CHAPTER 7
TRAFFIC CODE

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7.01 STATE TRAFFIC LAWS ADOPTED. (a) Except as otherwise specifically provided in this chapter, the statutory provisions in Chs. 340 to 348, Wis. Stats., describing and defining regulations with respect to vehicles and traffic, exclusive of any provisions therein relating to penalties to be imposed and exclusive of any regulations for which the statutory penalty is a fine or term of imprisonment, are hereby adopted and, by reference, made a part of this chapter as if fully set forth herein. Any act required to be performed or prohibited by any statute incorporated herein by reference is required or prohibited by this chapter. Any future amendments, revisions or modifications of the statutes incorporated herein are intended to be made part of this chapter in order to secure uniform State-wide regulation of traffic on the highways, streets and alleys of the State of Wisconsin.

(b) OTHER LAWS ADOPTED. There are also hereby adopted by reference the following sections of the Wisconsin Statutes or Wisconsin Administrative Code, but the prosecution of offenses under this title shall be as provided in Chapters 340 to 349 of the Wisconsin Statutes or the Wisconsin Administrative Code, and the penalty for violation thereof shall be limited to a forfeiture:

1. Section 941.01(1), Wisconsin Statutes (negligent operation of vehicle off highway).
2. Section 343.44(1), (2)(a), Wisconsin Statutes (operating after revocation or suspension, first offense).
3. Section 23.33, Wisconsin Statutes (all-terrain vehicle regulations).
4. Trans 305, Wisconsin Administrative Code (standards for vehicle equipment). (1975 Code Ch. 7 § I)
5. Sections 194.17 and 194.23, Wisconsin Statutes; Trans 325.02(1)-(7), Trans 326, Trans 327.03(1)-(6), (8)-(10), and Trans 327.05(1)-(3), Wisconsin Administrative Code (Motor Vehicle Transportation Act and miscellaneous vehicle regulations). (1975 Code Ch. 7 § I; amd. 2009 Code)

7.02 OFFICIAL TRAFFIC MAP AND CONTROL DEVICES; PROHIBITED SIGNS, SIGNALS AND MARKERS. (1) DUTY OF THE CHIEF OF POLICE TO ERECT AND INSTALL UNIFORM TRAFFIC CONTROL DEVICES. Whenever traffic regulations created by this chapter, including a State traffic regulation, adopted by reference in sec. 7.01 of this chapter, require the erection of traffic control devices for enforcement, the Chief of Police, with the cooperation of the Street Superintendent, 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 Chief of Police, will carry out the purposes of this chapter and give adequate warning to users of the streets and highways of the City.

(2) OFFICIAL TRAFFIC MAP. (a) Official Traffic Map Established . There is hereby established for the City of Black River Falls an Official Traffic Map dated November 1, 2002, on which is indicated as of said date all existing; speed limits; prohibited U-turns; one-way streets and alleys; school zones; stop signs; temporary stop signs; arterial intersections; yield signs; no parking areas; no stopping, standing or parking areas; restricted parking areas; and all other restrictions or limitations contained in this chapter and which the laws of the State require the erection or use of official traffic control devices to enforce such restrictions or limitations. All such restrictions and limitations set forth on said Official Traffic Map are hereby adopted by reference.

(b) Additions to Map. The Council may, from time to time, make additions to or deletions from the Official Traffic Map and the Chief of Police shall keep such Official Traffic Map current. Every addition to said Official Traffic Map made after November 1, 2002, shall indicate the number of the authorizing resolution and the date the appropriate official traffic control device was erected, and every deletion shall indicate the number of the authorizing resolution.

(c) Map to Be Maintained. The Official Traffic Map shall be maintained and displayed in the office of the Police Department. The Chief of Police shall make appropriate authorized changes on said Map within 3 working days after the appropriate official traffic control device is erected or removed, as the case may be.

(d) Violations Prohibited. When official traffic control devices, giving notice of the restrictions, prohibitions and limitations shown on the Official Traffic Map, are erected and maintained in accordance with the provisions of this section, a violation of the restriction, prohibition or limitation shown on the Official Traffic Map shall be a violation of the provisions of this chapter.

(3) 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 designee, shall place within the limits of any street or highway maintained by the City any sign, signal, marker, mark or monument unless permission is first obtained from the Chief of Police or 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 sub. (4) below.

(4) REMOVAL OF UNOFFICIAL SIGNS, SIGNALS, MARKERS AND TRAFFIC CONTROL DEVICES. The Chief of Police may direct the Street Superintendent to remove any sign, signal, marker 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, marker or device shall be reported by the Superintendent of Public Works to the Council 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.

7.03 HIGHWAY REGULATIONS AND CONTROLLED INTERSECTIONS DESIGNATED. (1) DESIGNATION OF LOCATION OF STOP SIGNS AND YIELD SIGNS. In the interest of public safety, the Council, by resolution, has designated the location of stop and yield signs within the City and has ordered the installation of such signs. In addition, the location of such signs is designated on the Official Traffic Map of the City pursuant to sec. 7.02 of this chapter.

(2) 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 section, shall obey the direction of such official traffic control device as required by the Wisconsin statutes incorporated by reference in sec. 7.01 of this chapter. Operators of vehicles approaching a stop sign shall stop before entering a highway as required by §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 §346.18(6), Wis. Stats.

7.04 SAFETY ZONES AND ISLANDS, TRAFFIC LANES AND LOADING ZONES. The Chief of Police is hereby authorized to establish safety zones and islands, loading zones and traffic lanes of such kind and character and at such places as deemed necessary for the protection of persons using the public streets. The Street Superintendent, upon the recommendation of the Chief of Police, is hereby authorized and empowered to erect and maintain such pavement markings, structures and/or signage as may be deemed necessary to mark the areas designated pursuant to this section consistent with the provisions of this chapter.

7.05 HEAVY TRAFFIC ROUTES. (1) CLASS "B" HIGHWAYS. All highways and streets within the City are hereby designated Class B" highways subject to the weight limitations imposed on Class B" highways by the Wisconsin Statutes which are hereby adopted by reference, except for the heavy traffic routes designated in sub. (2) below.

(2) HEAVY TRAFFIC ROUTES DESIGNATED. (a) North Water Street and S.T.H. 12 and 27, from the north City limits to the intersection of North Water Street with Main Street.

(b) S.T.H. 54 and East and West Main Street, from the ease City limits to the intersection of Main street with 10th Street.

(c) South 10th Street, from its intersection with Main Street to its intersection with Pierce Street.

(d) Melrose Street and S.T.H. 54, from their intersection with Pierce Street to the west City limits.

(e) C.T.H. A, from the west City limits to its intersection with North Water Street (S.T.H. 12 and 27).

(f) South Roosevelt Road, from its intersection with East Main Street to the south City limits.

(3) TRAVEL PROHIBITED. No vehicle, except a motorbus, which is not equipped with pneumatic tires or has a combined vehicle load weight exceeding 16,000 pounds shall be operated or moved on any street or alley not a part of the heavy traffic route designated in sub. (2) above except for the purpose of obtaining orders for, moving or delivering supplies or commodities to or from a place of business or residence facing thereon, provided that in no event shall the weight of the vehicle and load on such other street exceed the limitations of §§348.15 and 348.16(3), Wis. Stats.

(4) SIGNS. The Street Superintendent, upon the recommendation of the Police Chief, shall cause to be secured and erected appropriate signs to give notice of the heavy traffic routes.

(6) SPECIAL AND SEASONAL WEIGHT LIMITATIONS. The Public Safety Committee shall have the authority to impose special or seasonal weight limits on any highway, bridge or culvert maintained by the City to prevent injury to the roadway and for the safety of the users of such bridge or culvert and shall be responsible for erecting uniform traffic control devices giving notice thereof in accordance with the Wisconsin Statutes.

(7) SPECIAL PERMITS. The Public Safety Committee is hereby authorized to develop a special permit that will authorize, upon application and approval, one-time exceptions to the terms and conditions of this section. The City Clerk is hereby authorized to grant such permits upon the applicant providing good and sufficient reason for a one-time exception.

(8) PENALTY. Pursuant to §348.21, Wis. Stats., any person convicted of operating a motor vehicle in violation of the weight limitations imposed in this section shall, upon conviction, be required to pay a forfeiture of not less than $200 nor more than $400 plus the costs of prosecution for the first offense within a 5 year period and, upon default in payment of the forfeiture, shall be imprisoned for a period not to exceed 30 days. Upon conviction of a second offense within a 5 year period, the person shall be subject to a forfeiture of not less than $400 nor more than $800 plus the costs of prosecution and, upon default in payment thereof, shall be imprisoned for a period not to exceed 60 days. Upon conviction of a third or subsequent offense within a 5 year period, the person shall be subject to a forfeiture of not less than $800 nor more than $1,600 plus the costs of prosecution and, upon default in payment thereof, shall be imprisoned for a period not to exceed 90 days.

7.06 PARKING RESTRICTIONS. (1) STOPPING, STANDING AND PARKING REGULATED. Pursuant to §349.13, Wis. Stats., the authority to regulate the stopping, standing and parking of vehicles is delegated to the Chief of Police, subject to control of the Council. The Chief, with the cooperation of the Street Superintendent, is hereby authorized to designate and sign streets, or portions thereof, where the stopping, standing or parking of vehicles is prohibited at all times or during certain designated hours.

(2) PARKING ON CERTAIN STREETS PROHIBITED. Unless specifically otherwise provided, no person shall park a vehicle at any time upon streets or portions thereof designated on the Official Traffic Map.

(3) LIMITED TIME PARKING. Unless specifically otherwise provided, no person shall park a vehicle for any longer than the time or during the hours designated by signs upon the streets or parking areas as designated on the Official Traffic Map.

(4) PARKING IN PARKING LOTS REGULATED. No person shall park any vehicle in any public parking lot for more than 24 hours.

(5) ALL NIGHT PARKING ON CERTAIN STREETS REGULATED. No person, except a licensed physician on an emergency call, shall park a vehicle between 2:00 A.M. and 6:00 A.M. on any day on any street or portion thereof designated on the Official Traffic Map.

(6) WINTER NIGHT PARKING REGULATIONS. When Signs have been erected in accordance with the provisions of Section 349.13 of the Wisconsin Statutes, the following regulations shall be in effect within the corporate limits of the City of Black River Falls, Jackson County, Wisconsin.

(a) WINTER NIGHT PARKING ALTERNATE SIDES OF THE STREET. Between the hours of 10:00 p.m. and 6:00 a.m. the following day, vehicles shall be parked only on even numbered sides of the street on those nights having an even calendar date, and on odd numbered sides of the street on those nights with an odd calendar date, except where parking is normally permitted only on one side of the street, vehicles may be parked on that permitted side every night. These regulations shall be in effect beginning 12:01 a.m., December 1 through 12:01 a.m., April 1.

(b) For the purposes of this Section, whether a date is even or odd shall be determined by the Calendar Date at 10:00 p.m.

(c) This ordinance shall not be construed to allow parking in any location where parking is otherwise prohibited by sign, ordinance or state statute.

(7) TRUCK PARKING REGULATIONS. (a) No person shall, at any time, park, stop or leave standing, whether attended or unattended, any trailer or semi-trailer, whether or not attached or connected to a truck tractor or road tractor, on any street in any district zoned residential.

(b) No person shall park, stop or leave standing, with the engine running, any unattended truck tractor or road tractor on any street in any district zoned residential.

(8) PARKING IN ALLEYS REGULATED. All parking in alleys is prohibited, except in alleys in the business district for the purpose of loading or unloading freight.

(9) PARKING IN DRIVEWAYS PROHIBITED. 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 upon which such driveway is located, whether or not such driveway is posted to prohibit parking.

(10) STREET MAINTENANCE. (a) Whenever it is necessary to repair a City street or any part thereof, the Street Department shall request the Police Department to post such street or parts thereof with appropriate signs prohibiting parking during said construction. Such signs shall be erected by the Police Department at least 72 hours prior to the time that such street maintenance work is to be commenced. No person shall park a motor vehicle in violation of such signs.

(b) In the event emergency maintenance or repairs are necessary and a vehicle(s) needs to be removed from the street to allow for the work to be completed, the Street Department shall make attempts to contact the owner(s) of the vehicle(s) that needs to be moved. If the vehicle owner is unavailable, the Street Department may have the vehicle(s) removed and the City will be responsible for any charges incurred with the removal and/or storage of the vehicle(s).

(11) TEMPORARY PARKING RESTRICTIONS FOR SPECIAL EVENTS. Pursuant to the provisions of §349.13, Wis. Stats., the Chief of Police is authorized to direct that temporary "No Parking" signs be erected by the Street Department during parades, festivals and other authorized events that require the regulating of vehicle stopping, standing or parking on City roadways. The temporary regulation shall be limited to the time the event exists or is likely to exist.

(12) DESIGNATED PARKING SPACES. The Chief of Police, with the cooperation of the Street Superintendent, shall cause lines or markings painted upon the curb and/or upon the street or parking lot surface for the purpose of designating a parking space. It shall be unlawful to park any vehicle across any line or marking or to park a vehicle in such position that the same shall not be entirely within the area designated by such lines or markings.

(13) REMOVAL OF CHALK MARKS PROHIBITED. In order to monitor the continuous length of time that a vehicle is parked in a parking space or zone subject to parking time restrictions, it is necessary that the Police Department place a chalk mark or other mark on one or more tires of parked vehicles. It shall be unlawful to remove, erase or alter, or attempt to remove, erase or alter, any chalk mark or other mark of any kind placed upon any tire of a vehicle parked in any parking zone or space subject to parking time restrictions.

7.07 REMOVAL OF ILLEGALLY PARKED VEHICLES. Any vehicle parked or left standing upon a highway, street or alley or other public grounds in violation of any of the provisions of this chapter is declared to be a hazard to traffic and public safety. Such vehicle shall be removed by the operator, upon request of any police officer, to a position where parking, stopping or standing is not prohibited. Any police officer, after issuing a citation for illegal parking, stopping or standing of an unattended vehicle in violation of this chapter, is authorized to remove such vehicle to a position where parking is not prohibited. 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 storage garage or rental parking grounds or any facility of the person providing the towing services. In addition to other penalties provided by sec. 7.18 of this chapter, the owner or operator of a vehicle so removed shall pay the cost of towing and storage.

7.08 ABANDONED VEHICLES. (1) ABANDONMENT OF VEHICLES PROHIBITED. No person shall abandon any vehicle unattended within the City for such time and under such circumstances as to cause the vehicle to reasonably appear to be abandoned.

(2) DEFINITION. As used in this section, "vehicle" means a motor vehicle, trailer, semi-trailer or mobile home as defined in sec. 7.01 of this chapter, whether or not such vehicle is registered under Ch. 341, Wis. Stats.

(3) PRESUMPTION OF ABANDONMENT**.** Any vehicle left unattended for more than 72 hours on any public street or grounds, or on private property where parking is prohibited, limited or restricted, without the permission of the owner or lessee, is deemed abandoned and constitutes a public nuisance; provided that the vehicle shall not be deemed abandoned under this section if left unattended on private property out of public view, by permission of the owner or lessee.

(4) EXCEPTIONS. This section shall not apply to a vehicle in an enclosed building or a vehicle in an appropriate storage place or depository maintained in a lawful place and manner authorized by the City.

(5) REMOVAL AND IMPOUNDMENT OR SALE. Any vehicle found abandoned in violation of this chapter shall be impounded by the Police Department until lawfully claimed or disposed of as provided in this section. If the Chief of Police or his duly authorized representative determines that towing costs and storage charges for 10 days, as provided in sub. (6) below, would exceed the value of the vehicle, the vehicle may be junked or sold prior to the expiration of the impoundment period upon determination by the Chief of Police that the vehicle is not wanted for evidence or any other reason; provided that vehicles in excess of 19 model years of age shall be sold or disposed of only by auction sale or sealed bid in accordance with sub. (8) below.

(6) MINIMUM IMPOUNDMENT PERIOD. The minimum period of impoundment or storage of a vehicle found in violation of this section shall be 10 days.

(7) NOTICE TO OWNER. The police officer removing or causing the removal of any vehicle found in violation of this section shall immediately notify the Chief of Police of the abandonment and location of the impounded vehicle, and shall, within 10 days thereafter, notify the owner and lien-holders of record, by certified mail, of the impoundment and of their right to reclaim the vehicle. The notice shall set forth the information contained in §342.40(3), Wis. Stats., and shall state that the failure of the owner or lien-holder to exercise their right to reclaim the vehicle shall be deemed a waiver of all right, title and interest in the vehicle and a consent to sale of the vehicle.

(8) SALE. Each retained vehicle not reclaimed by the owner or lien-holder may be disposed of by sealed bid or auction sale as provided in §342.40(3), Wis. Stats.

(9) SALE TO BAR CLAIMS AGAINST VEHICLE. The sale of a motor vehicle under the

provisions of this section shall forever bar all prior claims thereto and interest therein except as hereinafter provided.

(10) PURCHASER TO REMOVE VEHICLE. The purchaser of any vehicle on sealed bid or auction sale under sub. (8) above shall have 10 days to remove the vehicle from the storage area upon payment of a storage fee of the actual cost of commercial storage for each day the vehicle has remained in storage after the second business day subsequent to the sale date. Ten days after

the sale, the purchaser shall forfeit all interest in the vehicle and the vehicle shall be deemed to be abandoned and may be again sold.

(11) REQUEST FOR LIST. Any listing of vehicles to be sold pursuant to this section shall be made available by the City Clerk to any interested person or organization who makes a request therefore.

(12) NOTICE TO DEPARTMENT. Within 5 days after the sale or disposition of a vehicle under this section, the City Clerk shall advise the Wisconsin Department of Transportation of such sale or disposition on a form supplied by the Department.

(13) OWNER MAY FILE CLAIM. At any time within 2 years after the sale of a motor vehicle, as provided herein, any person claiming ownership of such motor vehicle or a financial interest therein may present a claim to the Council setting forth such facts as are necessary to establish such ownership or interest, and that the failure of the claimant to reclaim the vehicle prior to the sale was not the result of the neglect or fault of claimant. If the Council is satisfied as to the justice of such claim, it may allow the same, but in no case shall the amount allowed exceed the sum paid into the City Treasury as a result of the sale of such motor vehicle nor the amount of interest of the claimant therein.

(14) EXEMPTION. Any owner or person operating a registered vehicle which shall become disabled or inoperative for any reason and who shall be unable to cause removal of such vehicle from any alley, street, highway or public place not otherwise regulated as a restricted parking, stopping or standing zone shall, within 12 hours of such occurrence, notify the Police Department of the location of the vehicle and shall transfer and deliver clear title for said vehicle to the City together with a fee for the cost of towing and junking charges and shall be exempt from the provisions of this section. When so requested by the owner or person in charge of a vehicle, the Chief of Police shall be authorized to order such vehicle removed and junked directly from the scene of disablement by the contractor engaged by the City for towing of disabled vehicles. The provisions of sub. (11) above shall apply to any vehicle removed under this subsection.

7.09 DISTURBANCE OF 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 City of Black River Falls.

(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 City of Black River Falls.

(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 City of Black River Falls, 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 of 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.

7.10 SCHOOL BUS REGULATIONS. (1) SCHOOL BUS WARNING LIGHTS.

(a) School bus operators are prohibited from using flashing red warning lights when pupils or other authorized passengers are loaded or unloaded directly from or onto the school grounds or that portion of the right of way between the roadway and the school grounds in those zones designated by school warning signs as provided in §118.08(1), Wis. Stats., where Forrest Street and North 4th street border the school grounds.

(b) The use of flashing red or amber warning lights shall be allowed by school bus operators

in a residence or business district when pupils or other authorized passengers are to be loaded or unloaded at a location at which there are no traffic signals and such persons may cross the street or highway before being loaded or after being unloaded.

(2) PARKING IN NO PARKING AREAS AUTHORIZED. Notwithstanding the provisions prohibiting the stopping or leaving standing any vehicle, whether attended or unattended and whether temporarily or otherwise, as set forth in this or §346.52(2), Wis. Stats., school buses are authorized to stop or be left standing on Third Street, Fourth Street and Forrest Street on the side of those streets abutting the school building during the hours of 7:30 A.M. to 4:30 P.M.

7.11 TRAFFIC AND PARKING REGULATIONS ON SCHOOL DISTRICT GROUNDS. Pursuant to the provisions of §118.105, Wis. Stats., the following regulations shall apply to the grounds of the Black River Falls School District located within the City.

(1) PARKING. All parking on grounds of the Black River Falls School District from 7:30 A.M. to 4:30 P.M. shall be restricted to areas designated for parking by the School Board. When signs are erected by the School Board giving notice of such restrictions, no person shall park a motor vehicle in an area other than the one designated. All authorized visitors shall park only in areas designated and signed for visitor parking.

(2) SPEED LIMITS. No person shall at any time operate a motor vehicle upon the Black River Falls School District grounds at a speed in excess of 15 miles per hour.

7.12 COMPRESSION BRAKES PROHIBITED. (1) DEFINITION. A compression brake, an engine brake or a dynamic braking device means a device primarily on trucks for the conversion of the engine from an internal combustion engine to an air compressor for the purpose of braking without the use of or in addition to wheel brakes.

(2) USE PROHIBITED. No person shall use a motor vehicle within the corporate limits of the City where the compression brake is in any way engaged or activated on such vehicle or any unit or part thereof, except for the aversion of imminent danger.

7.13 SNOWMOBILES. (1) STATE SNOWMOBILE LAWS ADOPTED. Except as otherwise specifically provided in this chapter, the statutory provisions describing and defining regulations with respect to snowmobiles in the following enumerated sections of the Wisconsin statutes are hereby adopted by reference and made part of this section as if fully set forth herein. Acts required to be performed or prohibited by such statutes are required or prohibited by this section, as follows:

350.01 Definitions
350.02 Operation of Snowmobiles on or in the Vicinity of a Highway
350.03 Right of Way
350.04 Snowmobile Races, Derbies and Routes
350.045 Public Utility Exemption
350.047 Local Ordinance to be Filed

350.05 Operation by Youthful Operators Restricted
350.055 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
350.10 Miscellaneous Provisions for Snowmobile Operation
350.101 Operating a Snowmobile While Intoxicated
to
350.107
350.12 Registration of Snowmobiles
350.13 Uniform Trail Signs and Standards 350.15 Accident and Accident Reports
350.17 Enforcement
350.18 Local Ordinances
350.19 Liability of Landowners

(2) APPLICABILITY OF RULES OF THE ROAD TO SNOWMOBILES. The operator of a snowmobile upon a roadway shall, in addition to the provisions of Ch. 350, Wis. Stats., be subject to §§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.

(3) SNOWMOBILE ROUTES DESIGNATED. No person shall operate a snowmobile upon any public right of way or on any public or private property in the City, except on designated snowmobile trails established from time to time by the Council.

(4) PENALTY. Any person who shall violate any of the provisions of this section shall be subject to a forfeiture as provided in sec. 25.04 of this Code.

(5) CITY CLERK TO FILE SECTION. Pursuant to §350.047, Wis. Stats., the City Clerk is hereby authorized and directed to send a copy of this section to the Department of Natural Resources, the Police Department and the County Sheriff's Department.

7.14 OFF-ROAD VEHICLES. (1) DEFINED. "Off-road vehicles" is defined as being motor vehicles which are exempt from registration under §341.05, Wis. Stats., and includes, but is not be limited to, all terrain vehicles (ATV's), as defined in §340.01(2g), Wis. Stats.; mopeds; and motor bicycles as defined in Ch. 340, Wis. Stats.

(2) REGULATED. It shall be unlawful for any person to operate an off-road motor vehicle, moped, motor bicycle or motorcycle under the following circumstances:

(a) On public property, including public school grounds, park property, playgrounds and recreational areas, except on specifically designated trails or in areas specifically designated for use of such vehicles.

(b) On private property of another without the express permission to do so by the owner or occupant of said property.

(c) In a manner so as to create loud, unnecessary or unusual noise that would disturb or interfere with the peace and quiet of others.

(d) Upon any sidewalk or pedestrian way in the City.

(3) CARELESS, RECKLESS OR NEGLIGENT USE PROHIBITED. It shall be unlawful for any person to operate an off-road motor vehicle in a careless, reckless or negligent manner so as to endanger or be likely to endanger the safety of any person or his property.

(4) PENALTY. Any person who shall violate any provision of this section shall, upon conviction thereof, be subject to a forfeiture of not less than $50 nor more than $500, together with the costs of prosecution. Upon failure to pay the forfeiture and the costs of prosecution, imprisonment in the County jail may be ordered, but not to exceed 60 days.

7.15 REGISTRATION AND REGULATION OF BICYCLES. (1) REGISTRATION REQUIRED. No resident of the City shall ride or use a bicycle upon any street in the City unless the same shall have been registered and tagged as herein provided.

(2) REGISTRATION AND LICENSING PROCEDURE. (a) The owner or operator of any bicycle in the City shall register the bicycle with the Police Department for a fee as set by Resolution of the City Council for a license sticker or tag to be attached to the bicycle as provided for herein.

(b) Upon transfer of the ownership of a previously registered bicycle, the license sticker or tag shall remain on the bicycle, and a transfer of registration shall be recorded with the Police Department as provided for in par. (c) below.

(c) Within 10 days after any registered bicycle has changed hands or been dismantled and taken out of use, the person in whose name the bicycle has been registered shall report such information to the Police Department. Whenever there is a change of ownership, the registration shall thereupon be cancelled and the new owner shall have 10 days in which to register and, upon payment of 50£, a transfer of registration shall be recorded with the Department. Whenever a bicycle is dismantled or taken out of operation, the registration shall be cancelled.

(d) Any purchaser of a new or used bicycle shall, within 10 days, register and purchase a new license tag, except as provided in pars, (b) and (c) above.

(e) All registrants shall be given a copy of this section.

(3) BICYCLE INSPECTION. Each bicycle shall be inspected by the Police Department at the time of registration and shall meet the following requirements:

a. A brake on at least one wheel that will skid the wheel on dry pavement.

b. A serial number that is legible. The owner shall arrange to have a number stamped on by a reputable bicycle shop if it is missing or illegible.

c. Proof of ownership, if requested.

d. A jiffy or other type stand which will hold the bicycle when parked.

e. A clear reflector attached to the rear fender or several strips of reflector tape appropriately attached to the bicycle.

(4) CONDITIONS OF OPERATION. (a) It shall be unlawful for any person to operate a bicycle in the City without the consent of the registered owner.

(b) Every license issued hereunder shall be deemed to be granted subject to the following conditions:

1. Every person propelling or riding a bicycle upon a public roadway shall be subject to the provisions of this chapter and State laws applicable to the operator of any vehicle, except those provisions with reference to the equipment of the vehicle, except those provisions with reference to the equipment of the vehicle and except those provisions which, by their nature, would have no application.

2. Every bicycle being operated on public streets or highways in the City between 1/2 hour after sunset and 1/2 hour before sunrise shall be equipped with a clear head lamp visible for at least 500 feet in front of the bicycle and a clean clear red light or reflector visible for at least 300 feet to the rear.

3. Any type of siren on a bicycle is unlawful.

4. No person, regardless of age or occupation, shall ride or park a bicycle on the sidewalk in the downtown area of the City which is defined as follows:

An area bordered by Main Street, between South Roosevelt and Fifth Street; Fillmore Street and Harrison Street, between Water Street and Fifth Street; First, Second, Third and Fourth Streets, between Fillmore Street and Harrison Street; and Water Street, between Fillmore Street and the north City limits.

5. Every bicycle shall have an adequate brake maintained in good working condition.

6. Bicycles, when operated on a highway, shall be kept as close to the right-hand curb as possible.

7. Bicycles shall always be operated in single file.

8. No more than one person shall ride a bicycle at one time, except on special bicycles

built for 2 or more persons, with 2 or more seats and handlebars.

9. It is unlawful to cling to or be towed by another vehicle or bicycle while riding on a public street or highway.

10. No bicycle shall be used to tow anything such as a sled, another bicycle, a trailer, or a person on skates.

11. No person, while riding a bicycle, shall participate in a race or a speed or endurance contest while on a public street.

12. Trick riding and riding a bicycle without both hands on the handlebars or both feet on the pedals is unlawful.

13. Bicycle riders shall obey all traffic laws when riding on public streets and highways in the City, as follows:

    a. Giving hand signals for left turns, right turns and stopping.

    b. Stopping for arterials.

    c. Giving pedestrians on crosswalks the right of way.

    d. Being in the proper lane when making turns.

    e. Staying in the proper lane and not weaving in and out.

    f.. Riding at safe speeds for conditions,

    g. Slowing down for turns to avoid skids,

    h. Stopping before coming out of driveways.

14. The license sticker or tag shall always be prominently displayed on the frame of the bicycle. New replacement license stickers or tags may be purchased when necessary with the approval of the Police Department for 50C.

(5) EXCEPTIONS. The term "bicycle" as used herein shall not include what is normally known as a tricycle operated by children under 6 years of age nor shall it include a 20 inch bicycle when used with 2 training wheels, provided that neither said tricycles nor bicycles with training wheels shall be operated upon the City streets or public ways at any time nor shall tricycles or 20 inch bicycles be ridden or parked on the sidewalk in the downtown area.

7.16 SKATEBOARDS REGULATED. No person shall operate a skateboard on the sidewalks in the downtown area as defined in sec. 17.15(4)(b) 4. of this chapter.

7.17 IN-LINE SKATES REGULATED. (1) DEFINITIONS. (a) In-Line Skates. The meaning set forth in §340.01(24m), Wis. Stats.

(b) Play Vehicle. The meaning set forth in §340.01(43m), Wis. Stats., and does not include bicycles regulated in sec. 7.17 of this chapter.

(c) Downtown Area. See sec. 17.15(4)(b) 4. of this chapter.

(2) PEDESTRIAN RIGHT OF WAY. Every person riding in or upon a play vehicle or in-line skates on a sidewalk, pedestrian way or mall shall yield the right of way to any pedestrian and exercise due care when passing any pedestrian.

(3) PROHIBITED AREAS FOR PLAY VEHICLES AND IN-LINE SKATES. In addition to the prohibited areas under §§346.78 and 346.94(17), Wis. Stats., no person shall ride in or upon a play vehicle or in-line skates in the following areas:

(a) On any portion or any street, alley, sidewalk, pedestrian way or mall in the downtown area of the City.

(b) On any parking lot owned by the City or on any private property posted by means of a sign or signs prohibiting the riding or play vehicles or in-line skates unless with the express permission of the owner or occupant in charge of such area.

7.18 NEIGHBORHOOD ELECTRICAL VEHICLES PERMITTED

(1) Definitions:

(A) "Neighborhood Electrical Vehicles" (NEV) means a self-propelled motor vehicle that has successfully completed the neighborhood electric vehicle America test program conducted by the Federal Department of Energy and that conforms to the definition and requirements for low speed vehicles as adopted in the Federal Motor Vehicle Safety Standards for "low-speed vehicles" under 49 CFR 571.3(b) and 571.500.

(B) NEVs shall be 4-wheeled and have a speed range of at least 20 miles per hour and not more than 25 miles per hour on a paved surface and have a gross vehicle weight at rest of less than 2,500 pounds. NEV does not include an electric golf cart and shall have:

1. Headlamps;
2. Front and rear turn signals;
3. Stop lamps;
4. Reflex reflectors: one red on each side as far to the rear as practicable, and one red on the rear;
5. An exterior mirror mounted on the driver's side and either an exterior mirror on the passenger side or an interior rearview mirror;
6. Parking brake;
7. A windshield that conforms to the requirements of the federal motor safety standard on glazing materials (49 CFR 571.205);
8. A Vehicle Identification Number (VIN) that complies with federal law 949 CFR 565);

9. A Type 1 or Type 2 seatbelt assembly conforming to 49 CFR 571.209, and Federal Motor Safety Standard No. 209, for each designated seating position; and

10. Meets the general test conditions under 49 CFR 571.50056.

(2) Permitted Use of Neighborhood Electric Vehicles on City Streets. Any individual may operate an NEV on the streets of the City of Black River Falls having a posted speed limit of 35 miles per hour or less.

(3) Permitted Users of Neighborhood Electric Vehicles. To use an NEV on City streets as set forth in (2) above, the individual must have a valid Wisconsin driver's license.

(4) Operation of Neighborhood Electric Vehicles. The operation of NEV's as permitted herein shall comply in all respects with the Code of Ordinances of the City of Black River Falls.

(5) License. Neighborhood Electric Vehicles shall be licensed by the City. The fee for a license shall set by Resolution of the City Council and licenses shall be issued by the City Police Department for two year periods. The license shall be displayed in the rear window of the NEV and if no rear window then in a clear plastic waterproof holder hung from the rear of the NEV top.

(6) Enforcement. Enforcement of this ordinance regulating the use of the Neighborhood Electric Vehicles within the City shall be pursuant to Section 7.26 of the City of Black River Falls Code of Ordinances. If not otherwise provided, the penalty for the unauthorized use of a NEV within the City shall be $100.00 per occurrence.

7.19 OPERATIONS OF GOLF CARTS

(1) **GOLF CART DEFINED:** For purposes of this Section, "golf cart" is defined as a motorized vehicle using either gasoline or electric propulsion, having three or four wheels, which is designed specifically, and intended for, the purposes of transporting one or more persons and their golf clubs while engaged in the playing of, or supervising the play of golf, and approved for use on the Skyline golf course.

(2) **OPERATION RESTRICTED:** (a) No person shall operate a golf cart vehicle on or over any public highway, street, trail or upon any publicly owned leased or operated property within the City of Black River Falls except as provided in this Section.

(b) Valid Operator's License Required: No person who does not possess a valid Driver's license recognized by the State of Wisconsin as permitting the operation of motor vehicles in the state, may operate a Golf cart upon any City streets within the corporate limits of the City of

Black River Falls. For the purposes of this Chapter a valid driver's license is a Driver's License which at the time of operation is not suspended, revoked or cancelled for any reason.

(c) Golf Carts may be operated on City Streets and routes as designated within this section only for the purpose of traveling directly to or from the Skyline Golf Course and the

owner/operators place of residence or, other structure owned or leased by the owner/operator, where the golf cart is kept.

(d) Speed - No person shall operate a Golf cart within the City of Black River Falls or on any trail or street or other public way designated in this section at a speed in excess of ten (10) Miles Per Hour (MPH).

(e) Shall Be Operated on the extreme Right Side: Operation of Golf carts within the city limits shall be strictly limited to traveling along the extreme right side of city streets designated for that purpose, and travel with the flow of traffic.

(f) Shall be operated in Single File: While operating on City Streets Golf carts shall be operated in single file with headlights and taillights in operation at all times, day or night.

(g) Shall Yield The Right of Way: While operating on City Streets, Golf Cart Operators shall yield the right-of-way to all other vehicular traffic and pedestrians.

(h) Operation on Sidewalks Prohibited. No person shall operate a Golf cart upon any sidewalk, pedestrian way, the Foundation Trail, or between the sidewalk and the curb line of any street in the City, except as specifically authorized by the Police Department, for the purpose of legally crossing the street, to obtain immediate access to an authorized area of operation.

(i) Unattended Vehicles. No person shall leave or allow any Golf cart owned or operated by him/herself to remain unattended on any public highway or street.

(j) Operation on City Property: No person may operate a Golf cart on any city property to include the Skyline Golf Course, any city parks or trails, cemeteries, and any property owned or leased by the city, or anywhere in the City on the grass skirt or boulevard between the street or sidewalk unless authorization to do so is first obtained from the City of Black River Falls or a duly authorized representative thereof (property need not be posted).

(k) Signs and Markers to be Obeyed: No person shall fail to obey any route or trail sign, marker or speed limit or other control device erected in accordance with this Section or traffic sign or signal under authority of Wis. Stats.

(l) Shall Stop at Intersections: Persons operating a golf cart on any City Streets or routes shall stop at all intersections and yield to all other motor vehicle traffic before proceeding, and shall obey all traffic signs, signals, and rules of the road, except as modified by this section.

(m) Number of Occupants: The number of occupants in any golf cart operated on the roads and streets shall be restricted to the number of occupants intended by the manufacturer of the golf cart. No occupant of a golf cart shall stand at any time while the golf cart is in motion.

(n) Towing: Except for a person authorized by the Chief Of Police, no person operating a golf cart on City streets or routes shall tow any person, thing or apparatus.

(o) Unnecessary noise or disturbance: No person shall operate a golf cart on any City streets or routes either in such a condition or in such a manner as to cause an unreasonable and unnecessary noise or disturbance.

(3). **REQUIRED EQUIPMENT:** (a) No Golf cart may be operated on any street within the City limits unless it conforms to all equipment requirements as stated in the Wisconsin statutes or the Municipal Code of the City of Black River Falls.

(b) Headlights - Every Golf cart operating within the City, upon any public street shall display two lighted headlights at all times while on a city street, day or night, and shall be of a white or clear light capable of illuminating the road ahead during hours of darkness and be observed at a distance of 500 feet ahead, such lights/lamps to be located at a height no more than 54 inches nor less than 24 inches from the surface of the roadway.

(c) Taillights – Every Golf cart operating within the City, upon any public street shall display two lighted taillights which shall be red in color and be observable to a distance of 500 feet to the rear, such lights/lamp shall be located at a height of not more than 72 inches nor less than 20 inches from the surface of the roadway.

(d) Muffling of excessive noise required. All golf carts, while being operated, shall be equipped with a muffler in good working order to prevent excessive and unusual noise.

(e) Brakes: All golf carts operating subject to this ordinance must be equipped with a braking system capable of meeting the performance specifications set forth in s. 347.36.

(f) Steering/Tires: All golf carts operating subject to this ordinance must be equipped with reliable steering and safe tires.

(g) Rear View Mirror: All golf carts operating subject to this ordinance must be equipped with a rearview mirror, such mirror shall be mounted in a location that allows the operator an unobstructed view of the roadway for a distance of 200 feet to the rear of the golf cart.

(4). **GOLF CART ROUTES AND TRAILS DESIGNATED:** Except as provided in Wis. Stats. or herein stated, no person shall operate any vehicle upon any public right-of-way, in any public park or cemetery or on any other public or private property in the City except upon routes and trails designated by the City Council as Golf cart routes.

(a) Operation permitted in certain areas: A person may operate a Golf cart in only the following designated areas within the City Limits of the City of Black River Falls:

1. West of N. 8th Street from the north City limits to Main St.

2. North of Main Street from 8th Street to 10 Street,

3. West of S. 10th Street from Main Street to Melrose Street

4. North and West of Melrose Street/Hwy 54, from S.10th Street to the City Limits

5. On streets or routes designated under a special permit obtained from the City Police Department

6. Golf Carts may not operate on any portion of North 8th Street, Main Street, Highway 54 or Melrose Street.

(b) Operation on Private Property: No person may operate a Golf cart on private property unless authorization to do so is first obtained from the property owner: (property need not be posted).

(c) Golf Cart routes are described as follows:

(1) Route Markers - The Director of Public Works is authorized to procure, erect and maintain appropriate route, and speed limit signs and markers as approved by the State Department of transportation and covered by Wis. Stats.

(2) Route Status - City of Black River Falls Law Enforcement officers, with the consent and approval of the Mayor or City Administrator, shall have the authority to declare the stated Golf cart routes and trails either open or closed. Notification of Route Closure will be accomplished by the posting of closure notices at City Hall and the Skyline Golf Course.

(5). **ENFORCEMENT:** (a) This Section shall be enforced by any law enforcement officer of the City of Black River Falls, Jackson County, Wisconsin.

(b) Municipal Citation: The uniform Municipal citation promulgated under the Wisconsin State Statutes, shall be used for violations of this Chapter relating to highway use except as herein provided.

(c) Parking Violations: The special standardized City parking ticket shall be used for enforcement of violations of rules of the road relating to parking of vehicles.

(d) Other Violations: All violations of this Chapter not described in Subsections (a) or (b) shall be enforced in accordance with Wis. Stats. Stipulations of guilt or no contest may be made as provided in 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.

(6). **PENALTIES: STATE FORFEITURE LAWS AND PENALTIES:** (a) All provisions of the Wisconsin Statutes describing and defining regulations with respect to Golf carts of which the penalty is a forfeiture only shall be incorporated by reference. The penalty for violation of any provision of this Section shall be a forfeiture as provided in section 346.965 of the Wisconsin Statutes and Chapter 25 of the Black River Falls Municipal code together with the costs of prosecution.

(b) Forfeited Penalties and Deposits - Except as otherwise provided in Wis. Stats. and the deposit schedule adopted by the State Board of Circuit Court Judges hereunder, 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 City of Black River Falls Common Council.

(7). **SEVERABILITY:** (a) The provision of this ordinance shall be deemed severable and it is expressly declared that the City would have passed the other provisions of this ordinance irrespective of whether or not one or more provisions may be declared invalid. If any provision of this ordinance or the application to any person or circumstances is held invalid, the remainder of the ordinance and the application of such provisions to other persons circumstances shall not be deemed affected.

(8). **EFFECTIVE DATE:** (a) This ordinance shall take effect upon passage and publication as required by law.

7.20 ALL-TERRAIN VEHICLE ROUTE

(1) ATVs/UTVs IN THE CITY OF BLACK RIVER FALLS

Except as otherwise specifically provided in Wisconsin Statutes Section 23.33, and subject to the conditions and limitations hereinafter set forth:

(a) Under Wis. Stat. s. 23.33(8)(b)2, the City of Black River Falls designates all city-maintained roads, streets, alleys, and highways, including any city-maintained parking lots, except connecting highways, as open to all-terrain vehicle ("ATV") or utility terrain vehicle ("UTV") routes, except as otherwise posted; and

(b) Under Wis. Stat. s. 23.33(11)(am)4, the City authorizes the operation of ATVs or UTVs on all state, connecting and county highways with a posted speed limit of 35 MPH or less within the territorial boundaries of the City, except as otherwise posted.

(c) The Black River Falls Police Department may temporarily close any ATV/UTV route whenever conditions, in the Police Chief's discretion, require closure.

(2) STATE TRAFFIC LAWS ADOPTED

(a) Except as otherwise specifically provided in this ordinance/code, the statutory provisions in Chapter 23, 340 to 348, and 350 of the Wisconsin Statutes, describing and defining regulations with respect to vehicles and traffic, and Chapter NR 64, All Terrain Vehicles, WI-DNR, as amended, exclusive of any provisions therein relating to penalties to be imposed and exclusive of any

regulations for which the statutory penalty is a fine or term of imprisonment are hereby adopted and by reference made a part of this section as if fully set forth herein. Any act required to be performed or prohibited by any statute incorporated herein by reference is required or prohibited by this section. Any future amendments, revisions, or modifications of the statutes incorporated herein are intended to be made part of this section in order to secure uniform statewide regulation.

(3) SIGNAGE

(a) All required ATV/UTV signs shall be installed and maintained in accordance with Wisconsin Administrative Code NR 64.12 (7) and all applicable statutes and administrative code provisions.

(b) The City of Black River Falls is solely responsible for ATV/UTV signage installation, and no person or organization may install any such signage without written authorization of the City.

(c) No person may erect, remove, obscure, or deface any authorized ATV/UTV sign without written authorization of the City.

(4) OPERATION OF ATV'S AND UTV'S

(a) Operation of ATVs and UTVs in the City pursuant to this ordinance shall be subject to all provisions of Wis. Stats. § 23.33, which is adopted as a part of this ordinance by reference. In addition the following restrictions apply to operation of ATVs and UTVs on all authorized city streets/roads/highways.

(b) ATVs and UTVs may only be operated on authorized streets/roads/highways between the hours of 5:00 A.M. and 10:00 P.M.

(c) ATVs and UTVs shall operate at a safe speed not to exceed the posted speed limits.

(d) No person under the age of sixteen (16) may operate an ATV or UTV on any segment of a street/road/highway in the City.

(d) Every person who operates an ATV or UTV on any street/road/highway in the

(e) City shall have in his or her immediate possession a valid motor vehicle operator's license. The ATV/UTV operator shall display the operator's license upon demand from any Law enforcement officer, state patrol officer, inspector under Wis. Stats. § 110.07(1), or conservation warden.

(f) No operator or passenger of an ATV or UTV may possess in or on an ATV or UTV on any street or highway in the City, any bottle or receptacle containing alcohol

beverages if the bottle or receptacle has been opened, the seal has been broken, or the contents of the bottle or receptacle have been partially removed or released.

(g) All ATV's and UTV's operated in the City pursuant to this Ordinance are required to have applicable liability insurance and have proof of insurance.

(h) No chains or studs are allowed on ATV/UTV wheels/tires.

(i) All ATV/UTV operators shall ride single file.

(5) NOTIFICATIONS

(a) A copy of this article shall be sent to the Wisconsin State Patrol, the Jackson County Sheriff's Department and to the Wisconsin Department of Natural Resources.

(6) VIOLATIONS AND PENALTIES

(a) Except as provided in Wis. Stats. § 23.33(13)(am) to (e), any person who violates any section of this or statutes adopted by reference shall pay a forfeiture of not less than $100.00 nor more than $250.00 for each offense. Said forfeiture is exclusive of mandatory assessments and costs.

(b) The penalty for operating an ATV/UTV off the roadway of an authorized street/road/highway to include the grassy in-slope, ditches, or other highway right-of-way; other than for direct access from a trail to a roadway on a designated trail, or operating outside of permitted times for route use, or operating in excess of permitted speed; shall result in a forfeiture of not less than $100.00 nor more than $250.00, as established in Wis. Stat. Chs. 23. Said forfeiture is exclusive of mandatory assessments and costs.

(c) In addition to any forfeiture, a court may order restitution to repair any damage caused by a violation of this article.

7.21 OPERATION OF ELECTRIC BICYCLES, ELECTRIC SCOOTERS, ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICES, AND ELECTRIC SKATEBOARDS.

(1) **Purpose.** The purpose of this ordinance is to regulate the safe operation of electric bicycles, scooters, skateboards, hover boards, and similar devices to ensure the health, safety, and welfare of residents and visitors.

(2) **Definitions.**

a) *"Central Business District"* – The area within the City of Black River Falls from the north side of Harrison Street to the south side of Fillmore Street and from the west side of Third Street to the east side of Water Street, also referred to as the "downtown" district/area. For the purposes of this section, the sidewalks on both sides of the boundary streets are included.

b) *"Electric Bicycle (E-Bike)"* – As defined in Wis. Stats. § 340.01(15ph), is equipped with fully operative pedals for propulsion by human power and an electric motor of 750 watts or less and that meets the requirements of any of the following classifications: Class 1, Class 2, and/or Class 3.

c) *"Electric Personal Assistive Mobility Devices"* – As defined in Wis. Stats. §340.01(15pm), is a self-balancing, 2-nontandem-wheeled device that is designed to transport only one person and that has an electric propulsion system that limits the maximum speed of the device to 15 miles per hour or less. This definition includes devices commonly referred to as "hoverboards".

d) *"Electric Scooter (E-Scooter)"* – As defined in Wis. Stats. §340.01(15ps), is a two-wheeled, personal electric vehicle designed for short distance transportation, typically in urban areas. They are powered by an electric motor and battery, allowing riders to stand and travel without needing to pedal. This definition specifically excludes devices like electric personal assistive mobility devices, motorized wheelchairs/scooter, motorcycles, motor bicycles, electric bicycles, and mopeds.

e) *"Electric Skateboard (E-Board)"* – An electric skateboard, also known as an e-board, is a personal mobility device that combines the features of a regular skateboard with an electric motor propulsion system that uses a battery and a motor to propel the rider forward, eliminating the need to push with their feet.

f) *"Motorized Wheelchair/Scooter"* – means a self-propelled vehicle which is incapable of a speed in excess of 15 miles per hour and designed to be used by a physically disabled person.

(3) Regulations

1. All classes of electric bicycles, electric scooters, electric personal assistive mobility devices, and electric skateboards are prohibited on all sidewalks and in all crosswalks in the Central Business District. These regulations shall not prohibit a rider from dismounting the device and walking with it on all sidewalks and in all crosswalks within the Central Business District.
2. Riders exercising due care may drive and operate their bicycles, electric bicycles, electric scooters, electric personal assistive mobility devices, and electric skateboards upon the sidewalk, other than in the Central Business District, when such riding does not jeopardize the safety of the pedestrians on the sidewalk.
3. It shall be unlawful for any person driving a bicycle, electric bicycle, electric scooter, electric personal assistive mobility device, or electric skateboard on the sidewalk to attempt to pass another person going in the same direction on the sidewalk without giving a warning and until it becomes evident that the person so warned is aware of the approach of such person driving the bicycle, electric bicycle, electric scooter, electric personal assistive mobility device, or electric skateboard. Pedestrians shall at all times have the right-of-way upon the sidewalks; and if necessary, the person driving such bicycle, e-bike or e-scooter shall dismount and vacate the sidewalk to prevent a collision; and any such person driving a bicycle, e-bike or e-scooter upon the sidewalk must have the bicycle, e-bike or e-scooter under control at all times.
4. All classes of electric bicycles, electric scooters, electric personal assistive mobility devices, and electric skateboards are prohibited on private property without the owner's consent.
5. All classes of electric bicycles, electric scooters, electric personal assistive mobility devices, and electric skateboards are prohibited on any street or public space temporarily closed to vehicular traffic by emergency order or by order of the Chief of Police for any reason including special events.
6. All classes of electric bicycles, electric scooters, electric personal assistive mobility devices, and electric skateboards may be used on pathways, parks, and trails allowing bicycles as long as such riding does not jeopardize the safety of the pedestrians or other riders traveling on the path. While riding on pathways, parks, and trails allowing bicycle, riders must exercise due care, not exceed 15 mph and must adhere to the rules of the road.

7. It shall be unlawful for any person driving a bicycle, e-bike or e-scooter on pathways, parks, and trails allowing bicycles to attempt to pass another person going in the same direction on the path without giving a warning and until it becomes evident that the person so warned is aware of the approach of such person driving the bicycle, e-bike or e-scooter. Pedestrians shall at all times have the right-of-way upon paved multi use recreational paths; and if necessary, the person driving such bicycle, e-bike or e-scooter shall dismount and vacate the recreational path to prevent a collision; and any such person driving a bicycle, e-bike or e-scooter upon the recreational path must have the bicycle, e-bike or e-scooter under control at all times.
8. No person shall park any bicycle, e-bike or e-scooter against windows or on the main-traveled portion of a sidewalk, nor in such manner as to constitute a hazard to pedestrians, traffic or property.
9. If there is no bicycle rack or other facilities intended to be used for the parking of bicycles, e-bikes or e-scooters in the vicinity, bicycles, e-bikes and/or e-scooters may be parked on the sidewalk in an upright position parallel to and within 24 inches of the curb.

(4) Rules of the Road. Except as modified herein, the provisions of §346.803 through §346.807, Wis. Stats., and applicable City ordinances shall govern the operation of electric bicycles, electric scooters, electric personal assistive mobility devices, and electric skateboards where appropriate.

(5) Penalty. Any violation of this section shall be subject to forfeiture of not less than $20 and not more than $50, together with costs of prosecution.

(6) Enforcement. This ordinance may be enforced by any law enforcement officer authorized to enforce the laws of the State of Wisconsin.

7.22 to **7.24** (Reserved)

7.25 PENALTY. The penalty for violation of any provision of this chapter shall be a forfeiture as hereafter provided, together with statutory court costs and penalty assessment, if applicable.

(1) STATE FORFEITURE STATUTES. Forfeitures for violation of §§340.01 to 348.28, Wis. Stats., shall conform to the forfeiture permitted to be imposed for violation of the statutes adopted by reference, including any variations or increases for subsequent offenses.

(2) STATE FINE STATUTES. The forfeiture for violation of any statute adopted by reference hereunder for which the penalty is a fine shall not exceed the maximum fine permitted under such statute.

(3) LOCAL REGULATIONS. The penalty for violations of sees. 7.02 through 7.17 of this chapter shall be as provided in sec. 25.04 of this Code.

(4) PENALTY FOR OVERTIME PARKING VIOLATIONS. Notwithstanding any other penalty provided in this chapter, the forfeiture for overtime parking violations other than those violations contained in the State statutes, as adopted by reference in sec. 7.01 of this chapter, shall be as hereinafter provided in addition to any costs associated with the prosecution thereof which are required or authorized by State statute or administrative regulation, as follows:

(a) $20 if paid within 48 hours of the issuance of the violation citation.

(b) $30 if paid after 48 hours.

c) $75 if paid after 28 days.

7.26 ENFORCEMENT. (1) ENFORCEMENT PROCEDURE. This chapter shall be enforced in accordance with the provisions of §§345.20 to 345.53, Ch. 229 and §66.0114, Wis. Stats.

(2) DUTY OF POLICE TO ENFORCE. City police officers shall enforce all the provisions of this chapter.

(3) UNIFORM CITATION. The uniform citation promulgated under §345.11, Wis. Stats., shall be used for all moving and non-moving traffic violations, except parking violations.

(4) NOTICE OF DEMERIT POINTS AND RECEIPTS. Every *officer* accepting a stipulation under the provisions of this chapter shall comply with the provisions of §§343.27, 343.28, 345.26(1)(a) and 345.27(2), Wis. Stats.

(5) PARKING CITATIONS. Citations for all parking violations under this chapter shall conform to §345.28, Wis. Stats., and shall permit direct mail payment of the applicable forfeiture to the Police Department within 5 days of the issuance of the citation in lieu of a court appearance.

(6) REGISTRATION RECORD OF VEHICLE AS EVIDENCE. When any vehicle is found upon a street, highway or other public right of way in violation of any provision of this Code 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 the enforcement of this section and shall be subject to the applicable forfeiture penalty; provided, however, that the defenses defined and described in §346.485(5), Wis. Stats., shall be a defense for an owner charged with such violation.

(7) TRAFFIC VIOLATION AND REGISTRATION PROGRAM. Pursuant to the provisions of §345.28(4), Wis. Stats., the City elects to participate in the nonmoving traffic violation and registration program of the Wisconsin Department of Transportation and pay the costs established by the Department under §85.13, Wis. Stats.; such costs shall in turn be assessed against persons charged with nonmoving traffic violations. The City Attorney shall be responsible for complying with the requirements set forth in §345.28(4), Wis. Stats.

(8) DEPOSIT SCHEDULE. Every police officer or parking attendant issuing a citation for any violation of this chapter shall indicate on the citation the amount of the deposit that the alleged violator may make in lieu of court appearance. The amount of the deposit shall be determined in accordance with the City Bond Schedule and the Wisconsin Judicial Council Bond Schedule.

(9) DISPOSITION OF DEPOSITS; OFFICERS TO POST BOND, QUALIFY. Any police officer accepting deposits or forfeited penalties under this chapter shall deliver them to the County Clerk of Courts within 20 days after receipt, except for parking forfeitures which shall be turned over to the City Clerk. Any officer authorized to accept deposits under §345.26, Wis. Stats., or this chapter shall qualify by taking the oath and filing an official bond in the sum of $100 as provided by §19.01, Wis. Stats.