

TOWN OF COTTAGE GROVE - CODE OF ORDINANCES

CHAPTER 09 - TRAFFIC CODE

09.01 STATE STATUTES ADOPTED BY REFERENCE

(1) Except as otherwise specifically provided in this Code, the provisions of Ch. 340-350, Wis. Stats. -, § 23.33, and Wis. Admin. Code TRANS 305, as may be amended from time to time, are hereby adopted and made a part of this ordinance with the same force and effect as if they were fully reprinted herein. Notwithstanding the foregoing, the penalties and forfeitures for violations shall be those specified in the Town Code of Ordinances. (*See*; for example, TCG § 25.04.)

(2) Any future amendments, revisions or modifications of the Wisconsin Statutes incorporated herein by reference, and Wisconsin Administrative Code provisions related thereto, are intended to be made part of this Code of Ordinances. For convenience, ordinances incorporating the Wisconsin Statutes may be referred to using the prefix “9” and the Wisconsin Statute. That is, as TCG 9- _____ (*insert Wisconsin Statute number*).

(3) The definitions of words and phrases contained in the Wisconsin State Statutes that are incorporated in this Code, are hereby adopted and made a part of this Code with the same force and effect as if fully reprinted herein.

(4) EFFECTIVE DATE

(a) The original ordinance was adopted on July 6, 1981. The ordinance was amended on October 15, 2012.

(b) This section shall take effect upon passage and publication.

09.02 SPEED LIMITS

(1) Speed limits established for highways within the Town shall be posted in accordance with state law. No person shall operate any vehicle in excess of the posted speed limit, except as specifically authorized under state law.

(2) The Town Clerk shall maintain a record of the location of all posted speed limits within the Town limits. This information shall be provided to the Town Clerk by the Highway Superintendent in a timely manner, following the adoption of such speed limits. Failure to maintain a current record of the posted speed limits, shall not be considered grounds for dismissal of a speeding citation.

Whenever the speed limit is established on a new highway, or the speed limit on an existing highway is changed, the Highway Superintendent shall mount red or orange flags on a diagonal on the sign post (above and to the sides of the sign itself), for a minimum of 30 days from the date the speed limit was established; to assist the public in becoming aware of the change. Failure to maintain the warning flags for the 30-day period, shall not be considered grounds for dismissal of a traffic citation.

(3) PENALTY FOR VIOLATION

Violations of this ordinance shall be punishable as specified, under TCG § 25.04.

(4) EFFECTIVE DATE

(a) The original ordinance was adopted on July 6, 1981.

(b) This section shall take effect upon passage and publication.

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09.03 OFFICIAL HIGHWAY MAP

(1) The Highway Superintendent shall maintain an official highway map showing all highways within the Town. This map shall be revised annually, using the State Mileage Map as a reference, and may include such additional information as the location of:

- No Parking Areas
- Restricted Parking Areas
- One-Way Highways
- Posted Speed Limits
- Stop and Yield Signs
- Flashing Lights at Intersections
- Bus Stops and School Crossings
- Subdivision Recreation Areas and Parks

(2) The official highway map shall be maintained in the Town Hall, and be available for review during normal business hours, Monday thru Friday. Additionally, this map shall be made available in an 8" x 11" loose leaf format to the police, fire, and EMS units that respond to incidents within the town limits. Failure to maintain a current highway map, shall not be considered grounds for dismissal of a traffic citation.

(3) EFFECTIVE DATE

- (a) The original ordinance was adopted on July 6, 1981.
- (b) This section shall take effect upon passage and publication.

09.04 OFFICIAL TRAFFIC CONTROL DEVICES

(1) The Highway Superintendent shall be responsible to see that the appropriate traffic control devices are erected and maintained in accordance with the requirements of the Wisconsin Department of Transportation.

(2) Any sign, signal, marking or device installed or displayed in violation of this ordinance shall be removed at the direction of the Town Board. Any cost incurred as a result of removing such sign, marking or device, shall be paid by the person responsible for the violation.

(3) The Town Clerk shall maintain a record of the location of all traffic control devices within the Town limits. This information shall be provided to the town clerk by the Highway Superintendent in a timely manner, following the erection of these devices. Failure to maintain a current record of the location of these devices, shall not be considered grounds for dismissal of a traffic citation.

(4) EFFECTIVE DATE

- (a) The original ordinance was adopted on July 6, 1981.
- (b) This section shall take effect upon passage and publication.

09.05 PARKING RESTRICTIONS

(1) PARKING WITHIN THE RIGHT-OF-WAY

(a) No person shall park a vehicle, including, but not limited to: motor vehicles, agricultural equipment, busses, recreational vehicles, mobile and modular homes, trucks and trailers, on the

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pavement of any public road within the Town limits, for any period of time that would create a hazard to other persons using the public road; without obtaining prior written authority to do so, from the police department.

(b) No person shall park any vehicle within the right-of-way of any public road within the Town limits, for more than 24 consecutive hours; without written authorization from the police department.

(c) Snow emergency declarations. The Town Board hereby declares that a snow emergency exists in the Town whenever a snowfall during any period of 24 hours or less reaches a depth of three inches or more. Such emergency is declared to be a serious public hazard impairing transportation and public health, safety, and welfare for a period until such time as snow removal operations have been completed. No person shall park any vehicle on any public road during a snow emergency and for a period of 24 hours thereafter (ie. from the time three inches of snow accumulates within a 24 hour period and for the next 24 hours).

(2) PARKING ON PRIVATE LANDS

(a) No person shall park any vehicle in any private driveway, or on any private lands within the Town limits; without first obtaining the permission of the landowner or tenant of the parcel on which the vehicle is parked.

(b) No person shall park a commercial motor vehicle (CMV) with a weight in excess of 20,000 pounds in a private driveway or on any private lands, outside of an enclosed garage, in a platted subdivision within the town limits; except for such time as is reasonably necessary to load or unload the CMV, without written authorization from the police department. NOTE: The seasonal weight limit restrictions, described in s. TCG § 09.07, shall also apply; regardless of whether or not authorization is obtained, or where the CMV is parked.

(3) MISCELLANEOUS PARKING PROVISIONS

(a) No person shall park and leave unattended, any vehicle transporting hazardous materials, in a quantity required to be placarded under the regulations of the US Department of Transportation, within the Town limits; without first obtaining written authorization from Dane County Sheriff. Upon issuing such authorization, the Dane County Sheriff shall notify the fire department, EMS director, and county dispatch center of the nature of the request.

(b) Whenever it is necessary to repair, or do maintenance on any highway under the exclusive control of the Town, the Highway Superintendent shall ensure that an adequate number of signs and barricades that meet the requirements of Part VI of the Uniform Traffic Control Manual, are erected by the agency responsible for the work, either municipal or private contractor; to notify residents and others using the effected section of highway, that work is in progress. When highway maintenance work will be done in a subdivision, all affected residents shall be notified 24 hours in advance of the work being started. NOTE: In an emergency situation, the prior notice requirement may be waived; however, the signs and barricades shall be erected as specified in Part VI, of the traffic control manual.

(4) PENALTY FOR VIOLATION

In addition to, and separate from, any penalty specified in any applicable state statute; violations of this ordinance shall be punishable as a class A forfeiture, under TCG § 25.04.

(5) EFFECTIVE DATE

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- (a) The original ordinance was adopted on July 6, 1981.
- (b) This section shall take effect upon passage and publication.

09.06 ABANDONED, INOPERABLE OR DISCARDED VEHICLES

- (1) Any motor vehicle left unattended within the town limits for more than 48 hours; in the right-of-way of any highway, or on any private lands without the permission of the owner or tenant, shall be considered an abandoned vehicle.
- (2) Any vehicle that is found to be abandoned, may be impounded and disposed of in accordance with § 342.40, Wis. Stats.
- (3) **PENALTY FOR VIOLATION**

Violations of this ordinance shall be punishable as Class B forfeitures, under TCG § 25.04.

(4) EFFECTIVE DATE

- (a) The original ordinance was adopted on July 6, 1981.
- (b) This section shall take effect upon passage and publication.

09.07 WEIGHT LIMITS FOR VEHICLES ON TOWN ROADS

(1) STATEMENT OF PURPOSE

In the interest of public safety on Town roads, the roads and streets, or portions thereof, of the Town of Cottage Grove are hereby declared to have the weight limitations set forth herein, because, in the absence of such limitations, there is a significant likelihood that the Town roads would be seriously damaged or destroyed. Such limitations are adopted pursuant to § 349.16, Wis. Stats., which is hereby adopted by reference and made a part of this ordinance. This ordinance shall be interpreted in accordance with the definitions and general provisions in Ch. 348, Wis. Stats., which is hereby adopted by reference and made a part of this ordinance.

(2) EXEMPTIONS TO WEIGHT LIMITATIONS ON TOWN ROADS.

The following shall be exempt from the general and special or seasonal weight restrictions of this section: Town vehicles engaged in official duties, garbage and recycling trucks contracted by the Town, school buses, and milk, feed and fuel trucks doing business on that road.

(3) GENERAL WEIGHT LIMITATIONS ON SPECIFIED TOWN ROADS.

It shall be unlawful for any person to operate a vehicle in excess of the posted weight limit on such Town roads, streets or portions thereof, as specified by resolution of the Town Board. The general weight limitations set for specified roads DO NOT apply in the following circumstances:

- (a) When use is necessary for the purpose of delivering and moving supplies or other necessary commodities to or from any farm, place of business or residence fronting on any such roads.
- (b) When use is necessary for the purpose of leaving or returning a vehicle to a terminal or place where the vehicle is garaged; however, such operator shall leave such road and re-enter roads not prohibited by such weight limitation at the closest to its immediate destination and shall take the most direct route to his destination.

(4) SPECIAL OR SEASONAL WEIGHT LIMITATIONS.

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In addition to the general weight limitations on Town roads, the Town may impose special or seasonal limitations on any Town road or portion thereof in accordance with §§ 349.16 and 348.17, Wis. Stats., which are hereby adopted by reference and made a part of this ordinance. When such special or seasonal limitations are in effect, the general pick-up and delivery exceptions described in section (3) above SHALL NOT apply.

(5) NOTICE; SIGNS; MAP.

Appropriate weight limitation signs shall be erected on Town roads and/or streets. Such signage may include notice of the general weight limitations set forth herein as well as special or seasonal weight limitations. Flags or other markings may be used to draw attention to signage, particularly for seasonal signage.

All such signage existing as of the date of adoption of this ordinance shall be considered approved by the Town Board. Periodically hereafter, the Highway Superintendent and Town Board shall review the use and location of such signage, and may recommend or approve changes to existing signage and/or addition of new signage by resolution of the Board. The Town Clerk, in consultation with the Highway Superintendent, shall maintain a map showing the approximate location of the signs. This map shall be available for reference purposes at the Town Hall.

(6) PERMITS AND VARIANCES.

(a) Pursuant to § 348.25, Wis. Stats., conditional use or variance permits may be issued by the Town Chair or Highway Superintendent upon written application by the person requesting the permit. The permit application form and conditional use or variance permit form shall be in a standardized format; and shall be available from the town office during normal business hours, Monday thru Friday, or on the Town's web site. The application and any such permits or variances granted shall be substantially in accord with the forms attached hereto or as later approved by resolution of the Town Board, following consultation with the Town Clerk.

(b) Each permit shall apply to only one vehicle or combination vehicle; however, it shall be valid for all trips that unit makes within the town limits. When such a permit is issued, a copy shall be carried in the permitted vehicle at all times, and shall be presented for review, upon demand of any law enforcement officer. No town conditional use or variance permit shall be issued unless the applicant is also in full compliance with the provisions of §§ 348.25, 348.26, 348.27 and 348.28, Wis. Stats.

(c) The permit may be suspended or revoked at any time by the Highway Superintendent or Town Chair for good cause. Whenever a permit is suspended or revoked, the person it was issued to shall be notified that the permit is no longer valid, and that following the notification, all loads shall be in accordance with the posted weight limits. The Highway Superintendent or town chairperson may decline to issue a permit. The applicant may appeal this decision to the Town Board.

(7) FEES AND BONDS

(a) A permit fee, as specified in TCG § 07.02(8), shall be charged for all conditional use or variance permits issued by the Town. The amount the fee shall be in addition to any fee specified in §. 348.25, Wis. Stats. All fees due the Town shall be paid before a permit is issued.

(b) A bond or certificate of insurance to cover potential road damage, in an amount determined

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by the Town Board, may be required prior to the issuance of a conditional use or variance permit. Where such bond or certificate is required, the Town shall be listed as the payee. The person holding the permit shall also show proof that adequate injury and liability coverage will be in effect at all times any permitted unit is operating within the Town limits.

(8) PENALTY FOR VIOLATION.

Any violation of any provision of this ordinance shall be punishable as a Class D Forfeiture under TCG § 25.04, together with mandatory fees and the costs of prosecution, as permitted by law.

(9) ENFORCEMENT.

This ordinance shall be enforced in accordance with the provisions of §§ 66.0114, 345.20 - 345.53, and Ch, 800, Wis. Stats., which are hereby adopted by reference and made a part of this ordinance.

(10) SEVERABILITY.

If any section, clause, provision or portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remaining provisions shall not be affected.

(11) EFFECTIVE DATE.

- (a) This section was originally adopted on July 6, 1981, and was last amended on May 7, 2012.
- (b) This section shall take effect upon passage and publication.

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**AGREEMENT TO REIMBURSE THE TOWN OF COTTAGE GROVE FOR THE COST
OF REPAIRS FOR ANY ROAD DAMAGE WHICH RESULTS FROM USE OF TOWN
OF COTTAGE GROVE ROADS PURSUANT TO A CONDITIONAL USE OR
VARIANCE PERMIT**

*I, the undersigned, hereby agree to reimburse the Town of Cottage Grove for the repair of any
damage which results from the specified Town road ordinance variance permit:*

CONDITIONAL USE OR VARIANCE PERMIT DATE: _____

Damage Resulting from: _____ *to* _____

- The original condition of the road prior to my conditional variance use may be inspected and documented with photos of existing condition and/or damage prior to the commencement of my use.
- If judged necessary or desirable, video pictures of the road for which the conditional variance permit is granted, may be taken prior to my use to document the current condition and later determine if damage resulted from my use.

Applicant's Signature

Name of Company

ATTEST: _____ DATE: _____

TOWN OF COTTAGE
Town Chair or Highway Superintendent

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CONDITIONAL USE OR VARIANCE PERMIT

Variance from TCG Ordinance Section 09.07 Weight Limits and Heavy Traffic Routes

WHEREAS, the Town of Cottage Grove adopted Ordinance Section 09.07 to limit the weight of vehicles on town roads to protect the public safety and promote the wellbeing of residents of the Town of Cottage Grove, and

WHEREAS, the Town of Cottage Grove is aware that some vehicles must be exempted from Ordinance Section 09.07 and allowed to travel Town of Cottage Grove roads in excess of the posted weight limits in order to serve properly in the Town of Cottage Grove and to further promote the public wellbeing and reasonable use of property in the Town of Cottage Grove.

THEREFORE, this permit is granted by the Town of Cottage Town Chairperson or Highway Superintendent to permit a variance from the Town of Cottage Grove Weight Limits Ordinance, Section 09.07, to the person or company named on this permit and for the roads listed for this exemption from Town of Cottage Grove Ordinance Section 09.07.

Permit Issued to:

Name: _____

Company: _____

Vehicle Description: _____

This permit valid only for the Town of Cottage Grove roads which are listed here:

_____, to _____

_____, to _____

_____, to _____

_____ And is subject to the following conditions:

- Execution of a Reimbursement Agreement.
- This permit shall apply to only one vehicle, or combination of vehicles; however, it shall be valid for all trips that unit makes within the town limits. A copy of this permit shall be carried in the permitted vehicle at all times, and shall be presented for review upon demand of any law enforcement officer. In addition to the terms of this permit, the applicant shall be in full compliance with the provisions of §§ 348.25 - 348.28, Wis. Stats.
- Bond required: ☐ Yes ☐ No

TOWN OF COTTAGE GROVE
Town Chair or Highway Superintendent

Applicant

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Date issued: _____ **Date of expiration:** _____

CONDITIONAL USE OR VARIANCE PERMIT APPLICATION

For Variance from TCG Ordinance Section 09.07 Weight Limits and Heavy Traffic Routes

APPLICANT:

Name: _____

Company: _____

Street Address: _____

City, State, Zip: _____

Contact phone number: _____

VEHICLE:

Make/Model: _____

Gross Vehicle Weight:

Empty: _____ Loaded (Approximate): _____

ROUTE:

Describe the portion all Town of Cottage Grove Roads that a conditional use or variance is requested for:

_____, to _____

_____, to _____

_____, to _____

PURPOSE:

Describe the reason why the conditional use or variance is needed:

DATE(S):

The conditional use or variance is needed from: _____ to _____

Applicant Signature

Date Signed

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09.08 MOVING AND NON-MOVING VIOLATIONS

(1) No person shall allow any motor vehicle to make unnecessary and annoying noises, within the Town limits, as a result of:

- Squealing tires
- Excessive engine acceleration
- Excessive audio system volume
- A defective or modified muffler

(2) Whenever a law enforcement officer determines that a vehicle is unsafe for continued operation on the highway, the vehicle shall be immediately removed from the highway and not operated until all required repairs have been made.

(3) School bus operators shall use flashing red warning lights in residential and business districts, when passengers are loaded and discharged at locations which have no traffic signals or crosswalks. No person shall operate a motor vehicle past a stopped school bus, displaying red flashing warning lights, unless directed to do so, by the school bus driver or law enforcement officer.

(4) PENALTY FOR VIOLATION

In addition to, and separate from, any penalty specified in any applicable state statute; violations of this ordinance shall be punishable as Class C forfeitures, under s. TCG 25.04.

(5) EFFECTIVE DATE

- (a) The original ordinance was adopted on July 6, 1981.
- (b) This section shall take effect upon passage and publication.

09.09 SNOWMOBILES AND ALL-TERRAIN VEHICLES

(1) The regulations described in Ch. 350, Wis. Stats. shall apply equally to snowmobiles, all-terrain vehicles and utility terrain vehicles operated within the Town limits.

(2) The following traffic regulations, following the prefix "09", shall apply equally to the operation of snowmobiles, all-terrain vehicles and utility terrain vehicles within the Town limits:

| | |
|--------------|---|
| 09-346.04 | Obedience to traffic officers, signs and signals; fleeing from officer. |
| 09-346.05 | Vehicles to be driven on right side of roadway; exceptions. |
| 09-346.11 | Passing or meeting frightened animal. |
| 09-346.14(1) | Distance between vehicles. |
| 09-346.18 | General rules of right-of-way |
| 09-346.19 | What to do on approach of emergency vehicle. |
| 09-346.20 | Right of way of funeral processions and military convoys. |
| 09-346.21 | Right of way of livestock. |
| 09-346.26 | Blind pedestrian on highway. |
| 09-346.27 | Persons working on highway. |
| 09-346.33 | U-turns. |
| 09-346.35 | Method of giving signals on turning and stopping. |
| 09-346.37 | Traffic-control signal legend. |

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| | |
|------------------|---|
| 09-346.39 | Flashing signals. |
| 09-346.40 | Whistle signals. |
| 09-346.44 | All vehicles to stop at signal indicating approach of train. |
| 09-346.46 | Vehicle to stop at stop signs and school crossings. |
| 09-346.47 | When vehicles using alley or nonhighway access to stop. |
| 09-346.48 | Vehicles to stop for school busses displaying flashing lights. |
| 09-346.50(1)(b) | Exceptions to stopping and parking restrictions. |
| 09-346.51 | Stopping, standing or parking outside of business or residence districts. |
| 09-346.52 | Stopping prohibited in certain specified places. |
| 09-346.53 | Parking prohibited in certain specified places. |
| 09-346.54 | How to park and stop on streets. |
| 09-346.55 | Other restrictions on parking and stopping. |
| 09-346.62(2) | Reckless Driving. |
| 09-346.63 | Operating under influence of intoxicant or other drug. |
| 09-346.87 | Limitations on backing. |
| 09-346.88 | Obstruction of operator's view or driving mechanism. |
| 09-346.89 | Inattentive driving. |
| 09-346.90 | Following emergency vehicle. |
| 09-346.91 | Crossing fire hose. |
| 09-346.92(1) | Illegal Riding |
| 09-346.94(1)-(9) | Miscellaneous prohibited acts. |

(3) PENALTY FOR VIOLATION

In addition to, and separate from, any penalty specified in any applicable state statute; violations of this ordinance shall be punishable as Class C forfeitures, under s. TCG § 25.04.

(4) EFFECTIVE DATE

- (a) The original ordinance was adopted on July 6, 1981.
- (b) This section shall take effect upon passage and publication.

09.095 SNOWMOBILE SAFETY REGULATION

(1) AUTHORITY AND PURPOSE

This ordinance is intended to regulate and control the use of Town roads, highways and streets within the Town limits; to review and assess the safety of snowmobiles operating along its roads, highways and streets; establish regulations for the operation of snowmobiles with due regard for safety; and determine where and under what conditions snowmobiles may be operated with due regard for safety. The ordinance is established pursuant to the authority granted to the Town in Wisconsin Statutes including, but not limited to, §§ 60.50(2), 82.03(1), and 86.06(1), and Ch. 60, 82, 86, 349, and 350, Wis. Stats. The purpose of this ordinance is to promote the general welfare, health and public safety of Town residents and users of the Town streets and highways.

(2) SNOWMOBILE SAFETY REGULATIONS

In the event that the Town Board determines that safety concerns or safety hazards exist with respect to the operation of snowmobiles along Town highways or portions thereof, the Town may enact, by resolution or further ordinance, regulations for the safe operation of snowmobiles

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along Town highways. Such regulations may include but are not limited to, speed control, right-of-way controls, yielding and stop signs, noise limits, and/or closure of Town highways or portions thereof to snowmobile access. In the event such regulations are enacted, any person violating such regulations may be subject to penalty as set forth in section 3 below.

(3) PENALTY

In addition to, and separate from, any liability resulting from any negligent actions, or violations of any applicable state statute, violations of this ordinance shall be punishable as class D forfeiture under s. TCG 25.04.

(4) SEVERABILITY

The provisions of this section are hereby found and declared to be in furtherance of the public health, safety, welfare, and convenience, and shall be liberally construed to effectively carry out its purposes. If any subsection, phrase, sentence or other portion of this section is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed separate, distinct and independent, and such holding shall not affect the validity of the remaining portions thereof.

(5) EFFECTIVE DATE

(a) The original ordinance was adopted on December 5, 2005.

(b) This section shall take effect upon passage and publication.

09.097 ALL-TERRAIN VEHICLES AND UTILITY TERRAIN VEHICLES

(1) STATEMENT OF PURPOSE

This ordinance is intended to establish and maintain all-terrain vehicle (“ATV”) and utility terrain vehicle (“UTV”) routes in the Town of Cottage Grove and to regulate the operation of same upon such routes.

(2) AUTHORITY

The Town Board of the Town of Cottage Grove, Dane County, Wisconsin, has the specific authority to adopt this ordinance under § 23.33(8), Wis. Stats.

(3) STATE STATUTES ADOPTED BY REFERENCE

The provisions of § 23.33, Wis. Stats. and Ch. NR 64, Wis. Admin. Code are hereby adopted and by reference made a part of this ordinance as if fully set forth herein. Unless otherwise provided in this ordinance, any act required to be performed or prohibited by any statute or regulation incorporated herein by reference is required or prohibited by this ordinance. Any future amendments, revisions, or modifications of the statutes or regulations herein are made a part of this ordinance. Any terms used in this ordinance that are defined in § 23.33(1), Wis. Stats., shall have the meaning prescribed by statute.

(4) ATV/UTV ROUTES DESIGNATED

(a) Pursuant to § 23.33(8)(b)(1), Wis. Stats., the Town of Cottage Grove designates the following as ATV/UTV routes:

1. All Town roads east of County Highway N and north of U.S. Highway 12/18; and

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2. Deerfield Road south of U.S. Highway 12/18 to its intersection with Schadel Road.

(5) ROUTE SIGNS

Under the direction of the Town, all authorized ATV/UTV routes shall be designated by route signs. The route signs shall be provided by the local ATV Club, or its successor at their cost, and shall be installed by the ATV Club in accordance with Ch. NR 64.12, Wis. Admin. Code, under the supervision of the Town. The route signs shall be inspected by the Town annually and shall be maintained by the ATV Club, or its successor. The Town shall be promptly notified by the ATV Club of any change in responsibility for maintenance of ATV/UTV route signs.

(6) CONDITIONS

In addition to the provisions of § 23.33, Wis. Stats., and Ch. NR 64.07, Wis. Admin. Code, the following restrictions are placed on the use of the ATV/UTV routes permitted under this section:

- (a) All ATV and UTV operators shall be at least 16 years of age and possess a valid operator's license as defined in § 340.01(41g), Wis. Stats., as may be amended from time to time, including a safety certificate if required by State law. A learner's permit shall not be considered as a valid driver's license nor shall any license that has been revoked, temporarily or otherwise, or suspended for any reason, be considered as a valid driver's license during the period of suspension or revocation.
- (b) All ATV and UTV operators shall observe the posted speed limits and all other applicable traffic regulations.
- (c) The operators of ATVs/UTVs shall ride in single file.
- (d) ATV/UTV headlamps and tail lamps must be turned on at all times and ATV/UTVs must have operational brake lights.
- (e) All UTV operators and passengers must wear seat belts at all times.
- (f) All Town designated ATV/UTV routes are closed between 11:00 p.m. and 5:00 a.m. every day of the year.

(7) ENFORCEMENT

This ordinance may be enforced by any law enforcement officer authorized to enforce the laws of the state of Wisconsin.

(8) PENALTY FOR VIOLATION

Any person who shall violate any provision of this ordinance shall, upon conviction thereof, forfeit not more than \$250, together with the costs of prosecution.

(9) SEVERABILITY

If any section, clause, provision or portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remaining provisions shall not be affected.

09.10 PARADES AND RACES

(1) PURPOSE AND SCOPE

The governing body of the Town of Cottage Grove recognizes that the highways of the Town are

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primarily for the use of the traveling public in the ordinary way. However, it further recognizes that there is a fundamental and constitutional right to use the public streets for races, parades, and processions that do not substantially interfere with the public's right to travel on such highways. This ordinance is intended to regulate and control marathons, bicycle and other races, parades and processions for the purpose of protecting the general welfare and safety of the persons using the highways of the Town of Cottage Grove, Dane County Wisconsin. This ordinance is intended to regulate and control parades, and races within the Town limits, for the purpose of protecting the general safety and welfare of persons using the highways within the Town.

(2) DEFINITIONS

- (a) "Parade" means any march, or procession of any kind, which includes more than ten persons; with the exception of a funeral procession, or other procession under the direct control of a uniformed police officer.
- (b) "Highway" has the meaning set forth in § 340.01(22), Wis. Stats., and also includes areas owned by the Town of Cottage Grove that are used principally for pedestrian or vehicular traffic or travel.
- (c) "Race" means any competition among runners, bicyclists, or motorists using Cottage Grove public highways.

(3) PERMIT AND APPLICATION REQUIREMENT

No person shall form, direct, lead, marshal, or participate in any race or parade on any highway under the jurisdiction of the Town of Cottage, unless a permit has been obtained in advance as provided in this section.

(4) WHEN APPLICATION MUST BE MADE

A written application for a permit for any race or parade on the highways under the jurisdiction of the Town of Cottage Grove shall be made by one of the organizers to the Town Clerk on a form provided by the Town Clerk no less than 45 days prior to the race or parade. Applicants who file after this deadline may be required to cover the cost of a special meeting of the Town Board to review the application. A single application can be filed for events that are of similar nature on multiple dates on one calendar year.

(5) INFORMATION REQUIRED IN APPLICATION

The application shall set forth the following information regarding the proposed race or parade:

- (a) Name, address, and telephone number of the applicant
- (b) If the race or parade is proposed to be conducted for, on behalf of, or by an organization, the name, address, and telephone number of the headquarters of the organization, and of the authorized and responsible heads of such organization
- (c) The name, address and telephone number of the person responsible for conducting the race or parade.
- (d) The date and time when the race or parade is to be conducted and its duration.
- (e) Those items identified at subsection (11) of this ordinance.
- (f) The number of participants or units comprising the race or parade.

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(g) If the race or parade is to be conducted by or for any person other than the applicant, the applicant for such permit shall file with the Town Clerk a communication in writing from the person proposing to hold the race or parade authorizing the applicant to apply for the permit.

(h) Any additional information that the Town Clerk and/or Board finds reasonably necessary for a fair determination as to whether a permit should be issued.

(i) A plan to address any emergency services that may be required.

(j) A sample letter notifying property owners along the route of the events. The letter must be approved by the Town Board. At least 10 days prior to the race or parade, the applicant shall provide the Town Clerk with sufficient stamped envelopes stuffed with the approved letter for mailing to the property owners along the event route.

(6) BASIS FOR DISCRETIONARY DENIAL OF PERMIT

The application may be denied:

(a) If it is for a race or parade that is to be held during working hours when the flow of vehicular traffic is typically high volume.

(b) If it is for a race or parade that is to be held between hours of darkness.

(c) If sufficient race or parade personnel are not provided as to reasonable assure the orderly conduct of the race or parade.

(d) If it is made in less than the established time frame in subsection (4) above.

(7) MANADATORY DENIAL OF PERMIT

(a) The application shall be denied:

(b) If it is for a race or parade that would involve violation of federal, state or local laws relating to the use of highways or other application regulation of the Town of Cottage Grove.

(c) If the granting of the permit would conflict with another permit already granted or for which an application is already pending.

(d) If the application does not contain the information required by subsection (5) above.

(e) If the applicant has failed to receive a required state or county permit.

(8) PERMIT TO BE ISSUED UNLESS THREAT TO PUBLIC SAFETY

The Town board shall issue a permit to the applicant subject to the foregoing paragraphs of this Section, unless the Board concludes that

(a) The policing of the race or parade will require so large a number of persons and vehicles, including emergency services vehicles, as to prevent adequate service to the rest of the Town.

(b) The race or parade will so substantially hinder the movement of police and fire and other emergency vehicles as to create a substantial risk to person and property.

(c) The conduct of the race or parade will substantially interrupt the safe and orderly movement of other traffic contiguous to its route.

(9) PERMIT DEPOSIT AND CHARGES FOR INCREASED COST

The Town of Cottage Grove requires a Five Hundred-dollar (\$500.00) deposit with the

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application. Of this deposit, One Hundred dollars (\$100.00) is retained to cover administrative costs. The remaining Four Hundred dollars (\$400.00) will be refunded if no additional costs are deemed incurred by the Town due to the race or parade. Where the Town Board determines that the cost of municipal services incident to the staging of the race or parade will be in excess of the deposit amount, the Town Board may require the permittee to make an additional deposit equal to the estimated excess cost. Costs to the Town that are in excess of any deposit will be billed to the applicant or organization. At its sole discretion, the Town may require the permittee to post insurance as set forth in subsection (10) below.

(10) REVOCATION

The Town Chair or Town Chair designee may revoke a permit already issued, if he or she deems that such action is justified by an actual or potential emergency due to weather, fire, riot, other catastrophe or likelihood of a breach of the peace, or by a major change in the conditions forming the basis of the standards of issuance. In lieu of revoking a permit, the Town Chair or designee may require the permittee to file evidence of good and sufficient sureties, insurance in force or other evidence of adequate financial responsibility running to the Town of Cottage Grove and such third parties as may be injured or damaged, in an amount depending upon the likelihood of injury or damage as a direct and proximate result of the holding of the race or parade sufficient to indemnify the Town and such third parties as may be injured or damaged thereby, caused by the permittee, its agents or participants.

(11) PERMIT CONTENTS

- (a) A map indicating the route including the starting point, ending point and participant parking location.
- (b) A traffic control plan for the route, including any required County or State permits.

(12) COPIES OF PERMIT DISTRIBUTED

Immediately upon the issuance of a permit, the Town Clerk shall send a copy to the police, fire, EMS and highway departments.

(13) COMPLIANCE WITH REGULATIONS

- (a) A permittee under this section shall comply with all permit conditions and with all applicable state, county and local laws.
- (b) No person who leads or participates in a race or parade shall disobey, or encourage others to disobey this section or the terms of any applicable permit.

(14) PENALTY FOR VIOLATION

In addition to, and separate from, any liability resulting from any negligent actions, or violation of any applicable state statute; violations of this ordinance shall be punishable as class D forfeitures, under s. TCG 25.04.

(15) EFFECTIVE DATE

- (a) The original ordinance was adopted on 6 Jul 1981.
- (b) This section shall take effect upon passage and publication.

09.11 ACCIDENTS AND ACCIDENT REPORTS

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(1) In addition to being applicable upon highways, the following traffic regulations, as amended, following the prefix "09", shall apply equally to motor vehicles, snowmobiles and all-terrain vehicles upon all premises within the town limits, regardless of the apparent extent of any property damage or personal injury; with the exception of any penalty provision. These sections do not apply to vehicles propelled by human power or drawn by animals.

- 09-346.67 Duty upon striking person or attended or occupied vehicle.
- 09-346.68 Duty upon striking unattended vehicle.
- 09-346.69 Duty upon striking property on or adjacent to highway.
- 09-346.70 Duty to report accident.

(2) In the event the operator of a motor vehicle, snowmobile or all-terrain vehicle involved in any accident cannot be immediately determined, it shall be the responsibility of the owner of the motor vehicle, snowmobile or all-terrain vehicle to provide the information required under (1), upon request.

(3) PENALTY FOR VIOLATION

In addition to, and separate from, any penalty specified in any applicable state statute; violations of this ordinance shall be punishable as class D forfeitures, under s. TCG 25.04.

(4) EFFECTIVE DATE

This section shall take effect upon passage and publication.

09.12 SCHOOL BUS WARNING LIGHTS

(1) Notwithstanding the provisions of § 346.48(2)(b)2., Wis. Stats., adopted by reference in TCG § 09.01, to the contrary and except as provided in Subsection (5) 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. The operator of a school bus equipped with flashing red warning lights shall actuate such lights at least one hundred (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.

(2) The operator of a school bus shall use the flashing red warning lights when loading or unloading passengers in a residential or business district, with the exception of streets or highways with four or more lanes.

(3) 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 twenty (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 twenty (20) feet from the other bus, display its red warning lights and remain stopped with red warning lights actuated until the other bus resumes motion or the other operator extinguishes the flashing red warning lights.

(4) Pursuant to § 349.21(2), Wis. Stats., 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 a right-of-way between the roadway and the

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school grounds designated by "school" warning signs as provided in § 118.08(1), Wis. Stats.

(5) This section is adopted pursuant to the authority granted by § 349.21, Wis. Stats.

(6) Violators of this section will be subject to the penalty provisions in TCG § 25.04.

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