

CHAPTER 12

VEHICLE REGULATIONS

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SECTION 12.01 **VEHICLE CODE****(a) State Traffic Laws Adopted.**

(1) Statutes Adopted. Except as otherwise specifically provided in this Code, the statutory provisions in Wis. Stats. Chapters 340 to 349, 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 Chapters 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 Town of Dekorra, Wisconsin, violate any provisions of any Statute incorporated herein by reference shall be deemed guilty of an offense under this Section.

(2) 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 Wis. Stats. Chapters 340 to 348 and the penalty for violation thereof shall be limited to a forfeiture as hereinafter provided in this Chapter:

941.01	Negligent Operation of Vehicle Off Highway
941.03	Highway Obstruction
943.11	Entry into Locked Vehicle
943.23	Operating Motor Vehicles Without Owners Consent
947.045	Drinking in Motor Vehicle on Highway

(3) 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of the Wisconsin Statutes, such references shall mean the Wisconsin Statutes of 1997-98 as from time to time amended, repealed or modified by the Wisconsin Legislature, and shall include subsequent session laws.

(4) 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.

- (5) Statutory Definitions to Apply to This Chapter. Unless a term is otherwise specifically defined elsewhere in this Chapter, all terms used in this Chapter shall have the meanings given in Wis. Stats. § 340.01 or shall be interpreted in a manner consistent with the usage of the same term in Wis. Stats. Chaps. 340 through 349. Where this Chapter provides a specific definition that conflicts with the statutory definition or interpretation, the scope of the application of the specific definition shall be construed narrowly. **[Created by Ord. 2013-08.]**

(b) **State Administrative Code Provisions Adopted.**

- (1) 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. Admin. Code - TRANS 146	Vehicle Registration and Fuel Trip Permits [Penalties of Wis. Stats. §§ 341.04(3) and 341.45(b) apply]
Wis. Admin. Code - TRANS 302	Vehicle Marking
Wis. Admin. Code - TRANS 305	Standards for Vehicle Equipment
Wis. Admin. Code - TRANS 328	Motor Carrier Safety Requirements for Intrastate Transportation of Hazardous Materials
Wis. Admin. Code - TRANS 300	Transportation of School Children
Wis. Admin. Code - TRANS 304	Slow Moving Vehicle Emblem

- (2) Non-Compliance Prohibited. No person shall operate or allow to be operated on any highway, street or alley within the Town a vehicle that is not in conformity with the requirements of Subsection (a) or the provisions of Wis. Stats. § 110.075 and Wis. Stats. Chap. 347, incorporated by reference in Section 12.01(a) of this Chapter.
- (3) 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 Wis. Stats. § 347.04, relating to nonapplicability of demerit points, shall apply to owners convicted of a violation of this Section.
- (4) Safety Checks.
- (A) 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.

- (B) Authority of Officer. Any law enforcement officer of the Town 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.
- (C) 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 Wis. Stats. § 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.
- (5) Penalty. The 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 Section 1.03 of this Code, together with the costs of prosecution and any applicable assessments.

History Note: Adopted through codification, 12/28/99; amended by Ord. 2013-08.

SECTION 12.02 TRAFFIC MAP AND SIGNS**(a) Official Traffic Map.**

- (1) Official Traffic Map Established. There is hereby established an Official Traffic Map for the Town of Dekorra upon which shall be indicated no parking areas, restricted parking areas, stop signs, arterial intersections, yield signs, special speed limits, one-way highways, school crossings and all other restrictions or limitations contained in this Chapter, as from time to time amended or modified by the Town 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.
- (2) Violations Prohibited. When official traffic control devices giving notice of the restrictions, prohibitions and limitations shown on the Official Traffic Map are erected and maintained in accordance with the provisions of this Section a violation of the restriction, prohibition or limitation shown on the Official Traffic Map shall be a violation of the provisions of this Chapter.
- (3) Map to be Maintained. A copy of the Official Traffic Map shall be maintained and displayed in the Town Hall.
- (4) Additions to Map. The Town Board may from time to time make additions to or deletions from the Official Traffic Map and the Constable shall keep such Official Traffic Map current.

(b) Official Traffic Signs and Control Devices; Prohibited Signs, Signals and Markers.

- (1) Duty 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 Section 12.01, require the erection of traffic control devices for enforcement, the Town Board, with the cooperation of the Constable, 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 Town Board or its designee, will carry out the purposes of this Chapter and give adequate warning to users of the streets and highways of the Town of Dekorra.
- (2) Code Numbers to be Affixed to Official Traffic Control Devices. The Town Board or its designee shall cause to be placed on each official traffic control sign a guide board, mile post, signal or marker erected under Subsection (1), 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.

- (3) 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 Town any sign, signal, marker, mark or monument unless permission is first obtained from the Town Board 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 (4).
- (4) Removal of Unofficial Signs, Markers, Signals and Traffic Control Devices. The Town Board, or its 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 reviewed by the Town Board 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 are other special municipal taxes.

State Law Reference: Wis. Stats. §§ 346.41 and 349.09.

History Note: Adopted through codification, 12/28/99.

SECTION 12.03 **REGULATION OF PARKING****(a) No Parking Areas.**

No person shall park, stop or leave standing any vehicle, whether attended or unattended, in any of the following places in the Town, except when necessary to avoid conflict with other traffic or to comply with the directions of a traffic officer or traffic control sign or signal:

- (1) On or along the westerly side of any Town access road to Lake Wisconsin off of Beach Garden Road or County Trunk V within a distance of 100 feet from the water's edge.
- (2) On or along either side of Beach Garden Road within 500 feet from the westerly point of termination of said road.
- (3) On or along either side of Oak Knoll Road within 100 feet from the northerly point of termination of said road.
- (4) On or along the circumference of any Town road cul-de-sac bulb.
- (5) On or along the east side of Perry Street south from its intersection with Corning Street 100 feet. **[Created by Ord. 2009-10, 8/11/09.]**
- (6) On or along the south side of Corning Street east from its intersection with Perry Street 150 feet. **[Created by Ord. 2009-10, 8/11/09.]**
- (7) On or along the north side of Corning Street from its intersection with Willow Avenue west 348 feet. **[Created by Ord. 2009-10, 8/11/09.]**
- (8) On or along either side of River Oaks Road, proceeding from its intersection with County Highway V, 800 feet. **[Created by Ord. 2013-18A, 10/8/13.]**
- (9) On or along either side of Tipperary Road preceding from its intersection with Wildwood Way to its intersection with Spur Street. **[Created by Ord. 2019-02, 11-12-19.]**

(b) Obstructing Roadway Prohibited. **[New Section 12.03(b) created by Ord. 2013-08, 3/12/13.]**

- (1) No person may park, stop or leave standing any vehicle on any Town road in a residential or business district unless the vehicle is parked, stopped or stands a minimum distance of one foot off the roadway from the edge of the pavement. Parking is prohibited where compliance with this subsection is not practical. If, in the Town Chairperson's discretion, a greater distance is necessary to ensure the free flow of traffic, the minimum distance may be increased to no greater than four feet.
- (2) This subsection shall not apply to a school bus when the school bus is loading or unloading pupils or other authorized passengers where red flashing signal lights

are used as required by Wis. Stats. § 346.48(2). This subsection shall also not apply to police, fire or other emergency vehicles or vehicles engaged in highway or utility repairs in the public right of way as authorized by the Town of Dekorra, Columbia County Highway Department, State of Wisconsin or a utility company when emergency or other warning lights or signals are displayed.

- (3) Pursuant to Wis. Stats. §§ 346.13(1e)(a) and (c), these regulations shall not be effective on any road until official traffic signs have been erected on said road giving notice of the regulation.

(c) **Penalty.**

Any person violating this Ordinance shall be subject to the penalties set forth in Section 1.03 of this Code. Each day a vehicle remains in violation of this Ordinance shall constitute a new and separate offense for the purposes of this Ordinance.

(d) **Stipulation.**

A stipulation of guilt or no contest may be made in accordance with Wis. Stats. § 66.12(1)(b) by delivery of the amount of the forfeiture, together with a copy of the parking ticket, to the Town Clerk within five days of the date of the alleged violation.

(e) **Removal of Vehicle.**

In addition to the penalties provided above, if a vehicle is parked in violation of this Ordinance and is causing a hazard to traffic or has been parked for more than six hours in violation of this Ordinance, the said vehicle may be moved at the direction of a designated agent of the Town. The violator shall be required to pay any expense of removing the parked vehicle and to pay storage accruing up to the time the vehicle is released to the violator before the said vehicle is released to him.

(f) **Abandoned Vehicles.**

(1) **Definitions.**

- (A) **Street.** Any public highway or alley or the entire width between the boundary lines of any public way where any part thereof is open to the public for purposes of vehicular traffic.
- (B) **Unattended.** Unmoved from its location with no obvious sign of continuous human use.
- (C) **Vehicle.** A motor vehicle, trailer, semi-trailer, snowmobile, or mobile home, whether or not such vehicle is registered under state law. **[Amended by Ord. 2011-04, 6/14/11.]**

(2) **Abandonment Prohibited.**

- (A) Generally. No person shall leave unattended any vehicle on any public street or highway or public property for such time and under such circumstances as to cause the vehicle to reasonably appear to have been abandoned. Whenever any such vehicle has been left unattended on any street or highway or public property without the permission of the government charged with the lawful jurisdiction thereof for more than forty-eight (48) hours, the vehicle shall be deemed abandoned and constitutes a public nuisance.
- (B) Presumptions. For purposes of this Section, the following irrebuttable presumptions shall apply:
 - (i) A vehicle shall be presumed unattended if it is found in the same position forty-eight (48) hours after issuance of a traffic ticket or citation and if such traffic ticket or citation remains placed upon the windshield during the forty-eight (48) hours.
 - (ii) Any vehicle left unattended for more than forty-eight (48) hours on any public street or public ground is deemed abandoned and constitutes a nuisance. However, the vehicle shall not be deemed abandoned under this Section if it is left unattended on private property outside of public view and if it is enclosed within a building or if it is designated as not abandoned by an authorized Town official.
- (C) Exceptions. This Subsection shall not apply to a vehicle in an enclosed building or to a vehicle parked in a paid parking lot or space where the required fee has been paid.
- (3) Removal and Impoundment. Any vehicle in violation of this Section shall be removed and impounded until lawfully claimed or disposed of as provided in Subsection (e)(4) of this Ordinance.
- (4) Removal, Storage, Notice, or Reclamation of Abandoned Vehicles.
 - (A) Applicability. This Subsection shall apply to the removal, storage, notice, reclamation, or disposal of abandoned vehicles.
 - (B) Removal. Any authorized Town official who discovers any vehicle on any public street or highway or public property which has been abandoned shall cause the vehicle to be removed to a suitable place of impoundment.
 - (C) Storage and Reclamation. Any vehicle determined by the authorized Town official to be abandoned shall be retained in storage for a period of ten (10) days after certified mail notice, as provided in Subsection (e)(4)(D) of this

Ordinance, has been sent to the title owner in this state or the secured party of record with the state motor vehicle division to permit reclamation after payment of accrued charges. However, if the authorized Town official determines an abandoned vehicle to have a value of less than \$100.00 or that the cost of towing and storage charges for impoundment will exceed the value of the vehicle, it may be junked or sold by direct sale to a licensed salvage dealer prior to the expiration of the ten (10) day storage period and after certified mail notice, as provided in Subsection (e)(4)(D) of this Ordinance, has been sent to the title owner in this state or the secured party of record with the state motor vehicle division, provided that it is first determined that the vehicle is not reported stolen or wanted for evidence or other reason. All substantially complete vehicles in excess of nineteen (19) model years of age shall be deemed as having a value not in excess of \$100.00. Any such vehicle which may be lawfully reclaimed may be released upon the payment of all accrued lawful charges and presentation of the vehicle title or other satisfactory evidence to the authorized Town official to prove an ownership or secured-party interest in the vehicle.

- (D) Notice to Owner or Secured Party. Certified mail notice, as referred to in this Section, shall notify the title owner in this state of the abandoned vehicle, if any, or the secured party of record with the state motor vehicle division, if any, of the following:
- (i) The vehicle has been deemed abandoned and impounded by the Town;
 - (ii) The year, make, model and serial number of the abandoned vehicle;
 - (iii) The determined value of the abandoned vehicle;
 - (iv) The location where the abandoned vehicle is being stored or held;
 - (v) If the cost of towing and storage costs will exceed the determined value of the abandoned vehicle;
 - (vi) If the abandoned vehicle is not wanted for evidence or other reason, the owner or any secured party has the right to reclaim the vehicle upon payment of all accrued lawful charges within ten (10) days of the date of notice, unless the vehicle has been determined to have a value less than \$100.00 or that the cost of towing and storage charges for impoundment will exceed the value of the vehicle, in which case the vehicle may be reclaimed within seven (7) days upon payment of such charges;

- (vii) The owner or a secured party's failure to exercise the right to reclaim the vehicle is deemed a waiver of all right, title and interest in the abandoned vehicle and a consent to the sale of the vehicle;
 - (viii) If the vehicle is not reclaimed by its owner or secured party within the ten (10) day period, the vehicle may be sold; and
 - (ix) The owner or secured party may, upon request, be granted a hearing relating to the determinations made with respect to the abandoned vehicle within the period that such vehicle may be reclaimed.
- (5) Sale of Abandoned Vehicles. Any abandoned vehicle impounded by the Town that has not been reclaimed pursuant to this Section, may be sold by public auction sale or public sale calling for the receipt of sealed bids. A class 1 notice, including the description of the vehicle; the name and address of the title owner in this state and the secured party of record, if known; and the time of sale shall be published before the sale. At the public auction sale or public sale, the Town shall accept the highest bid, unless an authorized Town official deems the bid to be inadequate, in which event all bids may be rejected. If all bids are rejected or no bid is received, the Town may readvertise the sale, adjourn the sale to a definite date, or sell the vehicle at a private sale or junk the vehicle.
- (6) Report of Sale or Disposal. Upon the sale of an abandoned vehicle under this Section, a copy of a completed form designed by the State Department of Transportation shall be given to the purchaser of the vehicle enabling the purchaser to obtain a regular certificate of title for the vehicle. Within five (5) days after the direct sale or disposal of the vehicle, the authorized Town official shall advise the State Department of Transportation of such sale or disposal on a form supplied by the Department. The purchaser shall have ten (10) days to remove the vehicle from the storage area, but shall pay a reasonable storage fee established by the Town for each day the vehicle remains in storage after the second business day subsequent to the sale date. Ten (10) days after the sale the purchaser shall forfeit any interest in the vehicle, and the vehicle shall be deemed to be abandoned and may be sold again. Any listing of vehicles to be sold by the Town shall be made available to any interested person who or organization that makes a written request for such list to the Town. The Town may charge a reasonable fee for the list.
- (7) Owner's Responsibility for Impoundment and Disposal Costs.
 - (A) The owner of any abandoned vehicle, except a stolen vehicle, is responsible for the abandonment and all costs of impounding and disposing of the vehicle. Costs not covered from the sale of the vehicle may be recovered in a civil action by the Town against the owner.
 - (B) Payment of removal and impoundment costs is not required when the vehicle has been impounded for purposes of law enforcement investigation.

History Note: Ordinance No. 17, adopted December 14, 1977; Section (e) adopted through codification; amended December 14, 2004 Ordinance No. 12-2004; amended August 11, 2009, Ordinance No 2009-10; amended by Ord. 2013-08; amended by Ord. 2013-18A, 10/8/13

SECTION 12.04 SPEED LIMITS ON TOWN ROADS

- (a) No person shall drive a vehicle at a speed in excess of the limitations set forth for the Town roads specified as follows:

East Morse Road	45 miles per hour
Hooker Road	35 miles per hour
Kent Road #2 – that portion of Kent Road between McMillan Road and CTH J	45 miles per hour
Phillips Road between the Dekorra town line and US Highway 51	45 miles per hour
Smith Road	45 miles per hour
South Hemlock Street	25 miles per hour
Tipperary Road between its intersection with County Highway V and Black Road and its intersection with Wildcat Road	45 miles per hour
Tipperary Road between the intersection of Tipperary Road and Wildcat Road and the intersection of Tipperary Road and County Trunk Highway "V" at Whalen Grade	25 miles per hour
Stebbins Road between County Highway CS/Q and Drake Road	45 miles per hour

- (b) Any person violating this Ordinance shall be subject to the penalties set forth in Section 1.03 of this Code.

History Note: Ordinance No. 10, adopted April 8, 1963; amended through codification; amended December 14, 2004 Ordinance No. 12-2004; amended by Ord. 2011-01 on 1/11/11; amended by Ord. 2011-06 on 3/22/11 and Ord. 2011-08 on 4/26/11; amended by Ord. 2012-02, 4/10/12 and Ord. 2013-10, 4/19/13; amended by Ord. No. 2017-05, 10/10/17; amended by Ord. No. 2019-01; amended by Ord. No. TBR2023-06, July 11, 2023.

Sec. 12.05

SECTION 12.05 [Reserved]

SECTION 12.06 **LOW SPEED NEIGHBORHOOD VEHICLES****[Created by Ord. 2011-05, 2/22/11.]****(a) Authority and Purpose.**

This section is adopted pursuant to the authority set forth in Wis. Stats. § 349.26 and adopted for the protection of the public health, benefit and welfare of the Town of Dekorra. Low-speed vehicles are not golf carts, but self-propelled, four-wheeled motor vehicles powered by gas or electric energy with a speed range of at least 20 miles per hour, but not more than 35 miles per hour, on a paved surface and have a gross vehicle weight at rest of less than 2,500 pounds. Permitting operation of such vehicles in the Town of Dekorra will, among other possible benefits, help reduce pollution from vehicle emissions, permit savings from lower fuel consumption, and reduce wear and tear on town roads.

(b) Low-speed Vehicles Permitted.

Subject to all State and local traffic laws, including license requirements, low-speed vehicles may be operated on any public highway within the Town of Dekorra with a speed limit of 35 miles per hour or less. Notwithstanding this section, low-speed vehicles may not be operated on or across expressways, freeways, interstate highways or other controlled access highways.

(c) Requirements.

The operation of low-speed vehicles pursuant to subsection (b), above, applies only to those low-speed vehicles meeting the requirements and conditions set forth herein:

- (1) Electric powered vehicles must have successfully completed the Neighborhood Electric Vehicle America test program conducted by the Federal Department of Energy.
- (2) Electric and gas powered vehicles must meet the National Highway Traffic Safety Administration's Federal Motor Vehicle Safety Standards and must conform to the definition and requirements for low-speed vehicles as adopted in the Federal Motor Vehicle Safety Standards for "low-speed vehicles" under 49 CFR 571.3(b) and 571.500 and shall meet the general test conditions under 49 CFR 571.50056.
- (3) Low-speed vehicles shall be equipped with the following:
 - (A) Headlamps;
 - (B) Front and rear turn signals;
 - (C) Stop lamps and tail lamps;

- (D) Reflex reflectors, including one red on each side as far to the rear as practicable, and one red on the rear (three total);
 - (E) An exterior mirror mounted on the driver's side, and either an exterior mirror on the passenger side or an interior rearview mirror;
 - (F) Parking brakes;
 - (G) A windshield that conforms to the requirements of the Federal Motor Vehicle Safety Standard on glazing materials, 49 CFR 571.205;
 - (H) A vehicle identification number that complies with 49 CFR 565; and
 - (I) A Type 1 or Type 2 seatbelt assembly conforming to 49 CFR 571.209 and Federal Motor Safety Standard No. 209 for each designated seating position.
 - (J) A slow moving vehicle sign is **not** required.
- (4) Headlamps shall be on at all times while the vehicle is in operation.
- (d) **Penalties**
Any person who violates any provision of this section not otherwise prohibited by State statutes or other ordinances shall be subject to a penalty as set forth in Section 1.03 of this Code. All State and local traffic violations committed while operating a low-speed vehicle shall be punishable in the same manner as State or local traffic violations committed by other vehicles
- (e) **Severability**
If any portion of this Ordinance, or its application to any person or circumstances, is held invalid, the validity of this section as a whole, or any other provision herein and its application to other persons or circumstances, shall not be affected.

History Note: Created by Ord. 2011-05, 2/22/11.

SECTION 12.07**SNOWMOBILES****[Created by Ord. 2011-04, 6/14/11.]****(a) State Snowmobile Laws Adopted.**

Except as otherwise specifically provided in this chapter, the statutory provisions describing and defining regulations with respect to snowmobiles in the following enumerated sections of the Wisconsin Statutes are hereby adopted by reference and made a part of this section as if fully set forth herein. Acts required to be performed or prohibited by such statutes are required or prohibited by this section:

§ 350.01	Definitions
§ 350.02	Operation of Snowmobiles on or in the Vicinity of a Highway
§ 350.03	Right of Way
§ 350.035	Meeting of Snowmobiles
§ 350.04	Snowmobile Races, Derbies and Routes
§ 350.045	Public Utility Exemption
§ 350.047	Local Ordinance to be Filed
§ 350.05	Operation by Youthful Operators Restricted
§ 350.07	Driving Animals
§ 350.08	Owner Permitting Operation
§ 350.09	Head Lamps, Tail Lamps and Brakes
§ 350.095	Noise Level Requirements
§ 350.10	Miscellaneous Provisions for Snowmobile Operation
§ 350.101	Intoxicated Snowmobiling
§ 350.102	Preliminary Breath Screening Test
§ 350.1025	Application of Intoxicated Snowmobiling Law
§ 350.103	Implied Consent
§ 350.104	Chemical Test
§ 350.106	Report Arrest to Department
§ 350.107	Officer's Action after Arrest for Operating a Snowmobile while Under the Influence of Intoxicant
§ 350.11	Penalties
§ 350.12	Registration of Snowmobiles; Trail Use Stickers
§ 350.13	Uniform Trail Signs and Standards
§ 350.135	Interferences with Uniform Trail Signs and Standard Prohibited
§ 350.15	Accident and Accident Reports
§ 350.155	Coroners and Medical Examiners to Report; Require Blood Specimen
§ 350.17	Enforcement
§ 350.19	Liability of Land Owners
§350.99	Parties to a Violation

(b) **Applicability of Rules of the Road to Snowmobiles.**

The operator of a snowmobile upon a roadway shall, in addition to the provisions of Wis. Stats. Ch. 350, be subject to Wis. Stats. §§ 346.04, 346.06, 346.11, 346.14(1), 346.18, 346.19, 346.20, 346.21, 346.215(3), 346.26, 346.27, 346.33, 346.35, 346.37, 346.39, 346.40, 346.44, 346.46, 346.47, 346.48, 346.50(1)(b), 346.51, 346.52, 346.53, 346.54, 346.55, 346.87, 346.88, 346.89, 346.90, 346.91, 346.92(1), and 346.94(1) and (9).

(c) **Snowmobile Operation.**

(1) **General Prohibition.** Except as otherwise provided in this section, it shall be unlawful to operate any snowmobile on the Town roads, 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 consent of the owner before operation of such craft or vehicle on private lands.

(2) **Permitted use of Snowmobiles.** Snowmobiles may be operated in the Town of Dekorra within public right-of-ways only as follows:

(A) Snowmobiles may be operated on public roads and streets designated under this section for the purpose of residential access to snowmobile trails. "Purpose of residential access" means for the purpose of traveling the shortest distance between the snowmobile operator's residence and the designated snowmobile route or trail that is closest to that residence. There shall be no detours to stores or other establishments. Along Tipperary Road, travel shall be directly to the nearest Town access point to Lake Wisconsin.

(B) Snowmobiles may be operated in the Town on marked snowmobile routes.

(C) Snowmobiles may be operated in public parks and on other municipal property approved for such operation by the Parks Commission solely for the purpose of creating and maintaining ski and other trails.

(D) Snowmobiles may be operated for law enforcement and emergency purposes, as permitted under Wis. Stats. § 350.02, by public utilities, as permitted under Wis. Stats. § 350.045, and for snowmobile events authorized in accordance with Wis. Stats. § 350.04.

(E) **General Operation Restrictions.**

(i) Snowmobiles shall be operated on the right shoulder of the roadway and shall travel with the flow of traffic (where possible).

(ii) Snowmobiles are to be operated in single file.

(iii) Headlights and tail lights are to be on at all times.

- (iv) Snowmobile operators shall yield the right-of-way to other vehicular traffic and pedestrians.
 - (v) All snowmobile operators shall observe posted roadway speed limits, and shall in no case exceed 35 miles per hour.
 - (vi) All snowmobile operators shall slow the vehicle to 10 m.p.h. or less when operating within 150 feet of a dwelling between the hours of 10:30 p.m. and 7:00 a.m.
- (2) Designation of Roads for Snowmobile Operation. Any person or local snowmobile club may apply to the Town Board to approve designation of a road for snowmobile operation. Such designation shall be made by Ordinance adopted by the Town Board a copy of which shall be transmitted to the Town Constable and the Columbia County Sheriff's Department. No approval of a snowmobile route shall be effective until signs and markers have been installed consistent with those approved by the Wisconsin Department of Natural Resources under Wis. Stats. §350.13. The applicant shall bear the sole responsibility for the cost of and erection of the signs and markers subject to the approval of the Town Road Supervisor.
- (3) Authority to Open and Close Snowmobile Routes and Prohibit Residential Access. The Constable or Town Chairperson may declare any snowmobile route, or part thereof, in the Town closed at any time, and may temporarily prohibit the use of snowmobiles for the purpose of residential access in the Town, or part of the Town, at any time. The Columbia County Sheriff and local snowmobile organizations shall be immediately notified of the closing and re-opening of any route. All snowmobile routes in the Town are closed, and the use of snowmobiles for the purpose of residential access in the Town is prohibited, when Columbia County closes all county trails or any trail within one mile of any Town trail.
- (4) Signs and Markers. No person shall fail to obey any sign or marker erected in accordance with this section.
- (5) Equipment. No person may operate a snowmobile or other vehicle if it has an expansion chamber or any muffler other than the type and size provided by the manufacturer in good working order.
- (6) Unattended Snowmobiles. No person shall leave or allow a snowmobile owned or operated by such person to remain unattended on any highway or public property while the motor is running or with the starting key left in the ignition.
- (7) Parking Prohibitions. No snowmobile may be parked on any street or snowmobile route.

- (8) Operation on Sidewalks Prohibited. No person shall operate a snowmobile upon any sidewalk, pedestrian way or upon the area between a sidewalk and curb of any street, except for the purpose of crossing by the most direct route to obtain access to an area in which the snowmobile may be lawfully operated.
 - (9) Permitting Operation by Improper Persons Prohibited. No owner or person having charge or control of a snowmobile shall authorize or permit any person to operate such snowmobile who is not permitted under State law to operate such snowmobile, or who is under the influence of an intoxicant or a dangerous or narcotic drug.
 - (10) Written Consent of Owner Required. The consent required under Wis. Stats. §§ 350.10(f), (k), and (m) and in para. (a) above shall be written consent dated and limited to the year in which the consent is given. If the property is owned or leased by more than one person, the consent of each must be obtained.
- (d) **Penalty for Violations of this Chapter.**
- (1) The forfeiture and bond amounts for violations shall be those set forth in Wis. Stats. Chaps. 346 and 350 and the Revised Uniform State Traffic Deposit Schedule.
 - (2) Any person who shall violate any provision of this chapter for which a penalty is not otherwise specifically provided shall be subject to a penalty subject to a penalty as set forth in Section 1.03 of this Code.

History Note: Created by Ord. 2011-04, June 14, 2011

SECTION 12.08 **ALL-TERRAIN VEHICLES AND UTILITY TERRAIN VEHICLES****[Created by Ord. 2022-04, 9/13/22.]****(a) Authority and Purpose.**

This ordinance is adopted pursuant to the authority granted pursuant to Wis. Stats. §23.33(8)(b) and (11) to designate all-terrain vehicle and utility terrain vehicle routes in the town and to regulate the use of those routes and all-terrain vehicles and utility terrain vehicles in the town, designates all-terrain vehicle and utility terrain vehicle routes in the town and provides for the regulation of the use of those routes and of all-terrain vehicles and utility terrain vehicles in the town.

(b) Operation of All-Terrain and Utility Terrain Vehicles.

Except as otherwise provided in Wis. Stats. §22.33(4), no person may operate an all-terrain vehicle or utility terrain vehicle on the roadway portion of any highway in the town except on roadways that are designated as all-terrain vehicle or utility terrain vehicle routes by this ordinance.

(c) Definitions.

Unless otherwise expressly provided, all words and phrases in this Section shall have the meanings ascribed to them as set forth in Wis. Stats. §§23.33, 340.1 and 346.01 and Wis. Admin. Code Chap. NR 64.

(d) Designated Routes.

All town highways, county highways designated by Columbia County and county highways with speed limits of 35 m.p.h. or less are designated all-terrain and utility terrain vehicle routes.

(e) Regulations Applicable to Operation of All-Terrain and Utility Terrain Vehicles on Designated Routes.

The following restrictions are placed on the use of the town all-terrain vehicle and utility terrain vehicle routes designated under this section:

- (1) Signs. Routes shall be marked with uniform all-terrain vehicle and utility terrain vehicle route signs meeting the standards of Wis. Admin. Code §NR 64.12(7). A sign shall be erected on each highway that crosses the territorial boundary of the town in a position to be viewed by motorists as they enter the town. The signs shall alert motorists that all highways under the jurisdiction of the town, village, city, or county have been designated as all-terrain vehicle routes. No person may do any of the following in regard to signs marking town all-terrain vehicle and utility terrain vehicle routes:

- (A) Intentionally remove, damage, deface, move, or obstruct any uniform all-terrain vehicle and utility terrain vehicle route or trail sign or

standard or intentionally interfere with the effective operation of any uniform all-terrain vehicle and utility terrain vehicle route or trail sign or standards if the sign or standard is legally placed by the town, county, state, or any authorized individual.

- (B) Possess any uniform all-terrain vehicle and utility terrain vehicle route or trail sign or standard of the type established by the department for the warning, instruction, or information of the public, unless he or she obtained the uniform all-terrain vehicle [and utility terrain vehicle] route or trail sign or standard in a lawful manner. Possession of a uniform all-terrain vehicle and utility terrain vehicle route or trail sign or standard creates a rebuttable presumption of illegal possession.
- (2) Helmets. All individuals under the age of 18, either operating or riding on an all-terrain or utility terrain vehicle, must wear a helmet.
- (3) Operator Requirements.
- (A) No person who is under 16 years of age may operate an all-terrain vehicle unless the person is accompanied by his or her parent or guardian or by a person who is at least 18 years of age who is designated by the parent or guardian.
 - (B) No person who is at least 12 years old and who is born on or after January 1, 1988, may operate an all-terrain vehicle unless holding a valid safety certificate or a valid certificate from another state or Canada and carries the certificate while operating. The operator shall present the certificate to a law enforcement officer upon request.
 - (C) No person who is under 16 years may operate a utility terrain vehicle on a roadway.
 - (D) No person may operate an all-terrain or utility terrain vehicle while under the influence of an intoxicant to a degree which renders them incapable of safe operation or results in injury to another person. No person while under the influence of an intoxicant to a degree which renders them incapable of safe operation of an all-terrain vehicle or utility terrain vehicle may cause injury to another person by the operation of an all-terrain vehicle or utility terrain vehicle.
 - (E) No person may engage in the operation of an all-terrain or utility terrain vehicle while the person has an alcohol concentration of 0.08 or more. No person who has an alcohol concentration of 0.08 or more may cause

injury to another person by the operation of an all-terrain vehicle or utility terrain vehicle.

- (F) No person may engage in the operation of an all-terrain or utility terrain vehicle while the person has a detectable amount of a restricted controlled substance in his or her blood. No person who has a detectable amount of a restricted controlled substance in his or her blood may cause injury to another person by the operation of an all-terrain vehicle or utility terrain vehicle.
- (4) Proof of Registration. Each all-terrain or utility terrain vehicle shall have its Wisconsin registration number clearly visible and in legible letters from the rear of the vehicle. A copy of the current, valid registration certificate shall be present on the vehicle and shall be presented to law enforcement when requested.
- (5) Speed Limits. All-terrain and utility terrain vehicles shall travel at specific designated speeds.
 - (A) Where speeds are not posted, all-terrain and utility terrain vehicles shall not be operated at a speed greater than 35 miles per hour.
 - (B) Within 100 ft of a pedestrian or within 150 ft of a home, all-terrain and utility terrain vehicles shall not be operated at a speed greater than 10 miles per hour.
- (6) Hours. All-terrain and utility terrain vehicles shall not be operated on any highway between the hours of 10:00 p.m. and 5:00 a.m.
- (7) Lights. All-terrain and utility terrain vehicles shall not be operated on any highway without fully functional headlights, taillights, and brake lights. Headlights and tail lights must be turned on at all times.
- (8) Operations.
 - (A) All-terrain and utility terrain vehicles shall operate on the extreme right side of the paved surface or travel except that left turns may be made from any part of the roadway that is safe given prevailing conditions.
 - (B) All-terrain and utility terrain vehicles shall only operate on the paved portion of the road right-of-way; unless yielding the right of way or lane if pavement does not exist.

- (C) Multiple units shall operate single file, providing sufficient distance between vehicles.
- (D) All-terrain and utility terrain vehicles may not harass or restrict travel for frightened or distressed animals used in transportation within the roadway,
- (E) Seatbelts. All occupants riding in or operating a utility terrain vehicle shall be required to wear a seatbelt when travelling on any County Highway in Columbia County.

(f) **Penalties.**

The penalties under Wis. Stats. §23.33(13) are hereby adopted by reference.

(g) **Severability.**

If any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable.

History Note: Created by Ord. 2022-04, September 13, 2022; amended by Ord. TBR-2023-02, January 1, 2023.

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