation of this chapter, is authorized to remove such vehicle to a position where parking is permitted.

D. Removal by private service. The officer may order a motor carrier holding a permit to perform vehicle towing services, a licensed motor vehicle salvage dealer or a licensed motor vehicle dealer who performs vehicle towing services to remove and store such vehicle in any public storage garage or rental parking grounds or any facility of the person providing towing services.

E. Towing and storage charges. In addition to other penalties provided in this chapter, the owner or operator of a vehicle so removed shall pay the actual cost of moving, towing and storage. If the vehicle is towed or stored by a private motor carrier, motor vehicle salvage dealer or licensed motor vehicle dealer, actual charges regularly paid for such services shall be paid. If the vehicle is stored in a public storage garage or rental facility, customary charges for such storage shall be paid. Upon payment, a receipt shall be issued to the owner of the vehicle for the towing or storage charge.

§ 260-22. Inoperable, wrecked or discarded vehicles.

A. Storage prohibited. No person owning or having custody of any partially dismantled, nonoperable, wrecked, junked or discarded motor vehicle shall allow such vehicle to remain on any public street or highway or parking lot longer than 24 hours after notification thereof by the Police Department. Notification shall be accomplished by placing in a conspicuous place on the vehicle and by mailing or serving upon the owner or occupant in charge of the premises a written notice setting forth briefly the applicable provisions of this section and the date of the notice. Any vehicle so tagged which is not removed within 24 hours after notice is declared to be a public nuisance and may be removed as provided in § 260-21.

B. Exemptions. This section shall not apply to a motor vehicle in an appropriate storage place or depository maintained in a lawful place and manner authorized by the village.

§ 260-23. Parking of vehicles over 12,000 pounds or 21 feet restricted.⁶

No person owning or having control of any truck, trailer, boat, snowmobile trailer, truck power unit, tractor bus or recreation vehicle with a weight in excess of 12,000 pounds or over 21 feet in length or having a height of more than 10 feet from the roadway shall park the same upon any street, avenue or public way in the village zoned residential. The provisions of this section 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; provided, however, the "loading" and "unloading," as used in this section, shall be limited to the actual time

⁶Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

consumed in such operation. The Village Board may, however, designate specific truck parking zones. No overnight parking is allowed in the Ball Park Parking Lot.

§ 260-24. Parking restriction on State Highway 59.

A. It is hereby declared to be unlawful for any person to park any motor vehicle or vehicles of any nature within the paved area of State Highway 59 in the Village of Albany, Green County, Wisconsin as follows:

Name of Street	Location
East Main Street	To 100 North Mechanic Street
Highway 59	From Taylor Street intersection east to 304 West Main Street and 307 West Main Street
North Mechanic Street, east side	From curve to west property line of Parcel #3-17-391.1
North Mechanic Street, west side	From alley to Oak Street

B. Parking shall not include the stopping of a vehicle while it is attended by a person in the vehicle.

**ARTICLE IV
Miscellaneous Provisions**

§ 260-25. Motor vehicle conduct.

A. Unnecessary noise prohibited. It shall be unlawful for any person to operate a motor vehicle in such a manner which shall make or cause to be made any loud, disturbing or unnecessary sounds or noises such as may tend to annoy or disturb another in or about any public or private area in the village or to unnecessarily use a vehicle horn or other electronic sounding device emitted from any motor vehicle.

B. Unnecessary smoke prohibited. It shall be unlawful for any person to operate a motor vehicle in such a manner which shall make or cause to be made any smoke, gases or odors which are disagreeable, foul or otherwise offensive which may tend to annoy or disturb another in or about any public or private area in the Village of Albany.

C. Unnecessary acceleration prohibited. It shall be unlawful for any person to operate a motor vehicle in such a manner which shall make or cause to be made any stones, gravel, soil, dirt, water, snow, slush, ice, rubber or any other debris to be thrown by the wheels of such motor vehicle upon the person or property of any person in the village or for the driver to make any unusual move, turns or stops with a motor vehicle or any sudden veering of a vehicle to alarm or disturb any pedestrian traffic or other vehicular traffic.

D. Avoidance of traffic control device prohibited. It shall be unlawful for any person to operate a motor vehicle in such a manner as to leave the roadway and travel across private property to avoid an official traffic control device, sign or signal.

E. Operation in restricted area prohibited. It shall be unlawful for any person to operate a motor vehicle in such a manner as to leave the roadway and park, travel upon or across any public or private property, parking lot, driveway or business service area for any purpose except the official conduct of business located on said property without the consent of the owner or lessee of the property. This section shall specifically include but not be limited to:

- (1) Village park property.
- (2) School properties.
- (3) Medical facilities.
- (4) Funeral homes.
- (5) Service stations.
- (6) Grocery stores.
- (7) Restaurants.
- (8) Financial institutions.
- (9) Other similar-type businesses with service driveways or drive-up or drive-through facilities.

F. Stopping and parking prohibited. It shall be unlawful for any person to stop or park a motor vehicle in any manner on any public or private property or parking lot contrary to a regulatory sign posted thereon which may permit parking by certain persons and limits, restricts or prohibits parking as to other persons without the consent of the owner or lessee of the property. Any vehicle parked in violation of this section may be removed or towed by the property owner at the vehicle owner's expense.

§ 260-26. Motor vehicles on pedestrianways and overpasses.

No person shall operate or park any motor vehicle on any pedestrianway or pedestrian overpass within the Village of Albany except municipal or county maintenance vehicles.

§ 260-27. Driving over curbing or safety islands.

A. Driving over curbing prohibited. It shall be unlawful for any motor vehicle to be driven or backed over any curbing in the Village of Albany.

B. Driving over safety zones or islands prohibited. Whenever safety zones or safety islands are marked in accordance with the Wisconsin Uniform Traffic Control Device Manual, no operator of a vehicle shall at any time drive through or over a safety zone or safety island.

§ 260-28. Traffic and parking regulations on school district grounds.

Pursuant to the provisions of W.S.A. s. 118.105, the following regulations shall apply to the grounds of the Albany School District located within the village:

A. Parking. No person shall park any vehicle in any vehicular traveling area or parking area of the Albany School District except in conformity with posted parking regulations set forth for such vehicular travel and parking areas.

B. Speed limits. No person shall, at any time, operate a motor vehicle upon any Albany School District grounds at a speed in excess of 10 miles per hour.

C. Vehicles prohibited at specified times. No person shall, at any time, operate a motor vehicle other than a school bus or emergency vehicle in or upon any drive designated for buses only by sign on any weekday during the months school is in session.⁷

**ARTICLE V
Enforcement and Penalties**

§ 260-29. Violations and penalties.

A. Forfeiture penalty. The penalty for violation of any provision of this chapter shall be a forfeiture as hereafter provided, together with court costs and fees prescribed by W.S.A. s. 814.63(1) and (2) or 814.65(1), and the penalty assessment for moving traffic violations and the driver improvement surcharge imposed by W.S.A. ss. 165.87 and 346.655, where applicable. Payment of the judgment and applicable court costs, fees, assessments and surcharges may be suspended by the sentencing court for not more than 60 days. Any person 18 years of age or older who shall fail to pay the amount of the forfeiture, court costs, any penalty assessment or driver surcharge or other penalty imposed for violation of any provision of this chapter may, upon order of the court entering judgment therefor and having jurisdiction of the case, be imprisoned until such forfeiture, costs and assessment are paid, but not exceeding 90 days.

B. Other sanctions.

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

(2) By municipality. No person who has been convicted of a violation of any provision of this chapter shall be issued a license or permit by the village, except a dog license, until the forfeiture imposed for such violation and any penalty assessment, court costs and fees or surcharge is paid.

C. Forfeitures for violation of uniform moving traffic regulations. Forfeitures for violations of any moving traffic regulation set forth in the Wisconsin Statutes adopted by reference in § 260-1 shall conform to the forfeiture penalty permitted to be imposed for violations of the comparable Wisconsin Statute, including any variations or increases for subsequent offenses; provided, however, that this subsection shall not be construed to permit prosecution

⁷Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

under this chapter for any offense described in W.S.A. chs. 341 to 349, for which an imprisonment penalty or fine may be imposed upon the defendant.

D. Forfeitures for parking violations.

(1) Forfeitures for uniform statewide parking, stopping and standing offenses. Minimum and maximum forfeiture for violation of nonmoving traffic violations adopted by reference in § 260-1, as described in W.S.A. chs. 341 to 349, shall be as found in the current edition of the Revised Uniform State Traffic Deposit Schedule.

(2) Penalty for other parking violations. Forfeitures for violation of any parking violation shall be \$5 to \$100; however, the forfeiture shall always be \$5 if paid without a court appearance.

E. Miscellaneous regulations. The forfeiture for violation of any provisions of § 260-25 shall not be less than \$20 nor more than \$100, plus costs for the first offense, and not less than \$20 nor more than \$300 for a second offense within two years.⁸

F. Heavy traffic. Any person who shall violate any of the provisions of § 260-25 shall, upon conviction thereof, forfeit not less than \$100 nor more than \$200, together with the costs of prosecution, and not less than \$200 nor more than \$500 for the second conviction within a year, and, in default of payment of the forfeiture and costs of prosecution, shall be imprisoned in the county jail until such forfeiture and costs are paid, but not exceeding 90 days.

G. Other violations. Any person who shall violate any provision of this chapter for which a penalty is not otherwise established by this section shall be subject to a forfeiture of not less than \$20 nor more than \$300.⁹

§ 260-30. Enforcement.

A. Enforcement procedures.

(1) How enforced. This chapter shall be enforced in accordance with the applicable provisions of the Wisconsin Statutes and this section.

(2) Applicable court procedures. Except where otherwise specifically provided by the laws of the State of Wisconsin or this Code, the traffic regulations in this Code shall be enforced in Municipal Court.

B. Citations.

(1) Uniform citation and complaint. The Wisconsin Uniform Traffic Citation and Complaint described and defined in the Wisconsin Statutes shall be used for enforcement of all provisions of this chapter except those provisions which describe or define nonmoving traffic violations and violations of W.S.A. ss. 346.71 through 346.73. Violations of W.S.A. ss. 346.71 through 346.73 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.

(2) Parking citations. The Chief of Police shall recommend a citation for use in enforcing the nonmoving traffic offenses in this chapter. Such citation shall be used for

⁸Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

⁹Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

enforcement of nonmoving traffic regulations created or adopted by this chapter, including violations of nonmoving traffic regulations defined and described in the Wisconsin Statutes, adopted by reference in § 260-1, and all provisions regarding nonmoving traffic violations in this chapter. The citation for nonmoving traffic violations shall contain a notice that the person cited may discharge the forfeiture for violation of a nonmoving traffic regulation and penalty thereof by complying with Subsection C(2) of this section. Nonmoving traffic citations may be issued by law enforcement officers or by civilian employees of the Police Department.

C. Deposits and stipulations.

(1) Uniform traffic offenses.

(a) Who may make. Persons arrested or cited for violation of moving traffic offenses created by this chapter shall be permitted to make deposits and stipulations of no contest or released by the arresting officer in accordance with the applicable provisions of the Wisconsin Statutes. Stipulations of guilt or no contest may be made by persons arrested for violations of this chapter in accordance with W.S.A. s. 66.12(1)(b) whenever the provisions of W.S.A. s. 345.27 are inapplicable to such violations. Stipulations shall conform to the form contained in the uniform traffic citation and complaint under W.S.A. s. 345.11 and may be accepted within five days of the date of the alleged violation. Stipulations may be accepted by the Police Department.

(b) Delivery or mailing of deposit and stipulation. Any person stipulating guilt or no contest under the preceding subsection must make the deposit required under W.S.A. s. 345.26, or if the deposit is not established under such statute, shall deposit a forfeited penalty as provided in the schedule established by the Chief of Police and approved penalty as provided by the Village Board. Deposits may be brought or mailed within five days of the issuance of the citation in lieu of court appearance.

(c) Receipt required. Every officer accepting a stipulation under the provisions of this chapter shall comply with the provisions of W.S.A. s. 343.28, 343.30, 345.26(1)(a) and 345.27(2) and shall require the alleged violator to sign a statement of notice in substantially the form contained on the uniform traffic citation and complaint promulgated under W.S.A. s. 345.11. 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 seven days to the Municipal Court Clerk.¹⁰

(2) Nonmoving traffic offenses.

(a) Direct payment of penalty permitted. Persons cited (summons not issued) for violation of nonmoving traffic offenses described and defined in this chapter may discharge the penalty thereof and avoid court prosecution by mailing or forwarding within five days of the issuance of the citation to the Police Department the minimum forfeiture specified for the violation. If not forwarded, the penalty may be discharged by forwarding within 10 days of the date of citation to the above-named office the amount of \$25. When payment is made as provided in this subsection, no court costs shall be charged.¹¹

(b) Court prosecution. If the alleged violator does not deliver or mail a deposit as provided in Subsection C(2)(a) within 10 days of the date of the citation, the Chief of Police shall forward a copy of the citation to the Village Attorney for prosecution.

¹⁰Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

¹¹Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

(c) Registration suspension. If the alleged violator does not pay the forfeiture or appear in court in response to the citation for a nonmoving traffic violation on the date specified in the citation, or if no date is specified on the citation, within 28 days after the citation is issued, the village may ask the Wisconsin Department of Transportation to suspend the registration of the vehicle involved or refuse registration of any vehicle owned by the person pursuant to the provisions of W.S.A. s. 345.28(4) and Subsection C(3) below.

(d) Deposits returned to Village Clerk-Treasurer. Officers receiving deposits for nonmoving traffic violations under this subsection shall pay over such deposits to the Village Clerk-Treasurer within seven days of receipt. Such payment shall be accompanied by an itemized statement for each deposit of the offense charged and the name of the depositor.

(e) Bond. Any officer authorized to accept deposits under W.S.A. s. 345.26 or this section shall qualify by taking the oath prescribed by W.S.A. s. 19.01.

(3) Notice of demerit points and receipt. Every officer accepting a forfeited penalty or money deposit under this section shall receipt therefor, in triplicate, as provided in W.S.A. s. 345.26(3)(b). Every officer accepting a stipulation under the provisions of this section shall comply with the provisions of W.S.A. ss. 343.28, 343.30, 345.26(1)(a) and 345.27(2) and shall require the alleged violator to sign a statement of notice in substantially the form contained on the uniform traffic citation and complaint promulgated under W.S.A. s. 345.11.¹²

(4) Registration suspension program.

(a) The village shall participate in the Wisconsin Department of Transportation Traffic Violation and Registration Program as set forth in W.S.A. s. 345.28 and Wis. Adm. Code Trans. 128, and all amendments or changes thereto.

(b) The Police Department is hereby designated as a delegated authority for purposes of W.S.A. ss. 85.13 and 345.28 and Wis. Adm. Code Trans. 128. The Police Department is authorized to perform, on behalf of the village, all functions required of a local authority under said statutes and Code, including but not limited to:

[1] Preparing and completing all forms and notices, notifying the Wisconsin Department of Transportation of unpaid citations for nonmoving traffic violations.

[2] Specifying whether the registration of vehicles involved in unpaid citations for nonmoving traffic violations should be suspended and/or whether registration should be refused for any vehicle owned by persons with unpaid citations for nonmoving traffic violations.

[3] Determining the method by which the village will pay the Wisconsin Department of Transportation for administration of the program; establishing the effective date for participation.

[4] Taking such other action as is necessary to institute and continue participation in the Wisconsin Department of Transportation Traffic Violation and Registration Program.

(c) The Chief of Police is hereby authorized to assign a member of the Police Department to perform such acts as are necessary to effectuate this subsection.

¹²Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

(d) In addition to all applicable fines and court costs, the cost of using the Wisconsin Department of Transportation Traffic Violation and Registration Program shall be assessed as permitted by W.S.A. s. 345.28(4)(d). The Police Department may refuse to notify the Wisconsin Department of Transportation of payment on a citation until all applicable fines and costs, including costs assessed under the preceding sentence, are paid.

(e) This subsection shall not be interpreted as requiring that all unpaid citations for nonmoving traffic violations be processed through the Wisconsin Department of Transportation Traffic Violation and Registration Program. The village's participation in such program shall be in addition to any and all other means legally available to enforce such citations.