

2016 Laws of the Month

DECEMBER 2016 - **Motorists need to follow common-sense precautions to meet the challenges of winter driving in Wisconsin**

No matter how many Wisconsin winters you've experienced, the inescapable onslaught of ice, snow, and limited visibility will make driving extremely challenging and at times impossible.

When roads are slick with ice or snow, drivers needlessly crash or skid off the road because they were driving too fast for conditions. "The posted speed limits, which are set for dry pavement, may be too fast for conditions when roads are snow covered and slippery. The slogan 'Snow Means Slow' also applies to four-wheel drive and other heavy-duty vehicles. They usually need just as much distance to stop as other vehicles.

A citation for driving too fast for conditions costs **\$213.10** with four demerit points assessed on the driver's record, and a second violation within a year costs **\$263.50** with four points.

Winter weather also can limit visibility, so drivers must remove all frost, ice and snow from their vehicle's windows. To see safely in all directions, you need to clear more than just a small patch on a windshield or rear window. Clearing snow and ice from the lights, hood and roof also helps improve visibility and safety.

State Law requires a vehicle's windshield, side wings, and side and rear windows must be kept clear at all times. Violating this law costs **\$175.30** with two demerit points, and a second violation within a year costs **\$213.10** with two points.

To minimize the dangers of winter driving, here are a few common-sense safety tips:

- Always wear your safety belt. You and your passengers absolutely need this protection even in low-speed "fender-bender" crashes that frequently occur on slick roads.
- Don't use your cruise control in wintry conditions. Even on roads that appear clear, there may be slippery spots, which can cause a loss of traction and a spinout if the vehicle is in the cruise-control mode.
- Watch for slippery bridge decks. They ice up faster than adjacent pavement.
- Look farther up the road than you normally do. If vehicles ahead of you are swerving or show other signs of loss of traction, you should slow down and take extra precautions.
- Brake early. It takes much longer to stop in adverse conditions.
- Don't pump anti-lock brakes. With anti-lock brakes, the correct braking method is to "stomp and steer."
- Don't be overconfident about the traction and stopping distance of four-wheel drive vehicles, which generally won't grip an icy road any better than two-wheel drive vehicles.
- Avoid cutting in front of large trucks, which take longer than automobiles to slow down or stop.
- Leave plenty of room for snowplows. By law, you must stay back at least 200 feet from the rear of a snowplow.
- Obey the Move Over Law, which requires drivers to shift lanes or slowdown in order to provide a safety zone for a law enforcement vehicle, tow truck, ambulance, fire truck, highway maintenance vehicle, or utility vehicle that is stopped on the side of a road with its warning lights flashing.
- If your vehicle slides off the road, gets stuck, or becomes disabled, stay inside it if at all possible with your seat belt fastened until a tow truck or other help arrives. If you're inside your vehicle and buckled up, you have protection against out-of-control vehicles. There's no protection outside your vehicle.

Law of the Month

November 2016 - **When vehicle deemed abandoned.**

Brooklyn Ordinance - Sec. 32-84

Whenever any vehicle has been left unattended without the permission of the property owner for more than 48 hours, the vehicle may be deemed abandoned, and if the conditions constitute a public nuisance, the provisions of chapter 24, public nuisances, will apply.

Law of the Month

October 2016 - **Intersection crashes can be prevented by obeying traffic signals**

To remind drivers that obeying traffic signs and signals at intersections can be a matter of life or death.

Intersections are some of the most dangerous places motorists encounter. There are many complex movements at intersections with vehicles entering, crossing and exiting at different points. Pedestrians and bicyclists also may be crossing at intersections. If drivers disregard the traffic controls by failing to stop completely at a red light or stop sign, they endanger themselves and others.

Failing to obey a red light, stop sign or other traffic control device at an intersection is a serious violation that costs **\$175.30** with three demerit points, according to state law. Committing a second offense within a year costs **\$213.10** with another three points.

To prevent intersection crashes, drivers must keep an alert eye on traffic moving into, though, and out of the intersection. Drivers should make it a habit to stop completely on red and not race through a yellow light to beat a red light. At a yellow light, drivers must stop unless they're so close to the intersection that they can't stop safely. Traffic engineering has improved the safety of intersections, so now it's up to drivers to do their part."

Law of the Month

September 2016 - **Open Burning Ordinance**

Sec. 12-65. Open fires and open flames

Sec. 12-66 Open burning procedures "fire pit"

Sec. 12-65. Open fires and open flames

- Prohibitions; definitions. "Open burning," as used herein, shall mean burning done outside of a building. Open burning is prohibited in the village without first obtaining a "fire pit" permit, with the following exceptions:
- Small outdoor fires used for cooking, provided they are contained within a grill designed for cooking or an outdoor fireplace with a screen to contain any embers produced by burning. The burning material should not contain yard waste or rubbish.
- Small open fires for welding, acetylene torches, safety flares, heating tar, or similar applications.
- No burning shall be allowed on or immediately adjacent to the surface of any blacktop street.
- All leaf burning is prohibited.
- Substances which may be burned. The following open burning may be conducted providing a burning permit is first obtained:
- Fires set for practice and instruction of firefighters, or the testing of firefighting equipment.
- The burning of small amounts of dry combustible rubbish not to include: wet combustible rubbish, garbage, oily substances, asphalt, plastic, or rubber products.
- The burning of trees, wood, limbs, stumps, brush, or leaves; provided, however, that such materials may be burned only in those areas zoned "agricultural" or permission of the fire chief or designee.

1. Sec. 12-66. Open burning procedures "fire pit"

- *General.* A campfire style fire maybe made as long as the site has been preapproved by the fire chief or designee and a "fire pit" permit has been issued to the owner, operator, or agent form the fire chief or designee authorized to issue such permits.

- *Requirements.* The following are the requirements for construction of a “fire pit”:
- Not nearer than ten feet to any building, in a substantial burner built of metal, concrete or brick, as approved by the fire chief or designee.
- The site should be ringed with stones of sufficient size and quantity to contain the fire.
- The site may not be located under any overhead wires.
- May not be more than four feet in diameter.
- At no point closer than ten feet from a building. At his discretion the fire chief or designee may require greater distances.
- Only wood may be burned, any may be stacked in a pile no larger than three feet high.
- *Application for “fire pit” permit; procedure for issuance of fire pit permit.* Application for a “fire pit” permit shall be made in writing upon a form furnished by the fire chief or designee authorized to issue such permits may also establish from time to time special rules or restrictions relating to open burning. Such rules may govern conditions, including, but not necessarily limited to, the following:
 - Hours when burning is allowed.
 - Material which may or may not be burned
 - What constitutes as approved burning device or incinerator.
 - Supervision required for burning, including minimum age of supervisors and type of fire extinguishing equipment which must be present at the burn site.
 - The manner in which ashes created by the burning under the permit are to be disposed of.
 - Any such restrictions hereafter adopted by the fire chief which are not specifically ordained in this section shall, provided they are printed on the face of the burning permit or attached thereto, be binding upon permit applicants; any violations of such restriction shall be punishable as violations of this section.
- *Issuance of permit.* If the fire chief or designee authorized to issue such fire pit permits, finds that the proposed burning complies with all village ordinances and the regulations of the department of natural resources as set forth in Wisconsin Administrative Code and Register, he shall officially approve the application, and a fire pot burning permit shall be subsequently issued to the applicant. A copy of any fire pot burning permit, and the application therefore, shall be kept on file with the fire chief and village clerk. If state approval is required, no local permit shall be issued until state approval is granted.
- *Notice to permittee.* Each permit issued shall provide notice of materials that may be burned and those which may not be burned and further notice to the permittee of possible civil and criminal penalties for violation of this section and of state regulations.
- Any ashes created by burning such material as is lawful under this section are to be disposed of in a manner authorized by law.
- Open burning shall be constantly attended and supervised by a competent person of at least 18 years of age until such fire is extinguished. This person shall have readily available for use such fire extinguishing equipment as may be necessary for the total control of the fire while burning and/or extinguishing such fire.
- *Outdoor fireplaces/chimeras units regulated.*
 - All outdoor fireplaces must be used according to manufacturer’s recommended requirements.
 - All fireplaces/chimeras must be equipped with screens or containment systems to prevent the release of embers or sparks. They must be equipped with supports to protect surfaces from heat generated by the units.
 - All fireplaces/chimera units may only be used on concrete or other noncombustible surfaces. The use of a unit on a wooden deck, porch, patio, or under and overhang is prohibited.
 - Only the burning of dry, non-treated wood is acceptable. No lawn clippings, construction materials, garbage, brush, or other yard waste is permitted.
- LOOKING TO HAVE A CAMPFIRE IN YOUR BACKYARD??? *Permit applications can be found online at www.brooklynwi.gov under the “forms” tab, or available at the Clerk’s office.*

Law of the Month

August 2016 - **Regulation of Dumping**
Brooklyn Ordinance 24.93

1. **Licensed Required.** It shall be unlawful for any person, firm, association or corporation to engage in the business of gathering, collecting, depositing or disposing of ashes, refuse, rubbish and other waste materials, or maintaining an area for the collection or disposition thereof, either directly or indirectly, in the village, without first obtaining a license as provided by Statutes & state administrative rules.
2. **Protection of other property.** No person, firm or corporation shall dump or deposit or cause to be dumped or deposited any rubbish, refuse, filth, ashes, garbage, manure, miscellaneous wastes or other substances in any park, road, street, highway, public or private alley in the village or upon the property in the village or upon his/her own property in the village.
3. **Protection of street, public places and water.** No part of the contents of or substance from any sink, privy, cesspool or drywell, nor any manure, garbage, ashes, refuse or other waste shall be thrown by any person or persons, or be allowed to run or drop upon or remain in any street or public place, nor shall the same be thrown into or allowed to fall or run into any of the water surrounding said village save through the public sewers.
4. **Vacant lots.** It shall be the duty of every owner, lessee or tenant of any vacant, sunken or excavated lot in the village to keep the same at all times clean and inoffensive, and when required by the village board, to provide a proper fence to prevent the dumping or depositing therein or thereupon of waste materials.
5. **Public health.** No person, firm or corporation shall allow or permit any cellar, vault, private drain, pool, sink, privy, drywell, or other place upon any premises or grounds belonging to or occupied by him or them to become offensive or injurious to the public health.
6. **Trash collection.** The village may set a time or times each year when it will remove, free of charge, such waste, refuse and other materials as are put in proper containers and placed at the street or highway curb by the owners and occupants living within the village.
7. **Penalty.** Any person, firm or corporation violating any provisions of this section shall, upon conviction thereof, forfeit to the village as defined by village fee and penalties schedule. Each day of violation shall constitute a separate offence. (Ord. of 4-20-2015, 22-4.14)

Law of the Month

July 2016 - **Regulation of Lawns and Natural Lawns**

Brooklyn Ordinance 22.07

(1) **Public Nuisance Declared.** The village board finds that lawns which exceed six (6) inches in length on lots or parcels of land within the village adversely affect the public health and safety of the public in that such lawns tend to emit pollen and other discomforting plant particles, constitute a fire hazard and constitute a safety hazard in that debris can be hidden in the grass, interferes with public convenience and adversely affects property values of other land within the village. Therefore, except with prior application and issuance of a Natural Lawn permit from the village, lawns shall be maintained to a height not to exceed six (6) inches in length. Any lawn on a parcel of land which exceeds six (6) inches in length in the absence of a Natural Lawn Permit is hereby declared to be a public nuisance.

Failure to adhere to the above Ordinance could result in a citation and a penalty of up to \$235.00.

Brooklyn Police Department

Law of the Month

June 2016 - **Are drivers on highways required to make room for merging vehicles?**

While merging from a ramp onto a multiple-lane highway, it certainly helps when drivers on the main freeway move over a lane so you can get into the flow of traffic more easily. But are drivers on the main freeway required by law to change lanes and provide a clear path for merging vehicles?

"As a matter of courtesy and safety, we encourage drivers on multiple lane highways to change lanes if possible or adjust their speed so that merging vehicles can get into the traffic flow quickly. However, drivers merging from a ramp onto a highway should be aware that vehicles on the main freeway are not legally required to move over for merging vehicle.

Here are a few suggestions for merging onto highways smoothly:

- Enter the freeway from the ramp at or near the speed of freeway traffic.
- Use your turn signals.
- Do not stop while merging unless absolutely necessary.
- Don't try to squeeze into a gap in traffic that won't provide room to react.
- If you have to cross several lanes of traffic, cross them one at a time.

Merging onto a highway can be stressful when traffic is heavy and moving rapidly. Drivers trying to merge should pay strict attention to the traffic flow and be prepared to adjust their speed. But don't expect that the drivers on the main freeway will necessarily move over for a merging vehicle.

Brooklyn Police Department