

CHAPTER 7

TRAFFIC CODE

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7.01 STATE TRAFFIC LAWS ADOPTED

- (1) Except as otherwise specifically provided in this chapter, the statutory provisions in Chapters 340 to 348 and 350, Wis. Stats., together with the provision of Chapter TRANS 305 of the Wisconsin Administrative Code, describing and defining regulations with respect to vehicles and traffic, exclusive of any provisions therein relating to penalties to be imposed and exclusive of any regulations for which the statutory penalty is a fine or term of imprisonment, are hereby adopted and by reference made a part of this chapter as if fully set forth herein. Any act required to be performed or prohibited by any statute incorporated herein by reference is required or prohibited by this chapter. Any future amendments, revisions or modifications of the statutes incorporated herein are intended to be made part of this chapter in order to secure uniform Statewide regulation of traffic on the highways, streets and alleys of the State.
- (2) **Penalty.** The penalty for violation of any provision of this section shall be a forfeiture, as hereafter provided, together with costs and penalty assessment, where applicable. Forfeitures for violation of this section shall conform to the forfeiture permitted to be imposed for violation of the statutes adopted by reference, including any variations or increases for subsequent offenses as contained in the publication entitled Revised Uniform State Traffic Deposit Schedule as printed by the state and adopted by the Wisconsin Judicial Conference.

(History: Res. 11/17/1949; Res. 02/16/1954; Res. 9/10/1957; Res. 6/26/1969; Res. 11/14/1972; Res. 01/21/1980; Res. 2016-06-04)

7.02 OFFICIAL TRAFFIC SIGNS AND SIGNALS

- (1) **Highway Commissioner Responsibility.** The county highway commissioner shall cause to be procured, erected and maintained signs and signals according to the rules of the state department of transportation and as may be required to notify the public as to the regulations and provisions of this chapter.

- (2) **Removal of Unofficial Signs and Signals.** The county highway commissioner shall have the authority granted by sec. 349.09, Wis. Stats., and is hereby directed to order the removal of a sign, signal, marking, or device placed, maintained or displayed in violation of this chapter or sec. 346.41, Wis. Stats. Any charge imposed on a premises for removal of such an illegal sign, signal, or device shall be reported to the Board of Supervisors at its next regular meeting for review and certification.

(History: Res. 2016-06-04)

7.03 SPECIFIC SPEED LIMITS

In addition to all other limits incorporated by reference, no person shall drive in excess of the following limits unless different limits are indicated by official traffic signs.

- (1) On CTH "E", 30 MPH, in the Town of Hale, unincorporated area of Pleasantville, from a point 0.14 of a mile east of the east junction with CTH "O" southwesterly for a distance of 0.32 of a mile.
- (2) On CTH "C", 40 MPH, in the Town of Ettrick, unincorporated area of Hegg, from a point 0.14 of a mile east of CTH "S" then westerly for a distance of 0.22 of a mile.

(History: Res. 7/19/1976; Res. 10/18/1976; Res. 2016-06-04)

7.04 POSTING OF TEMPORARY SPEED LIMITS

- (1) If a highway is being constructed, reconstructed, maintained, or repaired, temporary speed limits may be established as set forth in Wis. Stat. § 349.11(10).
- (2) The Trempealeau County Highway Commissioner, or designee, is authorized, at his/her discretion to impose mandatory temporary speed limits under the continuing authority of this section and without need of further action by this body.
- (3) Temporary speed limits shall be in accord with this section and shall be imposed by the posting of either portable or fixed temporary regulatory speed limit signs of the same face size and design as permanent regulatory speed limit signs, type R2-1, as described in the Manual on Uniform Traffic Control Devices as adopted by the Wisconsin Department of Transportation.
- (4) Signs may be posted on any highway under the jurisdiction of this authority (and any state trunk highway upon which this County performs maintenance under §84.07, Wis. Stats.) when such highway is being constructed, reconstructed, maintained or repaired, but only in the immediate area of such work and of those persons engaged in performing such work.
- (5) Any temporary speed limit imposed in an area where construction, reconstruction, maintenance or repair is being performed on the shoulders or what is normally the traveled portion of the roadway, or where the highway construction or maintenance workers

performing such work area necessary on the shoulders or what is normally the traveled portion of the roadway, shall be 45 mph or 10 mph less than the speed limit normally in effect for that portion of highway, whichever is the lower temporary speed limit (e.g., temporarily 35 mph in a normally 45 mph zone or temporarily 45 mph in a normally 70 mph zone).

- (6) No temporary speed limit shall be imposed when construction, reconstruction, or maintenance or repair work is being performed inside the highway right-of-way but not on the shoulders or the traveled portion of highway (e.g., work on back slopes or ditch line work).
- (7) Any speed limits imposed under the authority of this section are temporary, and the signs imposing such limits shall be removed, covered or otherwise obscured when the highway construction or maintenance workers performing construction, reconstruction, maintenance or repairs and their equipment are not present on the shoulders or traveled portion of the highway.
- (8) The area in which any temporary speed limit imposed shall be terminated by posting a regulatory speed limit sign informing the public of the specific speed limit outside of the area where construction, reconstruction, maintenance or repair work is being performed.
- (9) Nothing herein shall prohibit the Trempealeau County Highway Commissioner from posting advisory speed limit signs, of the type W13-1 as described in the Manual of Uniform Traffic Control Devices, in areas of highway construction, reconstruction, maintenance or repairs suggesting such speed as he or she deems appropriate to promote the safety of highway construction and maintenance workers, pedestrians and highway users and that such advisory signs may also be posted in conjunction with the temporary mandatory speed limit signs, as described and authorized above.

(History: Res. 2016-06-04)

7.05 TRAFFIC CONTROL SIGNS RATIFIED

All traffic control signs, signals, devices and markings, in place on the date of adoption of this Code, are expressly ratified and confirmed by the County Board.

(History: Res. 2016-06-04)

7.06 HIGHWAY WEIGHT LIMITS

- (1) Class "A" Highways Designated. All County Trunk Highways within the County of Trempealeau, State of Wisconsin, are hereby designated Class "A" highways and shall be subject to the weight limitations imposed by Wis. Stat. § 348.15.
- (2) Special and Seasonal Weight Limitations. The County Highway Department shall have the authority to impose special or seasonal weight limits to prevent injury to the roadway

of any highway, bridge or culvert within the jurisdiction of the County or for the safety of users of such highway, bridge or culvert and shall be responsible for erecting signs giving notice thereof in accordance with Wis. Stat. § 349.16.

(History: Res. 2016-06-04)

7.07 COUNTY HIGHWAY ATV ROUTES/CROSSINGS

(1) Authority and General.

- (a) **State Traffic Laws Adopted.** Except as otherwise specifically provided in this code, the statutory provisions in Chapter 23, 340 to 348, and 350 of the Wisconsin Statutes, establishing definitions and regulations with respect to all-terrain vehicles (ATV's), and Chapter NR 64, All Terrain Vehicles, WDNR, exclusive of any provisions therein relating to penalties to be imposed and exclusive of any regulations for which the statutory penalty is a fine or term of imprisonment, are hereby adopted and by reference made a part of this chapter as if fully set forth herein. Unless otherwise provided in this ordinance, any act required to be performed or prohibited by any statute incorporated herein by reference is required or prohibited by this ordinance. Any future amendments, revisions or modifications of the statutes incorporated herein are made a part of this chapter in order to secure uniform statewide regulation of ATV's.
- (b) Following due consideration of the recreational and economic value to connect trail opportunities and weighted against protecting the safety of motorists by maintaining the road edge, surface and integrity of the right-of-way, public safety, liability aspects, terrain involved, traffic density and history of automobile traffic, this ordinance has been created pursuant to County Board authority under Wis. Statutes 59.02, 23.33(11)(a) and (am), and 23.33(8).
- (c) The County Highway Department oversees the ATV Route/Crossing permit process.
- (d) ATV routes and proposed routes on or across a highway shall be investigated and monitored to insure that they have been authorized and that they do not adversely affect the use of the highway or unreasonably interfere with the peaceful enjoyment of private or public property.
- (e) *Private trails.* In addition to establishing ATV routes to connect ATV trails as defined in Section 23.33(1)(d), the County Highway Department may also establish routes for the purpose of connecting off-road trails established by private entities for the exclusive use of their members, their invitees or other persons paying a fee for use of the trail. However, the use of the route along the roadway may not be limited to those persons approved by or paying a fee to the private entity.

(2) **Designating All-Terrain Vehicle Routes.**

- (a) *ATV Routes.* County trunk highways may be designated as ATV routes only with the approval of the Highway Committee. The Highway Committee shall approve any modification to a designated ATV route. A copy of those ATV routes, along with a map showing their location, shall be kept on file at the Highway Department. The County Highway Department shall retain the sole authority for the closure or termination of any ATV route on the County Trunk Highway System.
1. *ATV Route on Roadway.* All ATVs shall operate on the roadway and not on the shoulder, ditch or other parts of the highway right-of-way on a signed ATV route.
 2. *ATV Route Violations - Penalty.* The penalty for operating an ATV off the roadway of a designated ATV route (i.e., the paved surface), other than for direct access from a trail to a roadway, or operating outside of permitted times for route use, or operating in excess of permitted speed, shall result in a forfeiture of not less than \$25.00 or more than \$250.00, plus court costs.

(3) **Permit Process.**

- (a) Any municipality or organization, that desires a route along, or a crossing over, a County Highway may request a route or crossing permit. Anyone requesting a permit shall complete an application in compliance with this policy and the Wisconsin Statutes and file the application with the Highway Department. The Highway Department and Highway Committee will review the application using the process in this ordinance. No person shall commence or continue using the County Highway, or request or allow others to commence or continue use of that County Highway, unless a permit has been issued and remains in effect.
- (b) Procedure to follow in considering a permit for an ATV Route/Crossing:
1. The Municipality or organized group may apply for a permit. The application shall be filled out completely, signed by a person authorized by the applicant, and returned to the Highway Department.
 2. The permit application will be reviewed by the Highway Department for conformance with its policies, the ordinance and with all applicable state, federal, and local laws, regulations, and policies.
 3. At a minimum the application should include:
 - (i) A map showing the portion of the highway where the route is being requested.

- (ii.) A map showing the trails which lead up to the proposed roadway route.
 - (iii.) A statement that the applicant has a lease or some other permission from landowners to use the trails shown on the map.
 - (iv.) A statement as to why the highway route is needed and efforts made to establish off-road alternatives, including the names of landowners contacted for that purpose.
 - (v.) If the application is for the use of a road to connect private trails, then include the name of the organization applying, the names and addresses of its officers, the date when the organization was established or incorporated and the number of members.
4. The County Highway Committee shall have the authority to approve applications for permits under this ordinance. The Highway Committee Chair shall indicate approval by signature before any permit may be issued. The Highway Department will retain a copy of the application on file.
- (c) Before a highway segment can be considered for designation as an ATV route, the applicant shall demonstrate to the Department and Highway Committee, and the Department and Committee shall determine, that no other practical option as a trail exists. The most important route consideration is the safety of all users: ATV riders, pedestrians, bicyclists, motorcyclists, automobile operators, truck operators and others.
 - (d) The Highway Committee may establish a fee for each permit application which shall apply to all applications. The applicant shall pay to the Highway Department a fee for each permit application according to a fee schedule as established by the County Highway Committee.
 - (e) A permit is valid for construction of a route/crossing within one year of issuance. After one year has expired, the permit will no longer be valid and a new permit must be applied for and issued before construction may be commenced or continued.
 - (f) Permits are good only for one year from the date in which they are issued. In order to seek a subsequent permit, a renewal application must be submitted and must include any revised list of organization officers or other changes.
 - (g) If the application is approved the applicant shall provide the Highway Department with a bond, letter of credit, or any other adequate form of monetary security prior to the issuance of the permit. The bond, or the like, shall be in the amount of \$100.00 for each sign required for the route and in the amount of \$250.00 for each roadway approach. The bond, or the like, shall be used and available to pay for any

replacement signage along with any labor, staff-time and installation costs and shall be used and available for any and all repair and maintenance of roadway approaches along with any labor and staff-time when the applicant fails properly maintain and/or repair roadway approaches pursuant to this ordinance.

- (h) The applicant shall construct any roadway approach or crossing utilizing a pre-approved plan and traffic control procedure explained by an authorized Highway Department employee. Each permit will be valid for one route or crossing location only. The Highway Department shall inspect the site of each route/crossing before and during construction to ensure compliance with requirements.
- (i) If the application is denied, the Highway Department shall notify the applicant in writing and explain the reason for denial.

(4) **Maintenance and other Restrictions or Requirements.**

- (a) *Time of operation.* ATV's shall not be operated on an approved ATV route other than between one half hour before sunrise and one half hour after sunset from April 15th through November 15th.
- (b) *Speed Limits.* An ATV shall be operated on a route at a safe speed not to exceed 25 miles per hour unless a reduced speed is otherwise required by State Statute.
- (c) The permittee shall furnish all materials, do all work, and pay all costs in connection with the construction or maintenance of the approach or crossing and its appurtenances within the right-of-way. The County shall not give, sell, or otherwise provide any equipment, labor or materials for the project.
- (d) Maintenance of approaches or crossings is the responsibility of the organization and /or the person signing the permit application. The Highway Department may monitor the approaches/crossings on a periodic basis. The results of these reviews may indicate a need for maintenance. In such case the Highway Department will notify the person signing the application of those needs and the permittee will have 10 days to complete the necessary maintenance/repairs. Failure of the permittee to timely complete the necessary maintenance/repairs shall result in the revocation of the permit. Upon the revocation of the permit, the Highway Department shall complete the necessary maintenance/repairs, and the costs of such work, including but not limited to labor, materials, and staff-time, shall be paid out of the bond, or the like, submitted under sub-section (3)(g).
- (e) No revisions or additions shall be made to the route/crossing or its appurtenances on the right-of-way without the written permission of the Highway Committee.
- (f) The permit shall contain a statement, and be subject to the condition, that all construction and maintenance shall be done subject to the rules and regulations

prescribed by the Highway Department and be performed and completed to the Highway Department's satisfaction.

- (g) *Removal of Obstructions.* All obstructions in the right-of-way that will impede the safe use of the route are the responsibility of the permittee for removal, including, but not limited to, trees, woody vegetation and rocks.

(5) **Route/Crossing Signage.**

- (a) *Initial Installation.* During the Highway Department review of the route or crossing, the Department will determine the necessary signage on the route or crossing. The projected costs for signage and installation shall be determined, and upon approval of the application, such costs shall be paid by the permittee prior to commencing construction on the approach or crossing. A route is not open to use until signs are installed.
- (b) *Sign Maintenance.* The Highway Department will maintain the signage necessary for the route/crossing and bill the permittee for that maintenance. Should the permittee fail to pay for the maintenance then the costs associated with the signage maintenance shall be paid out of the bond, or the like, submitted under sub-section (3)(g).

(6) **Review of Denial of Permit.**

- (a) If the Highway Department revokes a permit issued under this policy, the County Highway Committee shall, upon written request by the applicant within 30 days after the denial, review the Highway Department's decision. A written request shall be deemed made when it is received at the Highway Department office.
- (b) The County Highway Committee shall schedule a hearing at which it will consider such a request, such hearing to be held within 45 days after receipt of the request. The person making the request shall be given notice of that hearing, and at the hearing shall have the opportunity to present evidence to the committee concerning the reasons for the request.
- (c) Within 30 days after the hearing the County Highway Committee shall make its decision regarding the request. It may reverse, confirm, or modify the decision of the Highway Department. The Highway Department shall thereafter take action in conformance with the committee's decision.

(7) **Penalties and Remedies.**

- (a) Any person who violates any section of this ordinance or statutes adopted by reference, other than sub-sections (2)(a)1. & 2. and (4)(a) & (4)(b) of this section, shall pay a forfeiture of not less than \$50.00 nor more than \$500.00 for each offense.

In case of a continuing violation, each day that the violation continues may be considered a separate violation.

- (b) If it cannot readily be determined which individual is directly responsible for a violation of a construction, maintenance or other permit requirement, the person having signed the permit application shall be deemed responsible and cited for violations. A statement to that effect shall appear on the application above the signature line. A failure to pay such forfeiture may form a basis for revocation of a permit.

(History: Res. 2010-11-03; Res. 2012-01-09; Res. 2016-06-04)