

TITLE 10

Motor Vehicles and Traffic

| | |
|------------------|--|
| Chapter 1 | Traffic and Parking |
| Chapter 2 | Bicycles |
| Chapter 3 | Snowmobiles |
| Chapter 4 | All-Terrain Vehicles and Off-Road Motor Vehicle Operation |
| Chapter 5 | Nuisance Motor Vehicles; Repair Work |

Chapter 1

Traffic and Parking

Article A General Provisions

- 10-1-1** State Traffic Laws Adopted
- 10-1-2** State Administrative Code Provisions Adopted
- 10-1-3** Official Traffic Signs and Control Devices;
 Prohibited Signs, Signals and Markers
- 10-1-4** Registration Record of Vehicle as Evidence
- 10-1-5** School Bus Warning Lights
- 10-1-6** Blue Warning Lights on Police Vehicles
- 10-1-7** Accident Reports
- 10-1-8 and**
- 10-1-9** Reserved for Future Use

Article B Street Traffic Regulations

- 10-1-10** Operators to Obey Traffic Control Devices
- 10-1-11** Heavy Traffic Routes
- 10-1-12** Speed Limits
- 10-1-13** Through Highways Designated
- 10-1-14** Point of Stopping
- 10-1-15** Remaining Stopped; Conditions for Proceeding
- 10-1-16** Highway Damage
- 10-1-17 through**
- 10-1-19** Reserved for Future Use

Article C Parking Regulations

- 10-1-20** Restrictions on Parking; Posted Limitations
- 10-1-21** Parking Restrictions During Street Maintenance or
 Temporary Snow Removal
- 10-1-22** Stopping or Parking Prohibited in Certain Specified Places
- 10-1-23** Parking Reserved for Vehicles of Disabled

| | |
|------------------------|---|
| 10-1-24 | Leaving Keys in Vehicle Prohibited; Parking Vehicles with Motor Running |
| 10-1-25 | Unattended Motorized Machinery |
| 10-1-26 | Angle Parking |
| 10-1-27 | Seasonal All-Night Parking Restrictions |
| 10-1-28 | Parking of Vehicles Over 12,000 Pounds or 22 Feet Restricted |
| 10-1-29 | Unlawful Removal of Parking Citations |
| 10-1-30 | Operation of Motor Vehicles in Public Parking Lots |
| 10-1-31 | Removal of Illegally Parked Vehicles |
| 10-1-32 | Inoperable, Wrecked or Discarded Vehicles |
| 10-1-33 through | |
| 10-1-39 | Reserved for Future Use |

Article D Miscellaneous Provisions

| | |
|------------------------|---|
| 10-1-40 | Disturbance of the Peace with a Motor Vehicle |
| 10-1-41 | Motor Vehicles on Pedestrian Ways |
| 10-1-42 | Driving Over Curbing or Safety Islands Prohibited |
| 10-1-43 through | |
| 10-1-49 | Reserved for Future Use |

Article E Enforcement and Penalties

| | |
|----------------|-------------|
| 10-1-50 | Penalties |
| 10-1-51 | Enforcement |

Article A: General Provisions

Sec. 10-1-1 State Traffic Laws Adopted.

(a) **Statutes Adopted.** Except as otherwise specifically provided in this Code, the statutory provisions in Chapters 110, 194, and 340 through 349, Wis. Stats., 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. The statutory sections listed shall be designated as part of this Code by adding the prefix "10-1-" to each statute section number. 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 through 349 incorporated herein are intended to be made part of this Chapter in order to secure to the extent legally practicable uniform statewide regulation of vehicle traffic on the highways, streets and alleys of the State of Wisconsin. Any person who shall, within the Village of Star Prairie, Wisconsin, violate any provisions of any Statute incorporated herein by reference shall be deemed guilty of an offense under this Section.

(b) **Other State Laws Adopted.** There are also hereby adopted by reference the following sections of the Wisconsin Statutes, but the prosecution of such offenses under this Chapter shall be as provided in Chapters 340 through 349, Wis. Stats., 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

(c) **Statutes Specifically Incorporated by Reference.** Whenever this Chapter incorporates by reference specific sections of the Wisconsin Statutes, such references shall mean the Wisconsin Statutes of 1995-96 as from time to time amended, repealed or modified by the Wisconsin Legislature.

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

Sec. 10-1-2 State Administrative Code Provisions Adopted.

(a) **Administrative Regulations Adopted.** The following administrative rules and regulations adopted by the Secretary of the Wisconsin Department of Transportation and published in the Wisconsin Administrative Code, exclusive of any provisions therein relating to the

penalties to be imposed, are hereby adopted by reference and made part of this Chapter as if fully set forth herein.

| | |
|---------------------------|--|
| Wis. Adm. Code — TRANS 5 | Standards for Motor Vehicle Equipment |
| Wis. Adm. Code — TRANS 6 | Transportation of Explosives by Motor Vehicle |
| Wis. Adm. Code — TRANS 12 | Leasing of Vehicles by Private Carriers |
| Wis. Adm. Code — TRANS 18 | Protective Headgear Standards and Specifications |
| Wis. Adm. Code — TRANS 22 | Standards and Specifications — Design and Mounting SMV Emblem |

(b) **Non-Compliance Prohibited.** No person shall operate or allow to be operated on any highway, street or alley within the Village a vehicle that is not in conformity with the requirements of Subsection (a) or the provisions of Sec. 110.075 and Chapter 347, Wis. Stats., incorporated by reference in Section 10-1-1 of this Chapter.

(c) **Safety Checks.**

- (1) **Operators to Submit to Inspection.** When directed to do so by any law enforcement officer, the operator of any motor vehicle shall stop and submit such vehicle to an inspection and such tests as are necessary to determine whether the vehicle meets the requirements of this Section or that the vehicle's equipment is in proper adjustment or repair. No person, when operating a motor vehicle, shall fail to stop and submit such vehicle to inspection when directed to do so by any law enforcement officer as herein provided.
- (2) **Authority of Officer.** Any law enforcement officer of the Village is hereby empowered whenever he or she shall have reason to believe that any provision of this Section is being violated to order the operator of the vehicle to stop and to submit such vehicle to an inspection with respect to brakes, lights, turn signals, steering, horns and warning devices, glass, mirrors, exhaust systems, windshield wipers, tires and other items of equipment.
- (3) **Vehicle to be Removed From Highway.** Whenever, after inspection as provided by this Section, a law enforcement officer determines that a vehicle is unsafe for operation, he or she may order it removed from the highway and not operated, except for purposes of removal and repair until the vehicle has been repaired as directed in a repair order. Repair orders may be in the form prescribed by the secretary of the Department of Transportation under Sec. 110.075(5), Wis. Stats., 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.

(d) **Penalty.**

- (1) 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 10-1-50, together with the costs of prosecution and applicable penalty assessment.

(2) The Administrative Code sections adopted by reference in Subsection (a) above shall be designated as part of this Code by adding the prefix "10-1-" to each statute or Administrative Code section number.

Sec. 10-1-3 Official Traffic Signs and Control Devices; Prohibited Signs, Signals and Markers.

(a) **Duty of Director of Public Works 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 10-1-1, require the erection of traffic control devices for enforcement, the Director of Public Works with the cooperation of the Police Department, 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 Director of Public Works, will carry out the purposes of this Chapter and give adequate warning to users of the streets and highways of the Village of Star Prairie.

(b) **Code Numbers to be Affixed to Official Traffic Control Devices.** The Director of Public Works shall cause to be placed on each official traffic control sign a guide board, mile post, signal or marker erected under Subsection (a), a code number assigned by the Wisconsin Department of Transportation, and shall also place or direct the placing of code numbers on all existing official traffic control devices as required by the laws of the State of Wisconsin.

(c) **Prohibited Signs and Markers in Highways.** No person other than an officer authorized by this Chapter to erect and maintain official traffic control devices or his or her designee shall place within the limits of any street or highway maintained by the Village any sign, signal, marker, mark or monument unless permission is first obtained from the Director of Public Works or, where applicable, the State Highway Commission. Any sign, signal, marker, mark or monument placed or maintained in violation of this Subsection shall be subject to removal as provided in Subsection (d).

(d) **Removal of Unofficial Signs, Markers, Signals and Traffic Control Devices.** The Director of Public Works may remove any sign, signal, marking or other device which is placed, maintained or displayed in violation of this Chapter or state law. Any charge imposed against premises for removal of a prohibited or illegal sign, signal, marking or device shall be reported by the Director of Public Works to the Village Board for review and certification at its next regular meeting following the imposition of the charge. Any charge not paid on or before the next succeeding November 15 shall be placed upon the tax roll for collection as other special municipal taxes.

State Law Reference: Secs. 346.41 and 349.09, Wis. Stats.

Sec. 10-1-4 Registration Recored of Vehicle as Evidence.

When any vehicle is found upon a street or highway in violation of any provision of this Chapter regulating the stopping, standing or parking of vehicles and the identity of the operator cannot be determined, the owner, as shown by the ownership registration of the vehicle supplied by the Wisconsin Department of Transportation, or a comparable authority of any other state, shall be deemed to have committed the violation for purposes of enforcement of this Chapter and specifically Section 10-1-1 and shall be subject to the applicable forfeiture penalty; provided the defenses defined and described in Sec. 346.485(5)(b), Wis. Stats., shall be a defense for an owner charged with such violation.

Sec. 10-1-5 School Bus Warning Lights.

- (a) (1) Notwithstanding the provisions of Sec. 346.48(2)(b)2., Wis. Stats., adopted by reference in Section 10-1-1 to the contrary and except as provided in Subsection (b) below, school bus operators shall use flashing red warning lights in residential and business districts when pupils or other authorized passengers are to be loaded or unloaded at locations at which there are no crosswalk or traffic signals so that pupils must cross the street or highway before being loaded or after being unloaded.
- (2) The operator of a school bus equipped with flashing red warning lights shall actuate such lights at least 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.
- (3) The operator of a school bus shall use the flashing red warning lights when loading or unloading passengers from either side where the curb and sidewalk are laid on one (1) side of the road only.
- (4) The operator of a school bus shall use the flashing red warning lights when loading or unloading passengers in a residential or business district when the passengers are to be loaded or unloaded at a location at which there are:
 - a. No traffic signals;
 - b. Sidewalk and curb are laid on both sides of the street or highway; and
 - c. Such persons must cross the street or highway before being loaded or after being unloaded.
- (5) The operator of a motor vehicle which approaches from the front or rear of any school bus which has stopped on a street or highway when the bus is displaying flashing red warning lights shall stop the vehicle not less than 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.

(b) Pursuant to Sec. 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 school grounds designated by "school" warning signs as provided in Sec. 118.08(1), Wis. Stats.

Sec. 10-1-6 Blue Warning Lights on Police Vehicles.

(a) Pursuant to Sections 346.03(3), 346.94(14), 346.95(3) and 347.25(1), (1m)(a) and (b) and (4), Wis. Stats., a marked police vehicle under Sec. 340.01(3)(a), Wis. Stats., may be equipped with a blue light and a red light which flash, oscillate or rotate.

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

Sec. 10-1-7 Accident Reports.

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

State Law Reference: Sec. 346.70, Wis. Stats.

Sec. 10-1-8 and Sec. 10-1-9 Reserved for Future Use.

Article B: Street Traffic Regulations

Sec. 10-1-10 Operators to Obey Traffic Control Devices.

Every operator of a vehicle approaching an intersection at which an Official Traffic Control Device is erected in accordance with this Chapter shall obey the direction of such Official Traffic Control Device as required by the Wisconsin Statutes incorporated by reference in Section 10-1-1 of this Chapter. Operators of vehicles approaching a stop sign shall stop before entering a highway as required by Sec. 346.46, Wis. Stats. Operators approaching intersections at which a yield sign has been installed shall yield the right-of-way to other vehicles as required by Sec. 346.18(6), Wis. Stats.

Sec. 10-1-11 Heavy Traffic Routes.

- (a) **Streets Designated Class "B" Highways.** All streets and highways within the Village of Star Prairie, Wisconsin, are hereby designated Class "B" highways subject to the weight limitations imposed on Class "B" highways by the Wisconsin Statutes adopted by reference in Section 10-1-1 except the highways or parts of highways designated as heavy traffic routes in Subsection (f).
- (b) **Heavy Traffic Routes.**
 - (1) The following streets in the Village of Star Prairie are hereby designated heavy traffic routes, for commercial vehicles, pursuant to Sec. 349.17, Wis. Stats.:
 - a. State Highway 65.
 - (2) On those Village streets designated for heavy traffic, weight limits shall be enforced in accordance with state law, as adopted pursuant to Section 10-1-1.

State Law Reference: Sec. 349.17, Wis. Stats.

Sec. 10-1-12 Speed Limits.

The provisions of Sections 346.57, 346.58, and 346.59, Wis. Stats., relating to the maximum and minimum speed of vehicles are hereby adopted.

Sec. 10-1-13 Through Highways Designated.

In the interest of public safety and pursuant to Sec. 349.07, Wis. Stats., the following streets or portions thereof are declared to be through highways.

- (a) State Trunk Highway 65.
- (b) Bridge Avenue from the former schoolhouse to State Trunk Highway 65.
- (c) Bridge Avenue from State Trunk Highway 65 to the westerly Village limits.
- (d) All vehicles proceeding in easterly and westerly directions on Bridge Avenue shall stop at the intersection of these streets and State Trunk Highway 65.
- (e) All vehicles proceeding in northerly and southerly directions on First Street west, Second Street west, Third Street west, Fourth Street west and Fifth Street west shall stop at the intersections of these streets and Bridge Avenue.
- (f) County Trunk Highway H (Hill Avenue).

Sec. 10-1-14 Point of Stopping.

For purposes of this Chapter, all stops shall be made by vehicles immediately prior to entering the crosswalk closest to the intersection being approached and located between the vehicle and the intersection. Where there are no marked crosswalks but sidewalks exist, then all stops shall be made before crossing the extended edge of the sidewalk farthest from the intersection being approached. In the event there are neither marked crosswalks nor sidewalks, then all stops shall be made with the front of the vehicle located approximately at a line extended from the stop sign and perpendicular thereto into the street being traveled by the vehicle.

Sec. 10-1-15 Remaining Stopped; Conditions for Proceeding.

All vehicles coming to a stop pursuant to the provisions set forth in this Chapter shall remain stopped until such time as:

- (a) In the case of a four-way stop, all vehicles which previously arrived or stopped at the intersection have proceeded through the intersection.
- (b) At any intersection where less than four (4) direction are, but at least one direction is controlled by a stop sign or a signal, all vehicles which previously arrived or stopped at the intersection have proceeded through the intersection and there are not vehicles proceeding in a direction not required to stop so close to the intersection as to constitute an immediate hazard.

Sec. 10-1-16 Highway Damage.

- (a) Any person violating the weight restrictions on any roads or highways in the Village of Star Prairie shall be deemed to have caused or contributed to the damage of said road or highway by way of excessive wear and tear or by way of specific damages if the same can be established. Actual damages may also be ordered in addition to the fine.

- (b) In addition to any other violation of local, county, Administrative Code or State Statutes, ordinance or rule, a separate citation may be issued against any person violating this Section.
- (c) Any person owning or leasing a vehicle or operating or causing to be operated a vehicle which is in excess of Wisconsin State Statute weight limits or Wisconsin Department of Transportation Administrative Code restrictions shall be fined as a penalty for damage to any road or highway as follows:

Fifty Dollars (\$50.00) plus an amount equal to ten cents (10¢) per pound which is in excess of the most restrictive weight limitation as defined in any such ordinance or rule, Administrative Code or State Statute.

- (d) "Person" is defined herein as any natural person, driver, operator, principal, agent, lessor, lessee, employee, partnership or corporation or its officers.

Sec. 10-1-17 through Sec. 10-1-19 Reserved for Future Use.

Article C: Parking Regulations

Sec. 10-1-20 Restrictions on Parking; Posted Limitations.

(a) **Forty-eight (48) Hour Limitation.** No person, firm or corporation shall park or leave standing any automobile, truck, tractor, trailer or vehicle of any description on any public streets or public parking lots in the Village of Star Prairie for a period of forty-eight (48) or more consecutive hours in the same location at any time, except that where more restrictive parking limits have been established, the more restrictive limits shall apply. When any law enforcement officer shall find a vehicle standing upon a public street or parking lot in violation of the provisions of this Section, he/she is authorized to move such a vehicle or to require the operator in charge thereof to move such vehicle to a position permitted under this Chapter. The law enforcement officer may cause said vehicle to be removed to a proper impoundment and storage area within the Village where storage space is available and in such case the owner shall pay the costs of removing said vehicle and the storage fees on said vehicle before he/she may recover the possession thereof.

(b) **Posted Limitations.**

- (1) The Village Board may designate certain streets or portions of streets as no parking or no stopping or standing zones or as zones for parking by physically handicapped persons and may limit the hours in which the restrictions apply. The Village shall mark, by appropriate signs, each zone so designated in accordance with the provisions of Sec. 349.13, Wis. Stats.
- (2) Except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic control device, no person shall stop or park a vehicle in an established no stopping or standing zone when stopping or standing is prohibited. No vehicle shall be parked in a no parking zone during hours when parking is prohibited except physicians on emergency calls or as permitted by state law or elsewhere by this Code of Ordinances.
- (3) The Chief of Police is hereby granted the authority, within the reasonable exercise of police power to prohibit, limit the time or otherwise restrict the stopping, standing or parking of vehicles beyond the provisions of Chapter 346, Wis. Stats. The Village Board shall have the authority to restrict the turning or movement of heavy traffic and to impose special weight limitations on any highway or portions thereof which, because of the weakness of the roadbed due to deterioration or climatic conditions or other special or temporary conditions, would likely be seriously damaged or destroyed in the absence of any restrictions on heavy traffic movement or special weight limitations.
- (4) No prohibition, restriction or limitation on parking or restriction on movement or turning of heavy traffic and imposition of special weight limits is effective unless official traffic control devices have been placed or erected indicating the particular prohibition, restriction or limitation.

- (5) After the parking limitations on any given street have expired, any change of location of not more than one (1) stall following expiration of the parking period allowed shall be and constitute a violation of this Chapter.

Sec. 10-1-21 Parking Restrictions During Temporary Snow Removal or Street Maintenance.

- (a) **Street Maintenance.** Whenever it is necessary to clear or repair a Village roadway or any part thereof, the Public Works Department and/or Police Department shall post such highways or parts thereof with signs bearing the words "No Parking -Street Maintenance Work." Such signs shall be erected at least two (2) hours prior to the time that street maintenance work is to be commenced. No person shall park a motor vehicle in violation of such signs.
- (b) **Temporary Parking Restrictions for Special Events.** For the period of time during which a community event is being held and upon proper resolution of the Village Board, all or any portion of a street, adjacent to the area at which the community event is being held, may be designated as a temporary no-parking zone. All such temporary no-parking zones shall be properly designated by an official no-parking sign placed or erected pursuant to the authority and direction of the Village Board. The operator of any motor vehicle shall not park or allow such vehicle to stand in such temporary no-parking zone.
- (c) **Parking During Snow Removal.** No person shall park, place or leave standing any automobile, truck or other vehicle on any street or public way after one (1) hour from the time such area has been designated and marked with signs or barriers by the Public Works and/or Police Departments of the Village indicating no parking due to snow removal.

Sec. 10-1-22 Stopping or Parking Prohibited in Certain Specified Places.

- (a) **Parking Prohibited at All Times.** Except temporarily for the purpose of and while actually engaged in loading or unloading or in receiving or discharging passengers or property and while the vehicle is attended by a licensed operator so that it may be moved promptly in case of an emergency or to avoid obstruction of traffic, no person other than an emergency services or public works vehicle shall at any time park or leave standing any vehicle:
 - (1) Within an intersection.
 - (2) On a crosswalk.
 - (3) On a sidewalk or terrace area, except when parking in such place is clearly indicated by official traffic signs or markers or parking meters. "Terrace or Sidewalk Area" means that area between the sidewalk and the nearest curb line running parallel or

generally parallel thereto or in the absence of a sidewalk ten (10) feet beyond the curb line.

- (4) Alongside or opposite any highway excavation or obstruction when such stopping or standing would obstruct traffic or when pedestrian traffic would be required to travel in the roadway.
- (5) On the roadway side of any parked vehicle unless double parking is clearly indicated by official traffic signs or markers.
- (6) Within a fire lane consisting of either the driveway between the front doors of a Fire Station and the public street or in such places properly designated and marked as fire lanes ordered by the Fire Chief.
- (7) Upon any portion of a highway where and at the time when stopping or standing is prohibited by official traffic signs indicating the prohibition of any stopping or standing.
- (8) In any place or manner so as to obstruct, block or impede traffic.
- (9) Within ten (10) feet of a fire hydrant, unless a greater distance is indicated by an official traffic sign.
- (10) Upon any portion of a highway where and at the time when parking is prohibited, limited or restricted by official traffic signs.
- (11) Upon any bridge.
- (12) Upon any street or highway within the Village limits any vehicle which faces a direction different from the direction of normal traffic flow for the lane of traffic in which said vehicle is stopped or standing.
- (13) Upon any terrace or sidewalk in the Village at any time.
- (14) In a loading zoning.
- (15) Within four (4) feet of the entrance to an alley, private road or driveway.
- (16) In any municipal park when said park is closed to the public.

(b) **Parking in Driveways.** No person shall park or leave standing any motor vehicle in any private driveway without the permission of the owner or lessee of the property which such driveway is located, whether or not such driveway is posted to limit or restrict parking.

(c) **Vehicles Not to Block Private Drive, Alley or Fire Lane.** No vehicle shall, at any time, be parked so as to unreasonably restrict the normal access to any private drive, alley or fire lane. Said access shall be deemed to be unreasonably restricted if any vehicle is parked within four (4) feet of either side of said access. Upon discovery by a police officer or upon complaint by the owner of any such blocked drive, alley or fire lane, the Chief of Police may order said vehicle towed from such position at the risk and expense of the owner of said vehicle.

(d) **Parking Vehicle for Repair or to Display for Sale Prohibited.**

- (1) No person shall stand or park a vehicle (including, but not limited to, motor vehicles, trailers, motor homes, recreational vehicles, and other motor-driven vehicles) on any street, alley, public right-of-way or municipal parking lot in the Village of Star Prairie for the purpose of repairing said vehicle or to display such vehicle for sale. No

person shall park on any street or avenue any vehicles for the primary purpose of advertising.

(2) No person other than an owner and/or operator of a business located on business-zoned property engaged in the regular business of selling vehicles may display a vehicle for sale upon private premises unless the following conditions are met:

- a. Consent to display the vehicle has been given by the owner or lessee of the premises; and
- b. The owner of the vehicle is on the premises or resides there; and
- c. The vehicle displayed for sale is parked entirely on the premises; and
- d. The premises contains only one (1) vehicle displayed for sale; and
- e. The advertisement or sign for sale of the vehicle is not larger than two (2) square feet.

Cross-Reference: Title 10, Chapter 5

Sec. 10-1-23 Parking Reserved for Vehicles of Disabled.

When official traffic signs indicating such restriction have been erected in accordance with Section 10-1-3 of this Chapter, no person shall park, stop or leave standing any vehicle upon any portion of a street, highway or public or private parking facility reserved for vehicles displaying special registration plates or identification cards or emblems issued by the Wisconsin Department of Transportation or, for vehicles registered in another jurisdiction, by such other jurisdiction designating the vehicle as one used by a physically disabled person.

Sec. 10-1-24 Leaving Keys in Vehicle Prohibited; Parking Vehicles with Motor Running.

(a) **Leaving Keys in Vehicle.** No person other than an emergency services or public works vehicle shall permit any motor vehicle to stand or remain unattended on any street, alley or other public area, except an attended parking area, unless either the starting lever, throttle, steering apparatus, gear shift or ignition of the vehicle is locked and the key for such lock is removed from the vehicle. Whenever any police officer shall find any vehicle standing with the key in the ignition in violation of this Section, such officer is authorized to remove such key from the vehicle and deliver the key to the Police Department for safe custody.

(b) **Parking Vehicles With Motor Running.** No person shall park or leave standing any motor vehicle with the motor or refrigerator unit running for more than thirty (30) minutes within three hundred (300) feet of any residence within the Village of Star Prairie between the hours of 10:00 p.m. and 7:00 a.m.

Sec. 10-1-25 Unattended Motorized Machinery.

It shall be unlawful for any person, firm or corporation to permit any construction, compaction, earth-grading or farm machinery which is self-propelled and moves upon the surface of the earth and which is owned or controlled by him to stand for any period of time unattended without locking the ignition system or otherwise rendering said machinery inoperable so as to prevent any person unauthorized by the owner or individual in control thereof from starting said machinery.

Sec. 10-1-26 Angle Parking.

- (a) The Village Board shall from time to time have certain streets or portions of streets marked with lines to designate parallel or diagonal parking places. Angle parking or parking diagonally is prohibited on all the streets, alleys and highways of the Village except as provided herein in designated angle parking stalls. All vehicles shall park parallel to, and within one (1) foot of, the curb except where streets and parking lots are so marked for angle parking.
- (b) No person shall at any time park any vehicle:
 - (1) In any direction other than the designated parking angle, where angle parking spaces are so designated and provided by appropriate markings.
 - (2) Backwards into angle parking spaces so designated and provided by appropriate markings.
 - (3) With a trailer attached or any vehicle longer than twenty (20) feet on any street where angle parking is so provided and allowed.

Sec. 10-1-27 Seasonal All-Night Parking Restrictions.

- (a) **Winter Parking Prohibited.** During the time period from 12:00 a.m. on November 1 through and 11:59 p.m. the following March 31, no vehicle shall be parked on any portion of any Village street or roadway between the hours of 10:00 p.m. and 6:00 a.m. the following day. The purpose of this prohibition is to facilitate snow removal. This parking prohibition applies to all Village streets and roadways with the exception of the 100 block through the 300 block of Main Street. Parking is prohibited on that portion of Main Street from 2:30 a.m. until 6:00 a.m. during the aforementioned time period. This prohibition does not apply to vehicles of physicians on emergency call, emergency vehicles (ambulance, fire, police) on call, and Village maintenance vehicles.
- (b) **Removal of Vehicles in Violation of This Section.** Any vehicle parked in violation of this Section shall, at the option of the Village, be towed to an area designated by the Village and impounded there. If it is determined by a duly authorized Village representative that the cost of towing and storage charges for the impoundment would exceed the value of the vehicle, the vehicle may be junked or sold by the Village or county

prior to expiration of the impoundment period upon determination by the Chief of Police that the vehicle is not stolen or otherwise wanted for evidence of other reason. The Village will make reasonable efforts to locate and notify the owner of a towed vehicle. The owner or operator of the vehicle shall pay the reasonable towing and storage costs to the Village before obtaining possession of it. Any vehicle not claimed within five (5) days of towing shall be deemed abandoned and shall be dealt with in accordance with the provisions of Sec. 342.40, Wis. Stats.

(c) **Definitions.**

- (1) "Street or roadway" is defined as every street or roadway within the corporate limits of the Village, whether paved or unpaved, which is constructed for the purpose of vehicular traffic.
- (2) "Vehicle" is as defined in Sec. 340.01(74), Wis. Stats., as every device in, upon or by which any person or property is or may be drawn upon any roadway except railroad trains. A snowmobile shall not be considered a vehicle except for purposes made specifically applicable by statute.

Sec. 10-1-28 Parking of Vehicles Over 12,000 Pounds or 22 Feet Restricted.

- (a) **Parking.** No person owning or having control of any truck, trailer, truck power unit, tractor, bus or recreation vehicle or combination of vehicles weighing in excess of twelve thousand (12,000) pounds gross weight, or over twenty-two (22) feet in length (including accessories, racks, or other physical extensions), or having a height of more than eight (8) feet from the roadway or public way, shall park the same upon any street, avenue, public way or private property in the Village in areas zoned residential or primarily residential in nature. The provisions of this Subsection shall not be deemed to prohibit the lawful temporary parking of such equipment upon any street, avenue, public way or private property in the Village for the actual loading or unloading of goods, ware or merchandise, providing, however, the "loading" and "unloading," as used in this Section, shall be limited to the actual time consumed in such operation. The Village Board may, however, designate specific truck parking zones.
- (b) **Exceptions.** Any municipal vehicle or public works equipment is excepted from the provisions of Subsection (a) above.
- (c) **Bus Parking.** No operator of a school bus or other bus, regardless of its size, shall park such vehicle in any residential district — on the street, on a lawn, in the alley, in a driveway or anywhere else — except for such time as is reasonably necessary to facilitate the loading or unloading of the vehicle, except that school buses may park at any school when required.
- (d) **Removal.** Any vehicle unlawfully parked under Subsection (a) or (b) above may be removed from the street by order of a law enforcement officer, pursuant to Section 10-1-31,

and the expense of so moving and storing such vehicle shall be paid by the operator or owner of said vehicle as a forfeiture in addition to the penalties hereafter prescribed.

Sec. 10-1-29 Unlawful Removal of Parking Citations.

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

Sec. 10-1-30 Operation of Motor Vehicles in Public Parking Lots.

- (a) **Unlicensed Operators Prohibited.** No person who does not hold a valid operator's license shall operate a vehicle in any public parking lot or ramp or in any private parking lot or ramp held out for the use of parking for the general public.
- (b) **Traffic Regulations Applicable.** All provisions of Section 10-1-1 of this Chapter and of the Wisconsin Statutes and laws incorporated herein by reference shall be applicable on any public parking lot or ramp and on any private parking lot, road or ramp held out for use for the general public for parking or vehicular traffic.

Sec. 10-1-31 Removal of Illegally Parked Vehicles.

- (a) **Hazard to Public Safety.** Any vehicle parked, stopped or standing upon a highway or public parking lot or ramp in violation of any of the provisions of this Chapter is declared to be a hazard to traffic and public safety.
- (b) **Removal by Operator.** Such vehicle shall be removed by the operator in charge, upon request of any law enforcement officer, to a position where parking is permitted or to a private or public parking or storage premises.
- (c) **Removal by Traffic Officer.** Any law enforcement officer after issuing a citation for illegal parking, stopping or standing of an unattended vehicle in violation of this Chapter, is authorized to direct removal of such vehicle to a position where parking is permitted.
- (d) **Removal by Private Service.** The officer may order a motor carrier holding a permit to perform vehicle towing services, a licensed motor vehicle salvage dealer or a licensed motor vehicle dealer who performs vehicle towing services to remove and store such vehicle in any public storage garage or rental parking grounds or any facility of the person providing the towing services.
- (e) **Towing and Storage Charges.** In addition to other penalties provided in this Chapter, the owner or operator of a vehicle so removed shall pay the actual cost of moving, towing and storage. If the vehicle is towed or stored by a private motor carrier, motor vehicle salvage dealer or licensed motor vehicle dealer, actual charges regularly paid for such services shall

be paid. If the vehicle is stored in a public storage garage or rental facility, customary charges for such storage shall be paid. Upon payment, a receipt shall be issued to the owner of the vehicle for the towing or storage charge.

Sec. 10-1-32 Inoperable, Wrecked or Discarded Vehicles.

- (a) **Storage Prohibited.** No person owning or having custody of any partially dismantled, nonoperable, wrecked, junked or discarded motor vehicle shall allow such vehicle to remain on any public street or highway, parking lot or ramp longer than forty-eight (48) hours after notification thereof by the Police Department. Any such vehicle not removed within forty-eight (48) hours is declared to be a public nuisance and may be removed as provided in Section 10-1-31.
- (b) **Exemptions.** This Section shall not apply to a motor vehicle in an appropriate storage place or depository maintained in a lawful place and manner authorized by the Village of Star Prairie.

Cross-Reference: Section 10-5-1.

Sec. 10-1-33 through Sec. 10-1-39 Reserved for Future Use.

Article D: Miscellaneous Provisions

Sec. 10-1-40 Disturbance of the Peace with a Motor Vehicle.

- (a) **Unnecessary Noise Prohibited.** It shall be unlawful for any person to operate a motor vehicle in such a manner which shall make or cause to be made any loud, disturbing, or unnecessary sounds or noises such as may tend to annoy or disturb another in or about any public or private area in the Village of Star Prairie.
- (b) **Unnecessary Smoke Prohibited.** It shall be unlawful for any person to operate a motor vehicle in such a manner which shall make or cause to be made any smoke, gases, or odors which are disagreeable, foul, or otherwise offensive which may tend to annoy or disturb another in or about any public or private area in the Village.
- (c) **Unnecessary Acceleration and Display of Power Prohibited.** It shall be unlawful for any person to operate any vehicle, including motorcycles, all-terrain vehicles and bicycles, in such a manner as to cause, by excessive and unnecessary acceleration, the tires of such vehicle or cycle to spin or emit loud noises or to unnecessarily throw stones or gravel; nor shall such driver cause to be made by excessive and unnecessary acceleration any loud noise as would disturb the peace.
- (d) **Disorderly Conduct with a Motor Vehicle.**
 - (1) **Conduct Prohibited.** No person shall, within the Village of Star Prairie, by or through the use of any motor vehicle, including but not limited to, an automobile, truck, motorcycle, minibike or snowmobile, cause or provoke disorderly conduct with a motor vehicle, cause a disturbance or annoy one or more persons, or disturb or endanger the property or the safety of another's person or property.
 - (2) **Definition.** "Disorderly conduct with a motor vehicle" shall mean the engaging in violent, abusive, unreasonably loud conduct, or disturbing or endangering the property or the safety of another's person or property, or otherwise disorderly conduct, including but not limited to, unnecessary, deliberate or intentional spinning of wheels, squealing of tires, revving of engine, blowing the horn, causing the engine to backfire or causing the vehicle, while commencing to move or in motion, to raise one or more wheels off the ground.
- (e) **Avoidance of Traffic Control Device Prohibited.** It shall be unlawful for any person to operate a motor vehicle in such a manner as to leave the roadway and travel across private property to avoid an official traffic control device, sign, or signal.
- (f) **Operation in Restricted Area Prohibited.** It shall be unlawful for any person to operate a motor vehicle in such a manner as to leave the roadway and park, stop, or travel upon or across any public or private property, parking lot, driveway, or business service area for any purpose except the official conduct of business located on said property without the consent of the owner or lessee of the property. This Section shall specifically include, but not be limited to:

- (1) Public park property;
- (2) Service stations;
- (3) Grocery stores;
- (4) Restaurants;
- (5) Financial institutions; and
- (6) Other similar-type businesses with service driveways or drive-up or drive-through facilities.

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

Sec. 10-1-41 Motor Vehicles on Pedestrian Ways.

No person shall operate or park any motor vehicle on any pedestrian way within the Village of Star Prairie except municipal or county maintenance vehicles.

Sec. 10-1-42 Driving Over Curbing or Safety Islands Prohibited.

- (a) **Driving Over Curbing Prohibited.** It shall be unlawful for any motor vehicle to be driven or backed over any curbing in the Village of Star Prairie.
- (b) **Driving Over Safety Zones or Islands Prohibited.** Whenever safety zones or safety islands are marked in accordance with the Wisconsin Uniform Traffic Control Device Manual, no operator of a vehicle shall at any time drive through or over a safety zone or safety island. Persons causing damage to curbing by driving over such curbing shall be responsible for the cost of such repairs.

Sec. 10-1-43 through Sec. 10-1-49 Reserved for Future Use.

Article E: Enforcement and Penalties

Sec. 10-1-50 Penalties.

(a) **Forfeiture Penalty.** The penalty for violation of any provision of this Chapter shall be a forfeiture as hereafter provided, together with court costs and fees prescribed by Sections 814.63(1) and (2) or 814.65(1), Wis. Stats., the penalty assessment for moving traffic violations and the driver improvement surcharge imposed by Sections 165.87 and 346.655, Wis. Stats., where applicable. Payment of the judgment and applicable court costs, fees, assessments and surcharges may be suspended by the sentencing court for not more than sixty (60) days. Any person seventeen (17) years of age or older who shall fail to pay the amount of the forfeiture, court costs, any penalty assessment or driver surcharge or other penalty imposed for violation of any provision of this Chapter may, upon order of the court entering judgment therefor and having jurisdiction of the case, be imprisoned until such forfeiture, costs and assessment are paid, but not exceeding ninety (90) days.

(b) **Other Sanctions.**

- (1) **By Court.** Nothing herein shall preclude or affect the power of the sentencing court to exercise additional authorities granted by the Wisconsin Statutes to suspend or revoke the operating privileges of the defendant, order the defendant to submit to assessment and rehabilitation programs or to attend traffic safety school in addition to payment of a monetary penalty or in lieu of imprisonment.
- (2) **By Municipality.** No person who has been convicted of a violation of any provision of this Chapter shall be issued a license or permit by the Village, except a dog license, until the forfeiture imposed for such violation and any penalty assessment, court costs and fees or surcharge is paid.

(c) **Forfeitures for Violation of Uniform Moving Traffic Regulations.** Forfeitures for violations of any moving traffic regulation set forth in the Wisconsin Statutes adopted by reference in Section 10-1-1 shall conform to the forfeiture penalty permitted to be imposed for violations of the comparable Wisconsin Statute, including any variations or increases for subsequent offenses; provided, however, that this Subsection shall not be construed to permit prosecution under this Chapter for any offense described in Chapters 341 to 350, Wis. Stats., for which an imprisonment penalty or fine may be imposed upon the defendant.

(d) **Forfeitures for Parking Violations.**

- (1) **Forfeitures for Uniform Statewide Parking, Stopping and Standing Offenses.** Minimum and maximum forfeiture for violation of non-moving traffic violations adopted by reference in Section 10-1-1 as described in Chapter 341 to 350, Wis. Stats., shall be as found in the current edition of the Revised Uniform State Traffic Deposit Schedule.
- (2) **Penalty for Other Parking Violations.** The forfeiture for violation of local parking regulations shall be as prescribed in the Bond Schedule in Section 1-3-1.

(e) **Other Violations.** Any person who shall violate any provision of this Chapter for which a penalty is not otherwise established by this Section shall be subject to a forfeiture of not less than Ten Dollars (\$10.00) nor more than Two Hundred Dollars (\$200.00) for the first offense and not less than Twenty Dollars (\$20.00) nor more than Five Hundred Dollars (\$500.00) for the second offense within two (2) years.

Sec. 10-1-51 Enforcement.

(a) **Enforcement Procedures.**

- (1) **How Enforced.** This Chapter shall be enforced in accordance with the applicable provisions of the Wisconsin Statutes and this Section.
- (2) **Applicable Court Procedures.** Except where otherwise specifically provided by the laws of the State of Wisconsin or this Code, the traffic regulations in this Code shall be enforced in accordance with the provisions of Sec. 345.20(2)(b) and Chapter 800, Wis. Stats.

(b) **Citations.**

- (1) **Uniform Citation and Complaint.** The Wisconsin Uniform Traffic Citation and Complaint described and defined in the Wisconsin Statutes shall be used for enforcement of all provisions of this Chapter except those provisions which describe or define non-moving traffic violations and violations of Sections 346.71 through 346.73, Wis. Stats. Violations of Sections 346.71 through 346.73, Wis. Stats., shall be reported to the District Attorney and the Wisconsin Uniform Traffic Citation shall not be used in such cases except upon written request of the District Attorney.
- (2) **Parking Citations.** The Village Attorney and Chief of Police shall recommend to the Village Board a citation for use in enforcing the non-moving traffic offenses in this Chapter. Such citation shall be used for enforcement of non-moving traffic regulations created or adopted by this Chapter, including violations of non-moving traffic regulations defined and described in the Wisconsin Statutes, adopted by reference in Section 10-1-1, and all provisions regarding non-moving traffic violations in this Chapter. The citation for non-moving traffic violations shall contain a notice that the person cited may discharge the forfeiture for violation of a non-moving traffic regulation and penalty thereof by complying with Subsection (c)(2) of this Section. Non-moving traffic citations may be issued by law enforcement officers or by civilian employees of the Police Department.

(c) **Deposits and Stipulations.**

(1) **Uniform Traffic Offenses.**

- a. **Who May Make.** Persons arrested or cited for violation of moving traffic offenses created by this Chapter shall be permitted to make deposits and stipulations of no contest or released by the arresting officer in accordance with the applicable provisions of the Wisconsin Statutes. Stipulations of guilt or no

contest may be made by persons arrested for violations of this Chapter in accordance with Sec. 66.12(1)(b), Wis. Stats., whenever the provisions of Sec. 345.27, Wis. Stats., are inapplicable to such violations. Stipulations shall conform to the form contained in the uniform traffic citation and complaint under Sec. 345.11, Wis. Stats.

- b. ***Delivery or Mailing of Deposit and Stipulation.*** Any person stipulating guilt or no contest under the preceding Subsection must make the deposit required under Sec. 345.26, Wis. Stats., or, if the deposit is not established under such Statute, shall deposit a forfeited penalty as provided in the schedule established by the Chief of Police and approved by the Village Board. Deposits, including those for parking or nonmoving violations, shall be brought or mailed to the Clerk of Municipal Court as directed by the arresting officer.
- (2) ***Non-moving Traffic Offenses.***
 - a. ***Direct Payment of Penalty Permitted.*** Persons cited (summons not issued) for violation of non-moving traffic offenses described and defined in this Chapter may discharge the penalty thereof and avoid court prosecution by mailing or forwarding within five (5) days of the issuance of the citation to the Police Department the minimum forfeiture specified for the violation. When payment is made as provided in this paragraph, no court costs shall be charged.
 - b. ***Court Prosecution.*** If the alleged violator does not deliver or mail a deposit as provided in Subsection a. within fifteen (15) days of the date of the citation, the Chief of Police shall forward a copy of the citation to the Village Attorney for prosecution.
 - c. ***Registration Suspension.*** If the alleged violator does not pay the forfeiture or appear in court in response to the citation for a non-moving traffic violation on the date specified in the citation or, if no date is specified on the citation, within twenty-eight (28) days after the citation is issued, the Village may ask the Wisconsin Department of Transportation to suspend the registration of the vehicle involved or refuse registration of any vehicle owned by the person pursuant to the provisions of Sec. 345.28(4), Wis. Stats., and Subsection (c)(3) below.
 - d. ***Bond.*** Any official authorized to accept deposits under Sec. 345.26, Wis. Stats., or this Section, shall qualify by taking the oath prescribed by Sec. 19.01, Wis. Stats.
- (3) ***Notice of Demerit Points and Receipt.*** Every officer accepting a forfeited penalty or money deposit under this Section shall receipt therefor in triplicate as provided in Sec. 345.26(3)(b), Wis. Stats. Every officer accepting a stipulation under the provisions of this Section shall comply with the provisions of Sections 343.27, 343.28, 345.26(1)(a) and 345.27(2), Wis. Stats., and shall require the alleged violator to sign a statement of notice in substantially the form contained on the uniform traffic citation and complaint promulgated under Sec. 345.11, Wis. Stats.

(4) ***Registration Suspension Program.***

- a. The Village shall participate in the Wisconsin Department of Transportation Traffic Violation and Registration Program as set forth in Sec. 345.28, Wis. Stats., and Wis. Adm. Code Trans. 128 and all amendments or changes thereto.
- b. The Chief of Police is hereby designated as a delegated authority for purposes of Sections 85.13 and 345.28, Wis. Stats., and Wis. Adm. Code Trans. 128. The Chief of Police is authorized to perform, on behalf of the Village, all functions required of a local authority under said Statutes and Code including, but not limited to:
 1. Preparing and completing all forms and notices, notifying the Wisconsin Department of Transportation of unpaid citations for non-moving traffic violations;
 2. Specifying whether the registration of vehicles involved in unpaid citations for non-moving traffic violations should be suspended and/or whether registration should be refused for any vehicle owned by persons with unpaid citations for non-moving traffic violations;
 3. Determining the method by which the Village will pay the Wisconsin Department of Transportation for administration of the program; establishing the effective date for participation;
 4. And taking such other action as is necessary to institute and continue participation in the Wisconsin Department of Transportation Traffic Violation and Registration Program.
- c. The Chief of Police is hereby authorized to assign a member of the Police Department to perform such acts as are necessary to effectuate this Subsection.
- d. In addition to all applicable fines and court costs, the cost of using the Wisconsin Department of Transportation Traffic Violation and Registration Program shall be assessed as permitted by Sec. 345.28(4)(d), Wis. Stats. The Police Department may refuse to notify the Wisconsin Department of Transportation of payment on a citation until all applicable fines and costs, including costs assessed under the preceding sentence, are paid.
- e. This Subsection shall not be interpreted as requiring that all unpaid citations for non-moving traffic violations be processed through the Wisconsin Department of Transportation Traffic Violation and Registration Program. The Village's participation in such program shall be in addition to any and all other means legally available to enforce such citations.

State Law Reference: Sec. 345.28, Wis. Stats.; Chapter Trans. 128, Wis. Adm. Code.

Chapter 2

Bicycles and Play Vehicles

- 10-2-1** Definitions
- 10-2-2** Lighting and Other Equipment
- 10-2-3** Rules of the Road
- 10-2-4** Regulation of Skateboards, Roller Skates and Roller Skis
- 10-2-5** General Bicycle Regulations
- 10-2-6** Bicycle Penalties
- 10-2-7** Play Vehicle Penalties

Sec. 10-2-1 Definitions.

As used in this Chapter:

- (a) **Bicycle.** Every device propelled by the feet acting upon pedals and having wheels, any two (2) of which are not less than fourteen (14) inches in diameter.
- (b) **Bicycles' Lane.** That portion of a roadway set aside for exclusive use of bicycles and so designated by appropriate signs and markings by the responsible governing body.
- (c) **Bike Route.** Any bicycle lane, bicycle way or highway which has been duly designated by the responsible governing body and identified by appropriate signs and markings.
- (d) **Bicycle Way.** Any path or sidewalk, or portion thereof, designated for the use of bicycles by the responsible governing body.
- (e) **Carrier.** Any device attached to a bicycle designed for carrying articles.
- (f) **Right-of-Way.** The right of one vehicle or pedestrian to proceed in a lawful manner in preference to another vehicle or pedestrian approaching under such circumstances of direction, speed and proximity as to give rise to danger of collision unless one grants precedence to the other.
- (g) **Play Vehicles.** Any coaster, skateboard, roller skates, sled, toboggan, unicycle or toy vehicle upon which a person may ride.

Sec. 10-2-2 Lighting and Other Equipment.

No person shall operate a bicycle upon a highway unless equipped as required in Sec. 347.81, Wis. Stats.

Sec. 10-2-3 Rules of the Road.

The provisions of Chapters 346 and 347, Wis. Stats., and applicable Village ordinances shall govern the operation of bicycles where appropriate. Every person driving a bicycle upon a roadway shall be granted all the rights and shall be subject to all the duties applicable to the driver of a vehicle by the laws of the State declaring rules of the road applicable to vehicles or by the traffic ordinances of the Village applicable to the driver of the vehicle, except as to those provisions of laws and ordinances which by their nature can have no application.

Sec. 10-2-4 Regulation of Skateboards, Roller Skates and Roller Skis.

- (a) **Regulations.** It shall be unlawful for any person in the Village of Star Prairie to operate or ride a skateboard, roller skates, rollerblades, or roller skis ("play vehicles") in any of the following places:
 - (1) On any Village streets, except while crossing a roadway at a crosswalk.
 - (2) In any public parking ramp or parking lot.
 - (3) On private property, unless permission has been received from the owner, lessee or person in charge of that property.
- (b) **Yield to Pedestrians.** Operators or riders of skateboards, roller skates, roller skis, or other play vehicles shall yield the right-of-way to other pedestrians using Village sidewalks, and shall not otherwise endanger or interfere with normal pedestrian traffic on those sidewalks.
- (c) **Play Vehicles Not To Be Pulled By Moving Vehicles.** No person riding upon any coaster, roller skates, skateboard, roller ski's, sled, toboggan or play vehicle shall attach the same or himself to any vehicle upon a roadway.

Sec. 10-2-5 General Bicycle Regulations.

- (a) **Parental Responsibility.** No parent or guardian of any child shall authorize or knowingly permit such child to violate any of the provisions of Sections 10-2-3, 10-2-4 and this Section.
- (b) **Street Operation.**
 - (1) Unless preparing to make a left turn, every person operating a bicycle upon a roadway carrying two-way traffic shall ride as near as possible to the right edge of the unobstructed traveled roadway. On one-way roadways, the operator of the bicycle shall ride as near as possible to the right edge or left edge of the unobstructed traveled roadway. Every person operating a bicycle upon a roadway shall exercise due care when passing a standing vehicle or one proceeding in the same direction, allowing a minimum of three (3) feet between his bicycle and the vehicle.

- (2) Every person when operating a bicycle upon a roadway shall ride such bicycle in single file.
- (3) It shall be unlawful for any person riding upon a bicycle to cling to or attach himself or the bicycle to any other moving vehicle upon a street or highway.
- (4) No bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped. Infant seats are permitted if securely attached to the frame at the top mount and to the axle and frame at the rear bottom mount and if provided with hand holds, foot rests, foot guards and safety belt. The use of a back pack for carrying an infant is permitted. Persons are not permitted to be located on a bicycle in front of the operator of the bicycle.
- (5) No person operating a bicycle shall carry any package, bundle or article which prevents the safe operation of the bicycle with at least one hand on the handlebars at all times.
- (6) No rider of a bicycle shall remove both hands from the handlebars or feet from the pedals, or practice any acrobatic or fancy riding on any street.
- (7) Whenever a usable path for bicycles has been provided adjacent to a roadway, bicycle riders shall use such path and shall not use the roadway.
- (8) No person may operate a bicycle or moped upon a roadway where a sign is erected indicating that bicycle riding is prohibited.

(c) **Bicycle Parking.** No bicycle shall be parked in front of or adjacent to any commercial establishment unless the bicycle is parked on the sidewalk parallel to the street and as close as possible to the curb. No person shall leave a bicycle at such a place or in such a way as to create a hazard to pedestrians, automobile operators or to anyone else.

(d) **Required Equipment.** Every bicycle, when operated upon a highway, shall be equipped with a brake adequate to control the movement of and to stop such vehicle whenever necessary. Such brake shall be maintained in good working order at all times.

(e) **Bicycles Not to be Pulled by Moving Vehicles.** No person riding upon a bicycle shall cling or attach himself or his bicycle to any other moving vehicle upon a street or highway, nor shall the operator of any such bicycle tow or draw any coaster wagon, sled, person on roller skates, toy vehicles or any other similar vehicle on such highway.

(f) **Speed.** No person shall operate a bicycle at a speed greater than is reasonable and prudent under existing conditions or in excess of any posted speed limit.

(g) **Operation on Sidewalks.**

- (1) No person over the age of ten (10) shall ride or propel any bicycle upon any public sidewalk or thoroughfare of the Village set apart for pedestrians, except bicycles having wheels sized twenty (20) inches or under. This exception shall not apply to twenty (20) inch or under bicycles designed or modified to BMX specifications.
- (2) No person shall ride or propel any bicycle upon any public street, alley, boulevard or sidewalk of the Village in such manner as to interfere with the rights of other persons using such street, alley, boulevard, or sidewalk.

(h) **Bicycle Operation While Hearing Obstructed.** No person may operate a bicycle upon a highway while such operator is using any audio device attached directly to ear or ears of such operator that materially impairs the ability of such operator to hear traffic signals or warnings.

Sec. 10-2-6 Bicycle Penalties.

- (a) Any person sixteen (16) years of age or older who shall violate any provision of this Chapter may be issued a Uniform Traffic Citation and be subject to the penalties provided by the Uniform State Traffic Deposit Schedule.
- (b) Any person fourteen (14) years of age through fifteen (15) years of age who shall violate any provisions of this Chapter may be issued a citation and be subject to the penalties provided by the Deposit Schedule and, upon conviction thereof, may be required to forfeit not more than Twenty-five Dollars (\$25.00), together with the cost of the prosecution and, in default of such payment, the Court may suspend the child's operating privileges, as defined in Sec. 340.01, Wis. Stats., for not less than thirty (30) days nor more than ninety (90) days.
- (c) Any person under fourteen (14) years of age who shall violate any provision of this Chapter may be issued a special Bicycle Violation Warning Notice along with the following additional actions:
 - (1) First through third offenses in one (1) year: A warning letter sent to the parent or guardian.
 - (2) Fourth and subsequent offense in the same year: Referral to St. Croix County Juvenile Court.
- (d) All violations shall be determined based on the preceding twelve (12) month period to establish which violation has occurred.
- (e) Any parent or guardian of any child who authorizes or knowingly permits such child to violate any of the provisions of this Chapter may be subject to the provisions of Sections 346.77 and 346.82(1), Wis. Stats.

Sec. 10-2-7 Play Vehicle Penalties.

- (a) Any person fourteen (14) years of age and over who shall violate any provisions of this Chapter may be issued a citation and be subject to the penalties provided by the deposit schedule and, upon conviction thereof, may be required to forfeit not more than Twenty-five Dollars (\$25.00), together with the costs of prosecution.
- (b) Any person under fourteen (14) years of age who shall violate any provisions of this Chapter may receive an officer's report warning notice along with the following additional actions:

- (1) First through third offenses in one (1) year: A warning letter sent to the parent or guardian.
- (2) Fourth and subsequent offense in the same year: Referral to St Croix County Juvenile Court.
- (3) Any parent or guardian of any child who authorizes or knowingly permits such child to violate any of the provisions of this Chapter may be subject to the provisions of Sections 346.77 and 346.82(1), Wis. Stats.

Chapter 3

Snowmobiles

- 10-3-1** State Snowmobile and All-Terrain Vehicles Laws Adopted
- 10-3-2** Applicability of Traffic Regulations to Snowmobiles
- 10-3-3** Unattended Vehicles
- 10-3-4** Operation of Sidewalks Prohibited
- 10-3-5** Speed; Unattended Snowmobiles
- 10-3-6** Restrictions on Operators
- 10-3-7** Accidents and Accident Reports
- 10-3-8** Snowmobile Routes and Trails Designated
- 10-3-9** Penalty
- 10-3-10** Enforcement

Sec. 10-3-1 State Snowmobile and All-Terrain Vehicles 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 part of this Chapter as if fully set forth herein. Acts required to be performed or prohibited by such statutes are required or prohibited by this Chapter. Any future amendments, revisions or modifications of the Statutes incorporated herein by reference are intended to be made part of this Code.

- 350.01 Definitions
- 350.02 Operation of Snowmobiles on or in the Vicinity of Highways
- 350.03 Right-of-Way
- 350.04 Snowmobile Races, Derbies and Routes
- 350.045 Public Utility Exemption
- 350.047 Local Utility Exemption
- 350.05 Operation by Youthful Operators Restricted
- 350.055 Safety Certification Program Established
- 350.06 Firearms and Bows
- 350.07 Driving Animals
- 350.08 Owner Permitting Operation

| | |
|----------|---|
| 350.09 | Head Lamps, Tail Lamps and Brakes, Etc. |
| 350.10 | Miscellaneous Provisions for Snowmobile Operation |
| 350.101 | Intoxicated Snowmobiling |
| 350.102 | Preliminary Breath Screening Test |
| 350.1025 | Application of Intoxicated Snowmobiling Law |
| 350.104 | Chemical Tests |
| 350.106 | Report Arrest to Department |
| 350.107 | Officer's Action After Arrest for Operating a Snowmobile While Under Influence of Intoxicant |
| 350.12 | Registration of Snowmobiles |
| 350.125 | Completion of Application for Registration by Snowmobile Dealers |
| 350.13 | Uniform Trail Signs and Standards |
| 350.15 | Accidents and Accident Reports |
| 350.17 | Enforcement |
| 350.18 | Local Ordinances |
| 350.19 | Liability of Landowners |
| 350.99 | Parties to a Violation |

Sec. 10-3-2 Applicability of Traffic Regulations to Snowmobiles.

No person shall operate a snowmobile upon any street, highway or alley within the Village of Star Prairie in violation of the traffic regulation provisions of Sections 346.04, 346.06, 346.11, 346.14(1), 346.18, 346.19, 346.20, 346.21, 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), (6), (6m) and (9), Wis. Stats.

Sec. 10-3-3 Unattended Vehicles.

No person shall leave or allow a snowmobile owned or operated by him to remain unattended on any public highway or public property while the motor is running or with the starting key left in the ignition.

Sec. 10-3-4 Operation on Sidewalks Prohibited.

No person shall operate a snowmobile upon any sidewalk, pedestrian way or upon the area between the sidewalk and the curb line of any street in the Village, except as specifically authorized by Section 10-3-8 or for the purpose of crossing to obtain immediate access to an authorized area of operation.

Sec. 10-3-5 Speed; Unattended Snowmobiles.

- (a) **Speed.** No person shall operate a snowmobile upon any public highway or right-of-way within the Village at a speed in excess of posted speed limit. No person shall operate a snowmobile on any trail designated in Section 10-3-8 of this Chapter or in any public park or recreation area at a speed in excess of the posted limit.
- (b) **Unattended Snowmobiles.** No person shall leave or allow a snowmobile to remain unattended on any public highway or public property while the motor is running or with the starting key in the ignition.

Sec. 10-3-6 Restrictions on Operators.

- (a) No person under the age of twelve (12) years may operate a snowmobile. No person over the age of twelve (12) years but under the age of sixteen (16) years may operate a snowmobile unless he holds a valid snowmobile safety certificate or is accompanied by a person over eighteen (18) years of age or by a person over fourteen (14) years of age having a snowmobile safety certificate issued by the Department of Natural Resources.
- (b) No person shall operate any snowmobile upon any street, alley or other public right-of-way in the Village unless such person shall have a valid motor vehicle operator's license or unless such operator is accompanied by a person who has a valid motor vehicle operator's license and who is occupying a seat on the vehicle.

Sec. 10-3-7 Accidents and Accident Reports.

- (a) If he can do so without serious danger to his own snowmobile or to persons on board, the operator of a snowmobile involved in a snowmobile accident within the Village shall stop his/her snowmobile and shall render to other persons affected thereby such assistance as may be practicable and necessary to save them from or minimize any danger caused by the accident and shall give his/her name and address and identification of his/her snowmobile to any person injured and to the owner of any property damaged in the accident.
- (b) If the snowmobile accident results in death or injury to any person or total property damage in excess of Two Hundred Dollars (\$200.00), every operator of a snowmobile involved in such accident shall, as soon as possible, notify the Police Department of the accident and shall, within ten (10) days after the accident, file a written report thereof with the department on forms prescribed by it.
- (c) If the operator of a snowmobile is physically incapable of making the report required by this Section and there was another occupant on the snowmobile at the time of the accident capable of making the report, he shall make such report.

(d) "Snowmobile Accident" means a collision, accident or other casualty involving a snowmobile.

Sec. 10-3-8 Snowmobile Routes and Trails Designated.

- (a) Snowmobiles may be operated upon any public right-of-way, in any public park, or on any other public property in the Village.
- (b) The Chief of Police is directed and authorized to procure, erect and maintain appropriated snowmobile route, trail or limit markers.
- (c) Snowmobiles operated on designated snowmobile routes over public highways shall observe the rules of the road for motor vehicles set forth in Chapter 346, Wis. Stats., and Title 10 of this Code of Ordinances, which is hereby adopted by reference and made part of this Chapter as if fully set forth herein. Any act required to be performed or prohibited by such laws is required or prohibited by this Section.

Cross Reference: Section 10-4-2.

Sec. 10-3-9 Penalty.

Any person who shall violate any provision of this Chapter shall, upon conviction thereof, forfeit not less than Twenty Dollars (\$20.00) and not more than Five Hundred Dollars (\$500.00), together with the costs of prosecution, and, in default of payment thereof, may be imprisoned in the county jail for not exceeding ten (10) days, provided no person shall forfeit an amount in excess of the maximum fine or forfeiture allowed in the Wisconsin Statutes for the same offense and further provided that the penalty and forfeiture for parking violations on highways shall be the amount applicable to such violations by owners or operators of motor vehicles under Title 10, Chapter 1, of this Code of Ordinances.

Sec. 10-3-10 Enforcement.

- (a) **Uniform Citation for Highway Violations.** The uniform traffic citation promulgated under Sec. 345.11, Wis. Stats., shall be used for violations of this Chapter relating to highway use except as herein provided.
- (b) **Parking Violations.** The special traffic citation described and defined in Title 10, Chapter 1, of this Code of Ordinances shall be used for enforcement of violations of rules of the road relating to parking of vehicles adopted by reference in Section 10-3-1 of this Chapter.

- (c) **Other Violations.** All violations of this Chapter not described in Subsections (a) or (b) shall be enforced in accordance with Sections 66.12 and 66.114, Wis. Stats. Stipulations of guilt or no contest may be made as provided in Sec. 66.12(1)(b), Wis. Stats., in substantially the form provided in the uniform traffic citation within five (5) days of the date of the citation for such violation. Bail deposits may also be made under Sec. 66.12, Wis. Stats.
- (d) **Police Department to Receive Stipulations and Penalties.** Stipulations, forfeited penalties and deposits for obtaining release from arrest authorized under this Chapter may be accepted at the Police Department offices.
- (e) **Forfeited Penalties and Deposits.** Except as otherwise provided in Sec. 345.26, Wis. Stats., and the deposit schedule adopted by the State Board of Circuit Court Judges thereunder, required penalties and deposits or bail not including costs or fees for violation of this Chapter shall be as established by the schedule adopted by the Village Board.

Chapter 4

All-Terrain Vehicles and Off-Road

- 10-4-1** State All-Terrain Vehicle Laws Adopted
- 10-4-2** Unauthorized Operation of Motor Vehicles on Public or Private Property
- 10-4-3** All-Terrain and Utility Terrain Vehicle Route Designation and Operation Restrictions

Sec. 10-4-1 State All-Terrain Vehicle Laws Adopted.

The provisions describing and defining regulations with respect to all-terrain vehicles in the following-enumerated Subsections of Sec. 23.33, Wis. Stats., and any future amendments or revisions, are hereby adopted by reference and made part of this Section as if fully set forth herein. The statutory sections adopted by reference herein shall be designated as part of this Code by adding the prefix "10-4-1-" to each statute section number. Any acts required to be performed by the following Statutory Subsections or which are prohibited by such Statutory Subsections are required to be performed by this Section or are prohibited by this Section:

- 23.33(2) Registration
- 23.33(3) Rules of operation [including Subsections (a) through (i)]
- 23.33(4) Operation on or near highway [including Subsections (a) through (e)]
- 23.33(5)(a)(c) Age restrictions
- 23.33(6) Equipment requirements [including Subsections (a) through (e)]
- 23.33(7) Accidents [including Subsections (a) and (b)]
- 23.33(1) Definitions [including Subsections (a) through (n)]

Sec. 10-4-2 Unauthorized Operation of Motor Vehicles on Public or Private Property.

(a) **Purpose.**

- (1) The unauthorized off-road operation of motor vehicles has resulted in serious damage to public and private lands including damage or destruction of vegetation, animal life and improvement to the lands; and

- (2) The unauthorized off-road operation of motor vehicles has resulted in the permanent scarring of land and an increase in both erosion and air pollution; and
- (3) The unauthorized off-road operation of motor vehicles has resulted in collisions and near collisions threatening the life and safety of the operators of such vehicles as well as of other persons; and
- (4) The unauthorized off-road operation of motor vehicles has resulted in a loss of the privacy, quietude and serenity to which the owners and users of land are rightfully entitled.

(b) **Definitions.** For purposes of this Section, the terms below shall be defined as follows:

- (1) **Unauthorized** shall mean without the express prior consent of the owner, lessee, manager or other person authorized to give consent by the owner or lessee of land. Authorization shall not be implied from a failure to post private or public land.
- (2) **Off-Road** shall mean any location which:
 - a. Is not a paved or maintained public street or alley; or
 - b. Is not used or maintained by the owner or lessee of land as a driveway, parking lot or other way for motor vehicles; or
 - c. Is a private trail for use only by the owner or his/her permittees for recreational or other vehicular use. Off-road shall not include any creekbed, riverbed or lake provided, however, that this Subsection shall not apply to snowmobiles or other vehicles being operated on the ice covering such creekbed, riverbed or lake.
- (3) **Operation** shall mean the physical manipulation or activation of any of the controls of a motor vehicle necessary to put it in motion.
- (4) **Motor Vehicle** shall mean, for purposes of this Section, any vehicle which is self-propelled and shall include but not be limited to automobiles, trucks, jeeps, vans, motorcycles, motorbikes, go-karts, motorized three-wheeled vehicles, all-terrain vehicles, mopeds, snowmobiles, dune buggies and tractors. Motor vehicle shall not mean any airplane, railroad train, boat, wheelchair or bicycle. A vehicle which would otherwise be defined as a motor vehicle under this Section shall not be so defined while:
 - a. It is being operated solely for the purpose of construction or maintenance of an improvement to land or solely for access to construction or maintenance sites provided such operation is by persons having legitimate business on such lands or sites;
 - b. It is being operated by or at the direction of public employees or utility company employees as part of their employment duties.
 - c. It is being operated by the holder of an easement or right of access on or over the land on which operation is occurring or the holder's employees or agents.

(c) **Unauthorized Off-road Operation Prohibited.**

- (1) The unauthorized off-road operation of a motor vehicle is prohibited.
- (2) Except for authorized maintenance vehicles and snowmobiles or all-terrain vehicles operating in areas authorized by the Village Board, it shall be unlawful to operate any

minibike, go-kart, all-terrain vehicle or any other motor-driven craft or vehicle principally manufactured for off-highway use on the Village streets, alleys, parks, sidewalks, bikeways, 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 written consent of the owner before operation of such craft or vehicle on private lands.

Sec. 10-4-3 All-Terrain and Utility Terrain Vehicle Route Designation and Operation Restrictions.

- (a) **Title and Purpose.**
 - (1) **Title.** The title of this Section is the "Village of Star Prairie All-Terrain and Utility Terrain Vehicle Route Designation and Operation Restrictions."
 - (2) **Purpose.** The purpose of this Section is to establish all-terrain and utility terrain vehicle routes in the Village of Star Prairie and to regulate the operation of all-terrain vehicle routes in the Village. "All-terrain vehicle" shall hereinafter be referenced as "ATV". "Utility terrain vehicle" shall hereinafter be referenced as "UTV."
- (b) **Statutory Authority.** The Village Board of the Village of Star Prairie, St. Croix County, Wisconsin has the specific authority to adopt this ATV and UTV Route Ordinance under Section 23.33(8)(b) and (11), Wis. Stats.
- (c) **Operation of ATVs and UTVs in the Village.**
 - (1) **Operations to be in Compliance With Statutes.** Operation of ATVs and UTVs within the Village shall be in compliance with the provisions of Section 23.33(4), Wis. Stats.
 - (2) **Use on Village Streets Restricted.** Except as provided in this Section, no person may operate an ATV or UTV on the roadway portion of any street or highway in the Village except on roadways that are designated as ATV and UTV Vehicle Routes by this Section.
 - (3) **Ride Side Operation Required.** Operation of ATVs and UTVs on a roadway in the Village of Star Prairie that is an ATV and UTV route is authorized only for the extreme right side of the roadway except that left turns may be made from any part of the roadway that is safe given prevailing conditions.
- (d) **Designation of ATV and UTV Routes.**
 - (1) **Operation on Designated Streets.** ATVs and UTVs may only be operated on streets designated for their operation within the Village of Star Prairie. Such streets are indicated on a route map available for inspection in the Office of Village Clerk-Treasurer.
 - (2) **Operation on Non-Designated Streets.** Village residents may operate ATVs and UTVs on other Village streets when necessary to reach a designated route; such operation must be by the most direct route.

(e) **Restrictions Applicable to ATV and UTV Routes.** Pursuant to Section 23.33(8)(d), Wis. Stats., the following restrictions are placed on the operation of ATVs and UTVs on the routes designated by this Section:

- (1) **Route Signage; Prohibited Conduct.** Routes shall be marked with uniform ATV route signs in accordance with NR 64.12(7), Wis. Adm. Code. UTVs may be operated on any designated ATV route; the required signs need not separately designate that UTVs are allowed on such routes. No person may do any of the following in regard to signs marking ATV routes:
 - a. Intentionally remove, damage, deface, move or obstruct any uniform ATV route or trail sign or standard or intentionally interfere with the effective operation of a uniform ATV route or trail or standards if the sign or standard is legally placed by the state, any municipality, or any authorized individual or organization.
 - b. Possess any uniform ATV route or trail sign or standard of the types established by the Wisconsin Department of Natural Resources for warning, instruction or information of the public unless he/she obtained the uniform ATV route or trail sign or standard in a lawful manner. Possession of a uniform ATV route or trail sign or standard creates a rebuttable presumption of illegal possession.
- (2) **Statutory Operation Requirements.** Operation shall be subject to all provisions of Section 23.33, Wis. Stats., which is adopted as part of this Section by reference as authorized by Section 23.33(11), Wis. Stats.
- (3) **Ordinance Copy to WisDNR.** A copy of this Section shall be sent by the Village Clerk-Treasurer to the Wisconsin Department of Natural Resources (WisDNR), the Wisconsin State Patrol, and the St. Croix County Sheriff's Department.
- (4) **Additional Local Standards.** In addition to the provisions of Section 23.33, Wis. Stats., the following restrictions are placed on the use of the Village ATV and UTV routes designated by this Section:
 - a. All ATV and UTV operators shall observe a speed limit of ten (10) miles per hour on designated routes in the Village of Star Prairie.
 - b. ATVs and UTVs may be operated within the Village between the hours of 6:00 a.m. and 10:00 p.m.
 - c. All ATV/UTV operators shall ride single file.
 - d. No individual under the age of twelve (12) may operate an ATV on a road or route designated in this Section under any circumstances.
 - e. No individual under age sixteen (16) may operate a UTV on a road or route designated in this Section unless the use is for an agricultural purpose and the individual is under the supervision of an individual over the age of eighteen (18) years of age.
 - f. Anyone at least twelve (12) years of age and born on or after January 1, 1988, cannot operate an ATV without a valid ATV safety certification. Anyone at least sixteen (16) years of age and born on or after January 1, 1988, cannot operate a

UTV without a valid ATV safety certification. Such certification shall be carried by the operator while operating an ATV or UTV and shall be produced for inspection upon request of a law enforcement officer.

- g. All ATV or UTV operators under the age of eighteen (18) shall wear a helmet which meets applicable minimum Wisconsin Department of Transportation (WisDOT) standards.
- h. Headlights and taillights must be on at all times.
- i. All ATV operators under age sixteen (16) operating an ATV on a roadway or route must be accompanied by a parent or legal guardian or a person at least eighteen (18) years of age and who is designated by the parent or guardian.
- j. Except to cross the roadway when necessary to reach a designated route, no individual may operate an ATV or UTV on a county highway within the Village. Notwithstanding the foregoing, ATVs and UTVs may be operated on the unpaved shoulder of County Highway H for the short portion of that highway indicated on the route map referenced in this Section, and on the sidewalk over the bridge on County Highway M in order cross the Apple River.

(f) **Conflict With State Law.** If any provision of this Section is in conflict with any applicable state law or regulation, the stricter provision shall apply. If the conflict does not involve a strictness issue, the applicable state law or regulation shall control.

(g) **Enforcement.** Any law enforcement officer authorized to enforce the laws of the State of Wisconsin may enforce this Section.

(h) **Penalties.** The penalties under Section 23.33(13), Wis. Stats., are adopted by reference.

State Law Reference: Sec. 23.33, Wis. Stats., and NR 64.12, Wis. Adm. Code.

Chapter 5

Nuisance Motor Vehicles; Repair Work

- 10-5-1** Purpose
- 10-5-2** Definitions
- 10-5-3** Nuisance Motor Vehicle Prohibition
- 10-5-4** Repair Work—Limitations
- 10-5-5** Nuisance Motor Vehicles—Limitations
- 10-5-6** Nuisance Motor Vehicles—Removal

Sec. 10-5-1 Purpose.

The purpose of this Chapter is to prevent blight, to secure healthy and humane living conditions, to protect the integrity of investments in real property, to prevent the decline of real estate values, to improve aesthetics and to protect the public health, safety and welfare. In order to secure this goal, activities contrary to this Chapter are deemed to constitute a matter of public concern which must be regulated or prescribed through the exercise of the Village's police powers.

Sec. 10-5-2 Definitions.

As used in this Chapter:

- (a) **Motor Vehicle(s)** shall include mobile home, moped, motor bicycle, motor bus, motorcycle, motor-driven cycle, motor home, motor truck and motor vehicle as defined in Chapter 340, Wis. Stats.
- (b) **Nuisance Motor Vehicle(s)** shall include any inoperable, unlicensed, unroadworthy, disassembled or wrecked motor vehicle. A vehicle for which a license has been applied for shall be herein deemed a licensed vehicle if proof of application is prominently displayed on the front windshield.
- (c) **Repair Work** shall include mechanical, electrical and body work, maintenance, construction, reconstruction, assembly, disassembly, restoration, painting, upholstering or any similar or related work performed on any motor vehicle.
- (d) **Street Repairs** shall mean "temporary repair work" performed on a motor vehicle in a manner and place which will not create a danger or hazard to vehicular or pedestrian traffic.
- (e) **Temporary Repair Work** shall mean repair work which is performed within twenty-four (24) hours of a motor vehicle becoming unexpectedly unroadworthy on a street, highway or thoroughfare, which work will make or attempts to make said motor vehicle roadworthy.

Sec. 10-5-3 Nuisance Motor Vehicle Prohibition.

It shall be unlawful for any person, party, firm or corporation to keep, place or store any "nuisance motor vehicle" or to perform "repair work" or "street repairs" upon any public thoroughfare, street or highway or upon any private or public property within the City in a manner inconsistent with this Chapter.

Sec. 10-5-4 Repair Work—Limitations.

"Repair work" may be performed upon observance of the following conditions and restrictions:

- (a) "Repair work" upon residentially zoned private property cannot be performed for financial gain or profit obtained through fees, barter, charges or appreciation in the value of a motor vehicle purchased for the purpose of resale. "Repair work" upon other than residentially zoned property shall be in accordance with the Village zoning ordinances and in compliance with applicable State and Village laws, rules and regulations, licenses and permits.
- (b) Except for authorized street repairs, "repair work" which renders a motor vehicle inoperable for a period of more than three (3) working days, must be performed in a garage or enclosed structure or fenced in area which screens repair work from the view of the owners, users and occupiers of abutting and neighboring properties and from the view of passersby using public thoroughfares, streets and highways.
- (c) "Street repairs" may be performed only within the scope of the definition thereof.

Sec. 10-5-5 Nuisance Motor Vehicles—Limitations.

"Nuisance motor vehicles" may be kept, placed or stored outside of a garage or enclosed structure only in conjunction with a duly authorized and licensed auto sales, repair or salvage business lawfully operating within a properly zoned area and in compliance with all state and local laws, rules, regulations, licenses and permits.

Sec. 10-5-6 Nuisance Motor Vehicles—Removal.

- (a) **Authority to Tow.** Subject to the procedures hereinafter set forth, Nuisance Motor Vehicles may be towed and stored by the Police Department, at the cost and expense of the owner thereof. Unclaimed towed vehicles may be disposed of by towers through means and procedures authorized by law.
- (b) **Notice of Intent to Tow — Private Property.** The owner of a Nuisance Motor Vehicle which is upon private property shall be notified of a violation of this Chapter, and provided with ten (10) full calendar days to repair, assemble, make the vehicle operable and

roadworthy and license which may not be licensed or in the alternative place such vehicle in a garage or enclosed structure, or place such vehicle within a duly authorized and licensed sales, repair or salvage business lawfully operating within a properly zoned area and in compliance with all State and local laws, rules, regulations, licenses and permits.

(c) **Notice of Intent to Tow — Public Property and Rights-of-Way.** The owner of a Nuisance Motor Vehicle which is upon public property or rights-of-way shall be notified of a violation of this Chapter and provided with twenty-four (24) hours to repair, assemble, make the vehicle operable and roadworthy and license any vehicle which may not be licensed or in the alternative place such vehicle within a duly authorized and licensed sales, repair or salvage business lawfully operating within a properly zoned area and in compliance with all State and local laws, rules, regulations, licenses and permits.

(d) **Service of Notice of Intent to Tow — Computation of Time — Private Property.** If the owner of a Nuisance Motor Vehicle, which is upon private property, can be reasonably determined, service of the notice of intent to tow shall be attempted thereon, by personal service, verified by an affidavit of service or by registered or certified mail with return receipt, and, in addition thereto, a stick-on or otherwise waterproofed and fastened notice of intent to tow shall be posted on the Nuisance Motor Vehicle, which notice shall be deemed adequate notice in the event there is no service or return receipt from registered or certified mail. The ten (10) day time limit provided to procure voluntary compliance with this Chapter shall commence to run the day after the Nuisance Motor Vehicle is posted.

(e) **Service of Notice of Intent to Tow — Computation of Time — Public Property, Streets, Alleys and Rights-of-Way.** If the owner of a Nuisance Motor Vehicle which vehicle is upon any public property, street, alley or right-of-way can be reasonably determined, said owner shall be given oral and/or written notice of intent to tow and in addition thereto, a stick-on or otherwise waterproofed and fastened notice of intent to tow shall be posted on the Nuisance Motor Vehicle, which notice shall be deemed adequate in the event that there is not oral and/or written notice of intent to tow provided to the Nuisance Motor Vehicle owner. The twenty-four (24) hour time limit provided to procure voluntary compliance with this Chapter shall commence to run at such time as the Nuisance Motor Vehicle is posted.

(f) **Extensions of Time.** The Police Department, for good cause, upon the Nuisance Motor Vehicle owner's request, may grant a reasonable extension of any time limit imposed herein to enable a Nuisance Motor Vehicle owner to voluntarily comply with this Chapter.

(g) **Other Ordinances and Laws.** A Nuisance Motor Vehicle may be towed under authority of any state statute pursuant to procedures therein specified, where a tow is authorized by state statute law for any reason other than a violation of this Chapter.

(h) **Non-Tolling of Period of Time Provided to Comply With This Chapter.** The period of time with which an owner of a Nuisance Motor Vehicle is provided hereunder to comply with this Chapter in order to avoid a tow, shall not be tolled by the fact of a temporary removal of said vehicle from the place whereupon the violation of this Chapter was noticed to occur under circumstances where the vehicle continues to be a Nuisance Motor Vehicle.

- (i) **Sanction for Non-Compliance.** The owner of a Nuisance Motor Vehicle who fails, in a timely manner, to comply with this Chapter shall be subject to have their Nuisance Motor Vehicle towed and stored at their expense and shall, as hereinafter provided, be subject to a money forfeiture as provided for in Section 1-1-6. Each day a violation of this Chapter shall be deemed a separate offense. A citation for a violation of this Chapter is not a precondition to a Nuisance Motor Vehicle being towed under authority of this Chapter.
- (j) **Hearing.** The notice of intent to tow shall provide the owner of a Nuisance Motor Vehicle with an opportunity to request a hearing of the Police Chief to enforce this Chapter. Where a hearing is requested within the time provided for compliance in the notice, no action shall be taken to tow the vehicle or issue a citation hereunder until the hearing is held. However, said owner may be required to appear for a hearing to be scheduled within twenty-four (24) hours of the request. The failure of the owner to appear at a scheduled hearing shall constitute a waiver of said right to a hearing. Hearings may be conducted over the telephone at the request of or with the consent of the Nuisance Motor Vehicle owner. The purpose of a hearing hereunder is to permit the Nuisance Motor Vehicle owner to show that the Nuisance Motor Vehicle sought to be towed is not, in fact, a Nuisance Motor Vehicle which is subject to tow hereunder. The person conducting said hearing, which shall be informal, shall note in writing the facts presented and position of the Nuisance Motor Vehicle owner, shall mark and retain exhibits and shall determine, in writing, whether or not this Chapter has been violated. If this Chapter has been determined by said person to have been violated, the Nuisance Motor Vehicle owner shall be notified of a compliance date, which shall be reasonable under all of the circumstances.
- (k) **Appeal.**
 - (1) Appeal shall be as hereinafter provided, the Village electing not to be governed by Chapter 68, Wis. Stats.
 - (2) An aggrieved party desiring to appeal from a hearing determination under Subsection (j), may file a written Notice of Appeal which must be received by the Police Department prior to the expiration of the time for compliance with this Chapter provided for in the Notice of Intent to Tow. The Notice of Appeal shall state the error alleged in the initial decision and shall provide the address and phone number of the appellant. The appeal shall be heard by the Village Board's Public Safety Committee. The review shall be upon the record and a written determination affirming or denying the initial decision maker shall be made. No vehicles shall be towed until the appeal process is completed, and then only where the decision of the initial decision maker finding a violation of this Chapter is upheld, and only after the appellant has been notified of the appeal decision and given at least twenty-four (24) hours to comply with this Chapter. Further appeal would be by Writ of Certiorari to the Municipal Court.
- (l) **Notice of Towing.** Where a Nuisance Motor Vehicle is towed hereunder and where the owner and owner's address of the towed vehicle is known or reasonably ascertainable to the person who authorized the tow, said owner shall be provided notice, either personally or by regular mail, that the vehicle has been towed by a certain tow truck to a certain location.

The owner shall be provided with the tower's phone number and advised that the vehicle should be claimed therefrom, upon payment of the appropriate towing and storage charges, as soon as possible, for daily storage charges are accumulating. The notice shall also indicate that the vehicle may be disposed of by the tower, to recoup such charges, in a manner and through procedure authorized by law and after notice to the Village.

(m) **Agreement to Defend, Indemnify and Hold Harmless.** The Village will defend or pay for the defense of any tower towing under this Chapter and will indemnify and hold harmless any tower towing under this Chapter from any loss, damages, costs or expenses which they may sustain, incur or be required to pay should any person or party make claim or commence a lawsuit against any such tower where the basis for the claim or lawsuit is an allegation that this Chapter is unconstitutional on its face or in its application. A prerequisite for the above Village obligation is written notice by a tower of a claim or lawsuit to the Village Clerk-Treasurer, within five (5) days of the receipt thereof, and a tender of the defense thereof to the Village.

Cross-Reference: Section 10-1-22(d).

