

TITLE 10

Motor Vehicles and Traffic

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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 Chs. 340 through 349, Wis. Stats., 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 Winneconne, 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of the Wisconsin Statutes, such references shall mean the Wisconsin Statutes of 2003-2004 as from time to time amended, repealed or modified by the Wisconsin Legislature.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.

The Wisconsin Administrative Code, exclusive of any provisions therein relating to the penalties to be imposed, are hereby reference and made part of this Chapter as if fully set forth herein.

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Wis. Adm. Code – TRANS 103	Habitual Traffic Offenders
Wis. Adm. Code – TRANS 114	Uniform Traffic Citation
Wis. Adm. Code – TRANS 119	Commercial Motor Vehicle Operator Alcohol Use Restrictions
Wis. Adm. Code – TRANS 200	Erection of Signs on Public Highways and Handicapped Parking Signs
Wis. Adm. Code – TRANS 304	Slow Moving Vehicle Emblem
Wis. Adm. Code – TRANS 305	Standards for Vehicle Equipment
Wis. Adm. Code – TRANS 310	Child Restraint Standards and Exemptions
Wis. Adm. Code – TRANS 315	Safety Belt Usage; Physical or Medical Exemption
Wis. Adm. Code – TRANS 325	Motor Carrier Safety Regulations
Wis. Adm. Code – TRANS 326	Motor Carrier Safety Requirements for Transportation of Hazardous Materials
Wis. Adm. Code – TRANS 327	Motor Carrier Safety

(a) 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.

(b) 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 Wisconsin 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.

(c) 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 Public Works Department 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 Public Works 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 Winneconne.
- (b) 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 (c).
- (c) 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 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.
- (d) Unauthorized Removal or Possession.** It shall be a violation of this Section, subject to the penalty provisions of Section 1-1-6, for any unauthorized person or party to remove or possess any official traffic sign or control device.

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

Sec. 10-1-4 Registration Record 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 Required signage

Roadway speed limits, one way streets or thoroughfares, no parking designations within streets and public parks, grounds, parking lots and intersections declared as stop sign and/or yield sign intersections within the Village of Winneconne are dedicated and presented by the Winneconne Annual Traffic Control Signage Inventory;

- (a) May be modified from time to time and agreed to upon acceptable resolution of the Village Board,
- (b) Shall be maintained by the Public Works Director in conjunction with the Police Chief and Village Administrator to identify all control signage utilized within the Village.
- (c) Shall contain, at a minimum, the type of sign, sign location, traffic direction for signage control, age of sign, method of installation. The following intersections in the Village of Winneconne are hereby declared as stop

Sec. 10-1-6 Reserved for Future Use.

Sec. 10-1-7 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 as part of this Section as if fully set forth herein, - except as otherwise set forth upon the following streets or portions of streets:

- (a) The speed limit on all other portions of State Highway 116 within the corporate limits of the Village of Winneconne shall be fifty-five (55) miles per hour at all other times as set forth in Sec. 346.57, Wis. Stats, except as follows;
 - (2) Thirty-five (35) miles per hour for all vehicles from its intersection with Ninth Street in the Village of Winneconne, easterly to its intersection with Seventh Street in said Village.
 - (2) Twenty-five (25) miles per hour for all vehicles from its intersection with Seventh Street in the Village of Winneconne, easterly to its intersection with Ninth Avenue in said Village.
 - (3) Thirty-five (35) miles per hour for all vehicles from its intersection with Ninth Avenue in the Village of Winneconne, easterly for a distance of 0.31 of a mile.
- (b) The speed limit on all other portions of State Highway 116 within the corporate limits of the Village of Winneconne shall be fifty-five (55) miles per hour at all other times as set

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forth in Sec. 346.57, Wis. Stats.

Article B: Parking Regulations

10-1-8 Restrictions on parking; Posting Limitations.

(a) Posted Limitations.

(1) 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 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.

- a 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 Ch. 346, Wis. Stats(b).
- b When any law enforcement officer shall find a vehicle, including automobiles, trucks, tractors, trailers, or vehicles of any description standing upon a public street or parking lot, for seventy-two (72) consecutive hours in the same location at any time (except that where more restrictive parking limitations have been established, the more restrictive limits shall apply), he/she is authorized to move such a vehicle or to require the operator in charge thereof to move such vehicle to a (3) position permitted under this Chapter. The law enforcement officer may cause said vehicle to be removed to a proper impoundment and storage area 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) Off Street Public Parking areas. It shall be unlawful to park or leave for storage any equipment or vehicle in any off street area designated for public parking purposes, in excess of seventy-two (72) hours without written permission from the Winneconne Police Department.

(c) On Street Parking of Commercial Vehicles in Residential Neighborhoods. It shall be unlawful to park any vehicles, trailers, or equipment used in a commercial or service business overnight on the street within a residential district.

(d) Parking of unattached trailers on the street. It shall be unlawful to park unattached trailers on the street overnight.

(e) Restricted parking on all Village Streets/Properties is as follows:

East Side (other than parks/boat launches)

1. E. Main Street/Hwy 116 on the bridge—no parking on bridge.

West side (other than parks/boat launch areas)

1. South Alley from W. Main St rear entrance to 115 W. Main St—no parking in driveway.
2. South Alley from W. Main St rear entrance of 30 S St—police parking only.
3. S 3rd St from Taylor St to the dead end—no parking
4. North side of Lincoln St between S 4th St/S 3rd St—no parking

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5. West side of N 5th St from W. Main St to first driveway entry—no parking.
6. S 5th St between Grant St/Jefferson St—no parking
7. East side of N 7th St from W. Main St to Division St—no parking
8. N 9th St/Oak St—No parking anytime
9. N 9th St/Willow St—No parking anytime
10. Enterprise Drive in the turnaround—no truck parking
11. 34 S 2nd St—restricted to 10 minute parking and handicapped stall

Parks/Boat Launch areas

Lake Winneconne Park

1. Handicapped restricted stalls
2. Vehicles with boat trailer permit required
3. Parkway/N 2nd Av--- No parking on grass
4. North side of Parkway between N 2nd Ave/N 3rd Av – No parking anytime
5. Parkway between N 3rd Av and N 6th Av—No parking north side of street
6. Both sides of N 3rd Av and the west side of N 4th Av between Parkway and Riverview two-hour vehicle with trailer parking
7. Angle parking only north and east side of the park
8. West side of exit to park from Parkway Drive 50 feet to sign—no parking

Village Boat launch and surrounding area

1. Vehicle with boat trailer permit required on the following:
 - a) Village boat launch parking area
 - b) N 1st Street between W. Main and Birch Street
 - c) South side of Prospect St between N 1st St/N 2nd St
2. North side of Prospect Street between N 1st St/N 2nd St—no parking for vehicles with boat trailers.
3. Handicapped restricted stalls

Marble Park

1. No parking on grass
2. Two handicapped restricted stalls
3. No vehicles on walking trails except Village owned Vehicles
4. Grant Street parking entrance—no parking beyond parking area
5. No parking in driveway entrance

Schools

1. Handicapped restricted stalls
2. Middle School parking lot—No parking between signs
3. Middle School parking lot—bicycle only parking
4. East side of S 3rd Av between Pleasant Av and Meadow Ln –No parking 7a-4p on school days
5. South side of Meadow Ln between S 3rd Av and S 5th Av—No parking 8a-4p on

- school days
6. West side of S 2nd Av from Main St to Meadow Lane—No parking 7a-8a and 2p-3p
 7. South side of Pleasant Dr. from S 3rd Av to first driveway—no parking during school hours

Sec. 10-1-9 Parking Restrictions During Temporary Snow Removal or Street Maintenance.

- (a) **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.
- (b) **Snow Emergencies.** In addition to winter parking criteria of 10-1-15(a), tThe Village reserves the right to call a snow emergency during extremely heavy snowfalls at which time no vehicles will be allowed to be parked on Village roadways. Residents will be alerted of called Snow Emergencies via any mass media available including radio, TV, internet and newspaper.

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

- (a) **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.
- (b) **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 law enforcement 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.
- (c) **Parking Vehicle for Repair or to Display for Sale Prohibited.**
- (1) No person shall stand or park a vehicle on any street, alley, public right-of-way or municipal parking lot in the Village of Winneconne 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:

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- 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. 10-1-11 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. 10-1-12 Parking Vehicles with Motor Running.

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 Winneconne between the hours of 10:00 p.m. and 6:00 a.m.

Sec. 10-1-13 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/her 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. 10-1-14 Angle Parking.

- (a) The Village Board shall from time to time have certain streets or portions of streets marked with white 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:
- (c) In any direction other than the designated parking angle, where angle parking spaces are so designated and provided by appropriate markings.
- (d) Backwards into angle parking spaces so designated and provided by appropriate markings, unless actually engaged in unloading activity.
- (e) With a trailer attached or any vehicle longer than twenty (20) feet on any street where angle parking is so provided and allowed.

Sec. 10-1-15 Parking Prohibited During Certain Hours.

When signs or parking meters are erected in any block giving notice thereof, no person shall park or leave standing any vehicle for longer than the period specified upon any of the following highways, streets or parts thereof, except temporarily for the purpose of and while actually engaged in receiving or discharging passengers:

- (a) **Winter All-Night Parking Prohibited.** No vehicle shall be parked upon any street or on any Village-owned or leased parking lot in the Village of Winneconne between the hours of 2:00 a.m. and 6:00 a.m. during the months of November, December, January, February and March of each year. Any law enforcement officer may cause any vehicle parked in violation of this Subsection to be moved to a public parking lot or garage and the cost of moving and storage shall be paid by the owner or operator of said vehicle and the police shall hold said vehicle until all charges for moving and storage have been paid.
- (b) **Sales from Parked Vehicles.** No vehicle shall be parked upon the following public streets for any use related to the sale of produce, merchandise or other items offered to the general public:
 - (1) On Main Street between Third Avenue and Third Street.
- (c) **Boat and Utility Trailer Parking.** The parking spaces located at the westernmost edge of the North First Street boat launch parking lot are designated as parking for vehicles with trailers only, and will be so marked with signs or painted markings.
 - (1) No vehicle without a trailer attached may park in these designated parking spaces from April 1 through October 1.
- (d) **Fire Lane Parking.**
 - (1) **Prohibition.** No vehicle, boat trailer, or utility trailer of any type may be parked in any area designated as a fire lane.
 - (2) **Designation of Fire Lane.** The Village Board may designate an area as a fire lane based upon the recommendations of the Village Fire District. The designation of an area as a fire lane shall be formalized by Village Board resolution.
 - (3) **Authorization to Tow.** Any law enforcement officer shall have authority to tow any vehicle or trailer parked in an area designated as a fire lane, and the full cost of said towing shall be paid by the owner of such vehicle or trailer. Said towing expense and storage fees shall be paid by the owner in addition to any fine and court costs that may be imposed as a result of such violation.

Sec. 10-1-16 Unlawful Removal of Parking Citations.

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

Sec. 10-1-17 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. 10-1-18 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 remove such vehicle to a position where parking is permitted if it is deemed to be a hazard, at the owner's expense.
- (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. 10-1-19 Participation in the TVRP Program.

- (a) Pursuant to the provision of Section 345.28(4) of the WI Stats., the Village does hereby elect to participate in the Nonmoving Traffic Violation and Registration Program of the Wisconsin

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Department of Transportation and pay the costs established by the Department, which said costs shall in turn be assessed to the persons charged with the nonmoving traffic violations. The Village of Winneconne Police Department, in the matter of unpaid citations, is herein and hereby appointed the “delegated agency” of the Village of Winneconne, and the Village’s Court Clerk is hereby authorized to file with the State Department of Transportation the appropriate notice of the Village’s election to participate in the Nonmoving Violation and Registration Program of the Wisconsin Department of Transportation. All provisions of Section 345.28 concerning the Nonmoving Violation and Registration Program of the Wisconsin Department of Transportation, and Chapter 128 of the Wisconsin Administrative Code concerning the Nonmoving Violation and Registration Program is hereby incorporated herein at length by reference.

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Sec. 10-1-20 Disturbance of the Peace with a Motor Vehicle.

- (a) **Unnecessary Noise Prohibited.** It shall be unlawful for any person to operate a motor vehicle with a loud muffler or 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 Winneconne.
- (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, squeal, 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 Winneconne, 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) **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. 10-1-21 Motor Vehicles on Pedestrian Ways and Overpasses.

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

Sec. 10-1-22 School Crossing Guards.

- (a) **Authority.** Pursuant to Sec. 349.215, Wis. Stats., those adult persons hired by the School District or Police Department to act as "School Crossing Guards" shall have the authority to stop vehicular traffic and to keep it stopped as long as necessary at their respective school crossings for the purpose of permitting school children to cross the street.
- (b) **Unlawful to Disobey.** It shall be unlawful for any person to refuse or fail to comply with any lawful order, signal or direction of any adult "School Crossing Guard" given for the purpose of permitting school children to cross the street.

State Law Reference: Sec. 349.215, Wis. Stats.

Sec. 10-1-23 Driving Over Safety 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. 10-1-24 Sound—Producing Devices in Vehicles; Impoundment; Seizure and Forfeiture.

(a) Sound-Producing Devices; Impoundment; Seizure and Forfeiture.

- (1) In this Section, "sound-producing device" does not include a piece of equipment or machinery that is designed for agricultural purposes and that is being used in the conduct of agricultural operations.
- (2) A law enforcement officer, at the time of issuing a citation for a violation of Sec. 346.94(16), Wis. Stats., or a Village ordinance in strict conformity with Sec. 346.94(16), Wis. Stats., or any other Village ordinance prohibiting excessive noise, is authorized to impound any radio, electric sound amplification device or other sound-producing device used in the commission of the violation if the person charged with such violation is the owner of the radio, electric sound amplification device or other sound-producing device and has two (2) or more prior convictions within a three (3) year period of Sec. 346.94(16), Wis. Stats., or a local ordinance in strict conformity with Sec. 346.94(16), Wis. Stats., or any other Village ordinance prohibiting excessive noise. The Village authorizes the impoundment of a vehicle for not more than five (5) working days to permit the Village authorities or their authorized agent to remove the radio, electric sound amplification device or other sound-producing device if the vehicle is owned by the person charged with the violation and the sound-

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producing device may not be easily removed from the vehicle. Upon removal of the sound-producing device, an impounded vehicle shall be returned to its rightful owner.

- (3) The Village may recover the cost of impounding the sound-producing device and, if a vehicle is impounded, the cost of impounding the vehicle and removing the sound-producing device. Upon disposition of the forfeiture action for the violation of Sec. 346.94(16), Wis. Stats., or a local ordinance in strict conformity with Sec. 346.94(16), Wis. Stats., or any other local ordinance prohibiting excessive noise and payment of any forfeiture imposed, the sound-producing device shall be returned to its rightful owner.
- (4) The Village may dispose of any impounded sound-producing device or, following the procedure for an abandoned vehicle under Sec. 342.40, Wis. Stats., any impounded vehicle which has remained unclaimed for a period of ninety (90) days after disposition of the forfeiture action.
- (5) This Subsection does not apply to a radio, electric sound amplification device or other sound-producing device on a motorcycle.
- (6) Notwithstanding Subsections (a)(1)-(5) above, the Village authorizes a law enforcement officer, at the time of issuing a citation for a violation of Sec. 346.94(16), Wis. Stats., or a local ordinance in strict conformity with Sec. 346.94(16), Wis. Stats., or any other local ordinance prohibiting excessive noise, to seize any radio, electric sound amplification device or other sound-producing device used in the commission of the violation if the person charged with such violation is the owner of the radio, electric sound amplification device or other sound-producing device and has three (3) or more prior convictions within a three (3) year period of Sec. 346.94(16), Wis. Stats., or a local ordinance in strict conformity with Sec. 346.94(16), Wis. Stats., Or any other local ordinance prohibiting excessive noise.
- (7) The Village may impound a vehicle violating Subsection (a)(6) vehicle for not more than five (5) working days to permit the Village or its authorized agent to remove the radio, electric sound amplification device or other sound-producing device if the vehicle is owned by the person charged with the violation and the sound-producing device may not be easily removed from the vehicle. Upon removal of the sound-producing device, an impounded vehicle shall be returned to its rightful owner upon payment of the reasonable costs of impounding the vehicle and removing the sound-producing device.
- (8) Any seized sound-producing device under Subsection (a)(6) shall be treated in substantially the manner provided in Sec. 973.075(3), 973.076 and 973.077, Wis. Stats., for property realized through the commission of any crime, except that the sound-producing device shall remain in the custody of the applicable law enforcement agency; a district attorney or Village Attorney, whichever is applicable, shall institute the forfeiture proceedings; and, if the sound-producing device is sold by the law enforcement agency, all proceeds of the sale shall be retained by the Village.
- (9) The Village may, following the procedure for an abandoned vehicle under Sec. 342.40, Wis. Stats., dispose of any impounded vehicle which has remained unclaimed

for a period of ninety (90) days after disposition of the forfeiture action.

- (10) This Subsection does not apply to a radio, electric sound amplification device or other sound-producing device on a motorcycle.

(b) Vehicle Owner's Liability for Radios or Other Electric Sound Amplification Devices.

- a The owner of a vehicle involved in a violation of Sec. 346.94(16), Wis. Stats., shall be presumed liable for the violation as provided in this Section.
 - b Notwithstanding Subsection (b)(1), no owner of a vehicle involved in a violation of Sec. 346.94(16), Wis. Stats., may be convicted under this Section if the person operating the vehicle or having the vehicle under his or her control at the time of the violation has been convicted for the violation under this Section or under Sec. 346.94(16), Wis. Stats.
- (2) Any member of the public who observes a violation of Sec. 346.94(16), Wis. Stats., may prepare a written report indicating that a violation has occurred. If possible, the report shall contain the following information:
- a The time and the approximate location at which the violation occurred.
 - b The license number and color of the motor vehicle involved in the violation.
 - c Identification of the motor vehicle as an automobile, station wagon, motor truck, motor bus, motorcycle or other type of vehicle.
1. Within twenty-four (24) hours after observing the violation, a member of the public may deliver a report containing all of the information in Subsection (b)(2) to a traffic officer of the county or municipality in which the violation occurred. A report which does not contain all of the information in Subsection (b)(2) shall nevertheless be delivered and shall be maintained by the county or municipality for statistical purposes.
 2. Within forty-eight (48) hours after receiving a report containing all of the information in Subsection (b)(2), the traffic officer shall investigate the violation and may prepare a uniform traffic citation under Sec. 345.11 and, within seventy-two (72) hour after receiving such report, any traffic officer employed by the authority issuing the citation may personally serve it upon the owner of the vehicle.
- b If with reasonable diligence the owner cannot be served under paragraph (a), service may be made by leaving a copy of the citation at the owner's usual place of abode within this state in the presence of a competent member of the family who is at least fourteen (14) years of age and who shall be informed of the

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contents thereof. Service under this paragraph may be made by any traffic officer employed by the authority issuing the citation and shall be performed within seventy-two (72) hours after a report containing all of the information in Subsection (b)(2) was delivered to a traffic officer under paragraph (a)1.

- c If with reasonable diligence the owner cannot be served under paragraph (a) or (b) or if the owner lives outside of the jurisdiction of the issuing authority, service may be made by certified mail addressed to the owner's last-known address. Service under this paragraph shall be performed by posting the certified mail within seventy-two (72) hours after a report containing all of the information in Subsection (b)(2) was delivered to a traffic officer under paragraph (a)1. Except for owners who live outside of the jurisdiction of the issuing authority, service under this paragraph may not be performed unless service under paragraphs (a) and (b) has been attempted.

(4) Defenses to the imposition of liability under this Section include:

- a That a report that the vehicle was stolen was given to a traffic officer before the violation occurred or within a reasonable time after the violation occurred.
- b If the owner of the vehicle provides a traffic officer employed by the authority issuing the citation with the name and address of the person operating the vehicle or having the vehicle under his or her control at the time of the violation and sufficient information for the officer to determine that probable cause does not exist to believe that the owner of the vehicle was operating the vehicle or having the vehicle under his or her control at the time of the violation, then the owner of the vehicle shall not be liable under this Section or under Sec. 346.94 (16), Wis. Stats.
- c If the vehicle is owned by a lessor of vehicles and at the time of the violation the vehicle was in the possession of a lessee, and the lessor provides a traffic officer employed by the authority issuing the citation with the information required under Sec. 343.46(3), Wis. Stats., then the lessee and not the lessor shall be liable under this Section, or under Sec. 346.94(16), Wis. Stats.
- d If the vehicle is owned by a dealer, as defined in Sec. 340.01(11) (intro.), Wis. Stats., but including the persons specified in Sec. 340.01 (11)(a) to (d), Wis. Stats., and at the time of the violation the vehicle was being operated by or was under the control of any person on a trial run, and if the dealer provides a traffic officer employed by the authority issuing the citation with the name, address and operator's license number of the person operating the vehicle or having the vehicle under his or her control on a trial run, then that person, and not the dealer, shall be liable under this Section or under the applicable provision of Sec. 346.94(16), Wis. Stats.
- e Notwithstanding Sec. 346.94(16)(b)6., Wis. Stats., this Section does not apply to the operation of a motorcycle.

(c) Authority to Regulate Radios or Other Electric Sound Amplification Devices.

(1) Notwithstanding Sec. 346.94(16), Wis. Stats., the Village provides that, except as provided in Sec. 347.38(1), Wis. Stats., no person may operate or park, stop or leave standing a motor vehicle while using a radio or other electric sound amplification device emitting sound from the vehicle that is clearly audible under normal conditions from a distance of fifty (50) or more feet, unless the electric sound amplification device is being used to request assistance or warn against an unsafe condition. Any person violating this Subsection may be required to forfeit a fee as determined by Village Board.

(2) Subsection (c)(1) may not apply to any of the following:

- a The operator of an authorized emergency vehicle, when responding to an emergency call or when in the pursuit of an actual or suspected violator of the law or when responding to but not upon returning from a fire alarm.
- b The operator of a vehicle of a public utility, as defined in Sec. 11.40(1)(a), Wis. Stats.
- c The operator of a vehicle that is being used for advertising purposes.
- d The operator of a vehicle that is being used in a community event or celebration, procession or assemblage.
- e The activation of a theft alarm signal device.
- f The operator of a motorcycle being operated outside of a business or residence district.

Sec. 10-1-25 Use of Compression Brakes Prohibited.

Except in emergency situations, it shall be unlawful for the driver of any vehicle to use or operate or cause to be used or operated within the Village of Winneconne any engine brake, compression brake or mechanical exhaust device designed to aid in the braking or deceleration of any vehicle that results in excessive, loud, unusual, or explosive noise from such vehicle.

Sec. 10-1-26 Traffic and Parking Regulations on School District Grounds.

Pursuant to the provisions of Sec. 118.105, Wis. Stats., the following regulations shall apply to the grounds of the Winneconne School District located within the Village.

(a) **Parking.** All parking on any grounds of the Winneconne School District from 7:00 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, all persons shall park only in areas designated and signed for visitor parking. There shall be no parking on said ground between 11:00 p.m. and 6:00 a.m., except when school functions extend past 11:00 p.m.; on such nights there shall be no parking one (1) hour after the function has concluded.

- (b) Speed Limits.** No person shall at any time operate a motor vehicle upon any Winneconne School District grounds at a speed in excess of fifteen (15) miles per hour.
- (c) Vehicles Prohibited at Specified Times.** No person shall at any time operate a motor vehicle, other than a school bus and emergency vehicle, in or upon any drive designated for buses only by sign during the hours of 7:30 a.m. to 9:00 a.m. and during the hours of 3:00 p.m. to 4:30 p.m. on any weekday during the months school is in session.

Sec. 10-1-27 Fishing/Obstruction on South Bridge Sidewalk Prohibited.

- (a)** No person shall fish, place fishing equipment, engage in any fishing related activity or otherwise obstruct the south sidewalk of the Main Street bridge between the hours of 6:00 a.m. and 9:00 p.m. Fishing and fishing related activities on the south sidewalk of the Main Street Bridge shall be limited to the hours of 9:00 p.m. to 6:00 a.m.
- (b)** Fishing and fishing related activities on the fishing platforms shall be allowed at all times.

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Sec. 10-1-28 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 eighteen (18) 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 therefore 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 or 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 Village Parking Violations.** Any person to whom a ticket has been issued for a violation of any overtime parking regulation of the Village of Winneconne not included under Subsection (d)(1) above may pay the forfeiture therefor at the Police Department, Municipal Center, Winneconne, Wisconsin, within forty-eight (48) hours after 6:00 p.m. of the day of the violation, and answer to the charges set forth in the Summons or Order and may sign a written plea of "guilty" or consent to any entry of judgment for a sum as determined by the Village Board. Each such person may, after said forty-eight (48) hour period, consent to an entry of judgment for a sum as determined by the Village Board. Subsequent to this ninety-six (96) hour period and prior to the commencement of Court proceedings pertaining to the violation, such person may consent to an entry of judgment for a sum as determined by Village Board. The failure of such owner or operator shall subject him/her to the penalties hereinafter provided for violation of the provisions of this Section. Each time a designated parking period limit is exceeded even though such excesses shall be consecutive, shall constitute a separate violation. Acceptance of a receipt from the Police Department will constitute the equivalent of a written plea of "guilty" and consent to the entry of such judgment.

(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 as determined by the Village Board for the first offense and not less than a sum as determined by the Village Board for the second offense within two (2) years.

Sec. 10-1-29 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 moving and nonmoving violations, shall be brought or mailed to the Clerk of Court as directed by the arresting officer; parking violations shall be brought or mailed to the Village Hall or dropped in night depository.

(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.
- (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

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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.

(2) **Notice of Demerit Points and Receipt.** Every officer accepting a forfeited penalty or money deposit under this Section shall receipt therefore 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.

(3) **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

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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.

Title 10 4 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, In-Line Skates, Rollerblades, and Roller Skis
- 10-2-5** Battery Operated Bicycles/Scooters; Motorized Scooters/Bicycles
- 10-2-6** General Bicycle Regulations
- 10-2-7** Registration of Bicycles
- 10-2-8** Penalties

Sec. 10-2-1 Definitions.

The following definitions shall be applicable 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) **In-Line Skates.** Skates with wheels arranged in a single line rather than in pairs.
- (g) **Play Vehicles.** Any coaster, skateboard, roller skates, sled, toboggan, in-line skates, roller skis, unicycle, powered scooters, or toy vehicle upon which a person may ride.
- (h) **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.
- (i) **Roller Skates.** A pair of shoes with a set of wheels attached for the purpose of moving by alternate action of the legs.
- (j) **Roller Skis.** A pair of narrow strips of wood, metal, or plastic curving upward in the front with a set of wheels attached for the purpose of moving by alternate action of the legs.
- (k) **Skate Board.** A toy consisting of a short, oblong board with a pair of wheels at each end, ridden in a standing position.

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 Chs. 346 and 347, Wis. Stats., and applicable Village ordinances shall govern the operation of bicycles and play vehicles where appropriate. Every person driving a bicycle or play vehicle 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, In-Line Skates, Rollerblades and Roller Skis.

- (a) **Regulations.** It shall be unlawful for any person to use, operate, or ride a skate board, roller skates, roller skis, in-line skates, or any other type of play vehicle in any of the

following areas:

- (1) On any sidewalk and street in the Commercial District; for purposes of this Subsection, "commercial district" shall mean Main Street between 2nd Avenue and 3rd Street in the Village of Winneconne excluding the bridge;
- (2) On any public parking lot;
- (3) On any municipally-owned property, except Marble, Waterfront and Lake Winneconne Parks;
- (4) On private property, unless permission has been granted by the owner, lessee, or person in charge of that property;
- (5) Or on Main St.

- (b) **Yield to Pedestrians.** Operators or riders of skateboards, roller skates, in-line skates, roller skis, 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 skis, sled, toboggan or play vehicle shall attach the same or himself/herself to any vehicle upon a roadway.

Sec. 10-2-5 Battery Operated Bicycles/Scooters; Motorized Scooters/Bicycles.

Battery operated bicycles/scooters, motorized bicycles or motorized scooters shall not be ridden on public roads, streets or sidewalks in the Village of Winneconne. The basis for this requirement is that motorized scooters have been determined by the Bureau of Transportation Safety, Wisconsin Department of Transportation, to be play vehicles which cannot be registered because they do not bear federally required manufacturer's certification of compliance and therefore cannot be operated lawfully on any public road in the state of Wisconsin. The Village of Winneconne does ordain that motorized bicycles, battery operated bicycles/scooters, or motor scooters shall not be operated on any sidewalks, alleys, streets, highways, or thoroughfares within the Village of Winneconne or an any property owned or leased by the Village of Winneconne.

Sec. 10-2-6 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/her 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/herself 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 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. The use of bicycle lights is required during hours of darkness — a front white light, rear red light and reflectors.
- (e) **Bicycles Not to be Pulled by Moving Vehicles.** No person riding upon a bicycle shall cling or attach himself/herself or his/her 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) **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.
- (h) **Mopeds Prohibited on Bicycle Ways.** No person may ride a moped or motor bicycle with the power unit in operation upon a bicycle way.
- (i) **Riding Bicycle on Bicycle Lane.**
- (1) Unless two-way traffic is authorized by the Village Board on any portion of a roadway which it has set aside as a bicycle lane and appropriate traffic signs are installed, every person operating a bicycle upon a bicycle lane shall ride in the same direction in which vehicular traffic on the lane of the roadway nearest the bicycle lane is traveling.
 - a Unless otherwise provided under Subsection (i)(2)b below, a person operating a

bicycle may enter or leave a bicycle lane only at intersections or at driveways adjoining the bicycle lane.

- b** A person may leave a bicycle at any point by dismounting from the bicycle and walking it out of the lane. A person may enter a bicycle lane at any point by walking his/her bicycle into the lane and then mounting it.
- (3)** Every person operating a bicycle upon a bicycle lane shall exercise due care and given an audible signal when passing a bicycle rider proceeding in the same direction.
- (4)** Every operator of a bicycle entering a bicycle lane shall yield the right-of-way to all bicycles in the bicycle lane. Upon leaving a bicycle lane, the operator of a bicycle shall yield the right-of-way to all vehicles and pedestrians.
- (j) Riding Bicycle on Bicycle Way.**
 - (1)** Every person operating a bicycle upon a bicycle way shall:
 - a** Exercise due care and give an audible signal when passing a bicycle rider or a pedestrian proceeding in the same direction.
 - b** Obey each traffic signal or sign facing a roadway which runs parallel and adjacent to a bicycle way.
 - (2)** Every person operating a bicycle upon a bicycle way open to two-way traffic shall ride on the right side of the bicycle way.
 - (3)** Every operator of a bicycle entering a bicycle way shall yield the right-of-way to all bicycles and pedestrians in the bicycle way.

Cross-Reference: Section 12-1-1.

Sec. 10-2-7 Registration of Bicycles.

(a) Registration.

- (1)** No person having a bicycle customarily kept within the Village of Winneconne shall operate such bicycle without first having registered the bicycle by filing with the Police Dept. upon a form provided for such purposes, a complete description of the bicycle, including brand name and identification number. Such registration shall be serially numbered and keep on file by the Village Police Department as a public record.
 - (2)** After the filing of the form required in Subsection (a)(1) and payment of the license fee in Subsection (b), the Police Dept or person designated by the Village Board shall register the bicycle, provided the bicycle is found, upon inspection, to be in safe operating condition and complies with all other applicable provisions of this Code of Ordinances.
- (b) Fee and Term.** Bicycle registration shall be at a fee as determined by Village Board. No subsequent registration shall be required unless ownership of the bicycle is transferred.
- (c) Bicycles to Be Kept in Safe Condition.** No bicycle shall be registered which is in an unsafe mechanical condition. Law enforcement officers shall have authority to suspend the registration of and remove the identification tag from any bicycle or to impound any bicycle operated contrary to any state law or Village ordinance or operated which is in an unsafe mechanical condition. Such suspension and removal or impounding shall continue for a period not to exceed ten (10) days, but the registration shall not be reinstated or such identification tag replaced while such bicycle is in an unsafe condition. Such suspension and removal shall be in addition to other penalties provided for herein.

- (d) Transfer or Cancellation.** In the event any bicycle registered hereunder is sold or the ownership thereof is otherwise transferred to another resident of the Village, the new owner shall re-register the bicycle as provided herein within ten (10) days of the date of such transfer. Upon re-registration, a new license sticker shall be issued and the previous registration shall be cancelled. If any bicycle registered hereunder is destroyed, dismantled or otherwise taken out of operation or use, the registered owner of the bicycle shall notify the Village Police Dept. Upon notification, the registration shall be cancelled and the license sticker shall be destroyed.

Sec. 10-2-8 Penalties.

The following penalties shall be applicable for violations of this Chapter:

(a) Persons 12 Years Old and Younger.

- (1) First Offense.** A warning letter shall be sent to the parent or guardian of the child requiring the parent's signature and return of the warning letter to the Village of Winneconne Police Department.
- (2) Second Offense (within one year).** A mandatory conference between the Village of Winneconne Police Department, the child, and the child's parents.
- (3) Third Offense (within one year).** Forfeiture determined by State Law.

(b) Persons Over Age 12.

- (1) First Offense.** A warning letter shall be sent to the person requiring signature and return of the warning letter to the Village of Winneconne Police Department.
- (2) Second Offense (within one year).** A mandatory conference between the Village of Winneconne Police Department, the child, and the child's parents.
- (3) Third Offense (within one year).** Forfeiture determined by State Law.

(c) Miscellaneous Provisions.

- (1)** 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.
- (2)** All violations shall be determined based on the preceding twelve (12) month period to establish which violation has occurred.
- (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.

State Law Reference: Secs. 346.78 and 340.01(43m)(a) and (d), Wis. Stats.

Title 10 4 Chapter 3

Snowmobiles

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

Sec. 10-3-1 State Snowmobile and 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 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, 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
- 350.11 Penalties
- 350.12 Registration of Snowmobiles; Trail Use Stickers
- 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 Winneconne 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/her 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 or all-terrain vehicle 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 10-3-7 or for the purpose of crossing to obtain immediate access to an authorized area of operation.

Sec. 10-3-5 Speed; Parking; Hours; Restrictions on Operators.

- (a) **Traffic Flow and Speed.** Snowmobile traffic must travel with the normal traffic flow using the right hand lane of traffic on all routes. The speed of a snowmobile must be reasonable and prudent determined by existing conditions and shall at no time exceed fifteen (15) miles per hour within the Village limits while on the routes established.
- (b) **Parking.** Parking of snowmobiles on the streets of the Village is prohibited except that parking of snowmobiles out of the traffic lanes will be permitted on the snowmobile route portion.
- (c) **Travel.** Snowmobiles will operate on the right hand side of the street or thoroughfare, making a full stop before crossing over an intersecting street, highway, or thoroughfare, and yielding the right of way at all times. Snowmobiles will travel in single file.
- (d) **Prohibited Areas of Operation.** No person shall operate a snowmobile within the Village limits of the Village of Winneconne, contrary to the following prohibitions:
 - (1) On private property marked or signed prohibiting use by snowmobiles.
 - (2) Within fifty (50) feet of any dwelling or residential structure, except for the purpose of removing and returning a snowmobile to its place of storage and except when on a designated trail or authorized snowmobile access to a residence.
 - (3) On the following public ways, except to cross perpendicularly:
 - a All sidewalks.
 - b All alleys except on officially designated routes.
 - c All streets except on officially designated routes or accessing a residence as authorized by this Chapter.
 - (4) In all Village parks except on marked snowmobile trails.
- (e) **Restrictions on Operators.**
 - (1) **Age Restriction.** No person under the age of twelve (12) years may operate a snowmobile unless the person is accompanied either by a parent or guardian or by a person over eighteen (18) years of age.
 - (2) **Snowmobile Safety Permit or Operator's License Required.** No person over the age of twelve (12) years but under the age of sixteen (16) years may operate a snowmobile unless he/she 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. Any person who is over the age

of twelve (12) and under the age of sixteen (16) who holds a snowmobile safety certificate shall carry it while operating a snowmobile and shall display it to a law enforcement officer on request. Persons enrolled in a safety certification program approved by the department may operate a snowmobile in an area designated by the instructor.

(3) **Exceptions.** This Subsection does not apply to the operation of snowmobiles by an operator under the age of sixteen (16) years upon lands owned or leased by the operator's parent or guardian. As used in this Subsection, "leased lands" does not include land leased by an organization of which said operator or the operator's parent or guardian is a member.

(4) **Definition.** For purposes of this Subsection, "accompanied" means being on the same snowmobile as the operator.

Sec. 10-3-6 Accidents and Accident Reports.

- (a) If he/she can do so without serious danger to his/her 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/she shall make such report.
- (d) "Snowmobile Accident" means a collision, accident or other casualty involving a snowmobile.

Sec. 10-3-7 Snowmobile Routes and Trails Designated.

(a) Snowmobile Routes and Trails Designed.

(1) **Restrictions.** Except as provided in Sec. 350.02 and 350.045, Wis. Stats., for snowmobile events authorized in accordance with Sec. 350.04, Wis. Stats., or when accessing a residence pursuant to Subsection (g) below, no person shall operate a snowmobile upon any public right of way, in any public park, or any other public municipal property in the Village of Winneconne, except upon designated snowmobile routes and trails established by resolution of the Village Board.

(2) **Markers to Be Obeyed.** All persons using snowmobiles on the routes designated shall obey all markers or limitations indicated by trail signs or directions thereon, which are erected in accordance with the terms of this Chapter.

(b) **Operation on Private Premises Restricted.** No person shall operate a snowmobile or all-terrain vehicle on any private property not owned or controlled by him/her within the Village

- of Winneconne without the express consent or permission of the owner of said property.
- (c) **Enforcement.** This Section shall be enforced by any law enforcement officer of the Village of Winneconne.
 - (f) **Trail Markers.** The Chief of Police is directed to authorize procurement, erection and maintenance of appropriate snowmobile route, trail or limit markers, or is responsible to see that appropriate snowmobile clubs do the same.
 - (g) **Rules of Operation.** 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.
 - (h) **Declaring Trails Closed.** Due to weather conditions or emergency, the Village President or Chief of Police may declare snowmobile trails closed within the Village.
 - (i) **Snowmobile Access from a Residence or Lodging Establishment to a Snowmobile Route.**
 - (1) **Intent.** The intent of this Subsection is to provide a means for persons to travel from a residence or lodging establishment within the limits of the Village of Winneconne, Winnebago County, Wisconsin, for the shortest distance that is necessary for a person to operate a snowmobile to the snowmobile route or trail that is closest to that residence or lodging establishment.
 - (2) **Statutory Authority.** This Subsection is adopted as authorized under Sec. 350.18(3)(a), Wis. Stats.
 - (3) **Designated Roadways and/or Highways.** This Subsection shall allow the operation on the right-hand side of any roadway except Main St. Snowmobiles shall not be operated in any fire lanes.
 - (4) **Penalties.** Wisconsin state snowmobile penalties as found in Sec. 350.11(1)(a), Wis. Stats., are adopted by reference.

Cross Reference: Section 10-4-2.

Sec. 10-3-8 Penalty.

Any person who shall violate any provision of this Chapter shall, upon conviction thereof, forfeit a fee as is determined by Village Board together with the costs of prosecution, 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. 10-3-9 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 Secs. 66.0111 and 66.0114, Wis. Stats. Stipulations of guilt or no contest may be made as provided in Sec. 66.0114, 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. 66.0114, 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. The penalty for violation of any provision of this Chapter shall be a forfeiture as hereafter provided together with costs under Sec. 345.27, Wis. Stats., and a penalty assessment, where applicable, as required under Sec. 165.87(2), Wis. Stats.

Title 10 4 Chapter 4

All-Terrain Vehicles and Off Road Motor Vehicle Operation

- 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** Mini-Bikes and Self-Propelled Vehicles Regulated
- 10-4-4** Speed Limits
- 10-4-5** State All-Terrain Vehicle Laws Adopted
- 10-4-6** Unauthorized Operation of Motor Vehicle on Public or Private Property
- 10-4-7** Winter snow removal, Mini-Bikes and Self-Propelled Vehicles, Speed restrictions
- 10-4-3** Mini-Bikes and Self-Propelled Vehicles Regulated.
- 10-4-4** Speed restrictions.
- 10-4-5** Winter snow removal.
- 10-4-68** Penalties

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(1) Definitions
- 23.33(2) Speed restrictionsRegistration
- 23.33(3) Rules of Operation
- 23.33(4) Operation on or near certain highways and freeways
- 23.33(5) Age restrictions
- 23.33(6) Equipment requirements
- 23.33(7) Accidents
- 23.33(8) SignsRoutes and Trails
- 23.33(12) Officer Authority to enforceEnforcement
- 346.94 Driving on sidewalk
- 938.343 All-terrain vehicle safety course

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 creek bed, riverbed or lake provided, however, that this Subsection shall not apply to snowmobiles or other vehicles being operated on the ice covering such creek bed, 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- or four- 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.

Sec. 10-4-3 Mini-Bikes and Self-Propelled Vehicles Regulated.

(a) **Definitions.** The following definitions shall be applicable in this Section:

(1) **Mini-Bike.** Any motorized vehicle primarily used for transportation or sport, including, but not limited to, motorcycles, off-the-road trail bikes and motorized bicycles.

(2) **Self-Propelled Vehicles.** Any motorized vehicle primarily used for off-the-road use, including but not limited to, go-carts, all-terrain vehicles ("ATV", "four-wheeler") and all other vehicles not registered pursuant to Chapter 341, Wis. Stats., but not snowmobiles.

(3) **Motorized Vehicle.** Any self-propelled device in, upon, or by which any person or property is or may be transported.

(4) **Highway.** All public ways and thoroughfares and bridges on the same. It includes the entire highway right-of-way width, not limited to the actual traveled portion, but also includes the shoulders, ditches and other areas adjacent thereto.

(5) **Snow removal device.** Means an attachment designed and installed for the purpose of removing snow, such as a plow blade, blower, bucket or brush.

(6) **Public use registration.** Means an annual or bi-annual registration purchased through the Wisconsin Department of Natural Resources.

(7) **Neighborhood Electric Device (NEV).** Means any electric powered vehicle, ATV, go-cart, golf cart, or other vehicle primarily used to transport people that does not exceed 25mph.

(b) **Operation of Mini-Bikes and Self-Propelled Vehicles.** No person shall operate a mini-bike or self-propelled vehicle in the Village of Winneconne in the following manner:

(1) At a rate of speed that is unreasonable or imprudent under the circumstances.

(2) In any careless way so as to endanger the person or property of another.

- (3) While under the influence of intoxicating liquor, fermented malt beverages, narcotics or other controlled substances.
 - (4) In such a way that the exhaust of the motor makes an excessive or unusual noise.
 - (5) Without a functioning muffler.
 - (6) Upon any slide, ski or skating area, except for the purposes of serving the area or crossing the places where marked.
 - (7) Upon a cemetery, burial ground, school or church property, without the express consent of the owner.
- (c) **Winter snow removal.** A person may operate an ATV with a snow removal device attached, for snow removal purposes and under the following conditions:
- (1) on a public sidewalk, speed may not exceed 5 mph
 - (2) on or adjacent to a roadway which is not a freeway, speed may not exceed 15 mph
 - (3) only on roadways where the motor vehicle speed limit is 45mph or less
 - (4) only on the far right hand side of the road
 - (5) on roads that are posted ATV Routes and currently open to the use of ATVs
 - (6) the operator must be 16 years or older and if born after December 31, 1987, a valid ATV Safety Certificate is also required
 - (7) only between October 1 and April 30 for the purpose of removing snow
 - (8) for a distance not to exceed 2 miles from your original starting or your unloading point
 - (9) displaying one or more illuminated, yellow lights that are flashing or rotating and visible for 360 degrees
 - (10) having headlights on at all times while operating on any road and must illuminate an object at least 200 feet away
 - (11) having taillights that are visible from at least 500 feet away during hours of darkness
 - (12) have a current "public use registration" while operating on public roadways, public right of ways or on public sidewalks
 - (13) Children under the age of 18 are required to wear helmets while operating an ATV off private property
- (d) **Liability of Parent or Guardian.** No parent or guardian of any child under the age of eighteen (18) years shall authorize or permit such child to violate any of the provisions of this Section. Any child under the age of eighteen (18) years who shall operate a mini-bike or self-propelled device shall be presumed to be operating said vehicle under the authority of a parent or guardian.
- (e) **Speed Restrictions.** No person shall operate an all-terrain vehicle within the Village; except on an all-terrain vehicle route established by resolution of the Village Board. No person shall operate any all-terrain vehicle within the Village of Winneconne at a speed in excess of fifteen (15) miles per hour.

Sec. 10-4-4 Speed Restrictions. No person shall operate an all-terrain vehicle within the Village; except on an all-terrain vehicle route established by resolution of the Village Board. No person shall operate any all-terrain vehicle within the Village of Winneconne at a speed in excess of fifteen (15) miles per hour

- (f) **Sec. 10-4-5 Winter snow removal.** A person may operate an ATV with a snow removal device attached, for snow removal purposes and under the following conditions:
- (1) on a public sidewalk, speed may not exceed 5 mph

- (2) on or adjacent to a roadway which is not a freeway, speed may not exceed 15 mph
- (3) only on roadways where the motor vehicle speed limit is 45mph or less
- (4) only on the far right hand side of the road
- (5) on roads that are posted ATV Routes and currently open to the use of ATVs
- (6) the operator must be 16 years or older and if born after December 31, 1987, a valid ATV Safety Certificate is also required
- (7) only between October 1 and April 30 for the purpose of removing snow
- (8) for a distance not to exceed 2 miles from your original starting or your unloading point
- (9) displaying one or more illuminated, yellow lights that are flashing or rotating and visible for 360 degrees
- (10) having headlights on at all times while operating on any road and must illuminate an object at least 200 feet away
- (11) having taillights that are visible from at least 500 feet away during hours of darkness
- (12) have a current "public use registration" while operating on public roadways, public right of ways or on public sidewalks
- (13) Children under the age of 18 are required to wear helmets while operating an ATV off private property

Sec. 10-4-68 Penalties.

Any person who shall violate this Section shall, upon conviction thereof, forfeit the amount set forth by the Village Board.

Title 10 4 Chapter 5

Abandoned and Junked Vehicles

- 10-5-1** Abandoned Vehicles; Definitions
- 10-5-2** Removal and Impoundment of Vehicles
- 10-5-3** Removal, Storage, Notice or Reclaimer of Abandoned Vehicles
- 10-5-4** Disposal of Abandoned Vehicles
- 10-5-5** Report of Sale or Disposal
- 10-5-6** Owner Responsible for Impoundment and Disposal Costs
- 10-5-7** Conflict with Other Code Provisions
- 10-5-8** Junked Vehicles and Appliances on Private Property

Sec 10-5-1 Abandoned Vehicles; Definitions.

- (a) **Abandonment of Vehicles Prohibited.** No person shall leave unattended any motor vehicle, trailer, semitrailer or mobile home on any public street or highway or private or public property in the Village of Winneconne for such time and under such circumstances as to cause the vehicle to reasonably appear to have been abandoned. Whenever any such vehicle has been left unattended on any street or highway in the Village of Winneconne or upon private or public property without the permission of the property owner or other person charged with the lawful jurisdiction thereof, the vehicle shall be deemed abandoned and constitutes a public nuisance.
- (b) **Definitions.** For purposes of this Chapter, the following definitions shall be applicable:
 - (1) Vehicle shall mean a motor vehicle, trailer, semitrailer or mobile home, whether or not such vehicle is registered under Wisconsin Law.
 - (2) Unattended shall mean unmoved from its location with no obvious sign of continuous human use.
 - (3) Street shall mean any public highway or alley and shall mean the entire width between the boundary lines of any public way where any part thereof is open to the public for purposes of vehicular traffic.
- (c) **Presumptions.** For purposes of this Section, the following irrebuttable presumptions shall apply:
 - (1) A vehicle shall be presumed unattended if it is found in the same position after issuance of a traffic ticket or citation and if such traffic ticket or citation remains placed upon the windshield during subsequent checks.
 - (2) Any vehicle left unattended on any public street or public ground for an extended period of time or left unattended on private property without the consent of the property owner is deemed abandoned and constitutes a nuisance; provided, that the vehicle shall not be deemed abandoned under this Subsection if left unattended on private property outside of public view and is enclosed within a building, or if designated as not abandoned by a law enforcement officer.
- (d) **Exceptions.** This Section shall not apply to a vehicle in an enclosed building or a vehicle stored on a premises licensed for storage of junk or junked vehicles and fully in compliance with Village zoning regulations, or to a vehicle parked in a paid parking lot or space where the required fee has been paid.

Sec. 10-5-2 Removal and Impoundment of Vehicles.

Any vehicle in violation of this Chapter shall be removed and impounded until lawfully claimed or disposed of under the provisions of Section 10-5-3.

Sec. 10-5-3 Removal, Storage, Notice or Reclaimer of Abandoned Vehicles.

- (a) **Applicability.** The provisions of this Section shall apply to the removal, storage, notice, reclaimer or disposal of abandoned vehicles as defined in Section 10-5-1.
- (b) **Removal.** Any law enforcement officer who discovers any motor vehicle, trailer, semitrailer or mobile home on any public street or highway or private or public property in the Village of Winneconne which has been abandoned shall cause the vehicle to be removed to a suitable place of impoundment.

- (c) **Storage and Reclaimer.** Any abandoned vehicle which is determined by a Village law enforcement officer to be abandoned shall be retained in storage for a period of fourteen (14) days after certified mail notice, as hereinafter provided, has been sent to the Wisconsin titled owner and/or secured party of record with the Wisconsin Motor Vehicle Division, except that if a Village law enforcement officer determines an abandoned vehicle to have a value of less than One Hundred Dollars (\$100.00), or that the cost of towing and storage charges for impoundment will exceed the value of the vehicle, it may be junked or sold by direct sale to a licensed salvage dealer after having been retained in storage for a period of forty-eight (48) hours and after certified mail notice, as hereinafter provided, has been sent to the Wisconsin titled owner or secured party of record with the Wisconsin Motor Vehicle Division, provided that it is first determined that the vehicle is not reported stolen or wanted for evidence or other reason. All substantially complete vehicles in excess of nineteen (19) model years of age shall be deemed as having a value in excess of One Hundred Dollars (\$100.00). Any such vehicle which may be lawfully reclaimed may be released upon the payment of all accrued charges, including towing, storage and notice charges and upon presentation of the vehicle title or other satisfactory evidence to a Village law enforcement officer to prove an ownership or secured party interest in said vehicle.
- (d) **Notice to Owner or Secured Party.** Certified mail notice, as referred to herein, shall notify the Wisconsin titled owner of the abandoned vehicle, if any, and/or the secured party of record with the Wisconsin Motor Vehicle Division, if any, of the following:
- (1) That the vehicle has been deemed abandoned and impounded by the Village of Winneconne;
 - (2) The "determined value" of the abandoned vehicle;
 - (3) If the cost of towing and storage costs will exceed the determined value of the vehicle;
 - (4) That if the vehicle is not wanted for evidence or other reason, the vehicle may be reclaimed upon the payment of all accrued charges, including towing, storage and notice charges, within fourteen (14) days of the date of notice, unless the vehicle has been determined to have a value less than One Hundred Dollars (\$100.00) or that the cost of towing and storage charges for impoundment will exceed the value of the vehicle, in which case the vehicle may be reclaimed within seven (7) days upon the payment of the aforesaid charges; and
 - (5) That the owner or aforesaid secured party may, upon request, be granted a hearing relating to the determinations made with respect to said vehicle within the period that such vehicles may be reclaimed.

Sec. 10-5-4 Disposal of Abandoned Vehicles.

Any abandoned vehicle impounded by the Village which has not been reclaimed within fourteen (14) days of the notice under Section 10-5-4(d) or junked or sold by direct sale to a licensed salvage dealer pursuant to the provisions of this Chapter may be sold by public auction sale or public sale calling for the receipt of sealed bids. A Class I Notice, including the description of the vehicles, the name(s) and address(es) of the Wisconsin titled owner and secured party of record, if known, and the time of sale shall be published before the sale.

Sec. 10-5-5 Report of Sale or Disposal.

Within five (5) days after the direct sale or disposal of a vehicle as provided for herein, a Village law

enforcement officer shall advise the State of Wisconsin Department of Transportation, Division of Motor Vehicles, of such sale or disposal on a form supplied by said Division. A copy of the form shall be given to the purchaser of the vehicle enabling the purchaser to obtain a regular certificate of title for the vehicle. The purchaser shall have ten (10) days to remove the vehicle from the storage area but shall pay a reasonable storage fee established by the Village for each day the vehicle remains in storage after the second business day subsequent to the sale date. Ten (10) days after the sale the purchaser shall forfeit all interest in the vehicle and the vehicle shall be deemed to be abandoned and may be sold again. Any listing of vehicles to be sold by the Village shall be made available to any interested person or organization which makes a written request for such list to the Village. The Village may charge a reasonable fee for the list.

Sec. 10-5-6 Owner Responsible for Impoundment and Disposal Costs.

- (a) The owner of any abandoned vehicle, except a stolen vehicle, is responsible for the abandonment and all costs of impounding and disposing of the vehicle. Costs not covered from the sale of the vehicle may be recovered in a civil action by the Village against the owner.
- (e) Payment of removal and impoundment costs is not required when the vehicle has been impounded for purposes of law enforcement investigation.

Sec. 10-5-7 Conflict with Other Code Provisions.

In the event of any conflict between this Section and any other provisions of this Municipal Code, this Chapter shall control.

Sec. 10-5-8 Junked Vehicles and Appliances on Private Property.

(a) Storage of Automobiles and Other Debris Restricted.

- (1) No disassembled, inoperable, unlicensed, junked or wrecked motor vehicles, truck bodies, tractors, trailers, farm machinery, appliances, household furnishings, abandoned mobile home or trailer, miscellaneous junk or appliances, junk, or construction debris shall be stored unenclosed upon private residential property within the Village of Winneconne or if it is in connection with an authorized business enterprise maintained in such a manner as to not constitute a public nuisance and in compliance with Village zoning regulations; outside storage on a commercial or industrial property shall be enclosed by a fence or other enclosure of a design approved by the Village Board.
- (2) Any business engaged in automotive sales or repair located in a properly zoned district may retain no more than five (5) disassembled or wrecked vehicles in the open for a period not to exceed thirty (30) days, after which such vehicles shall be removed.

(b) Definitions. As used in this Section:

- (1) *Disassembled, inoperable, junked or wrecked motor vehicles, truck bodies, tractors, trailers.* Motor vehicles, recreational vehicles (boats, campers, snowmobiles, all-terrain vehicles, etc.), truck bodies, tractors, farm machinery or trailers, and other items listed in Subsection (a), or defined in this Subsection, in such state of physical or mechanical ruin as to be incapable of propulsion, being operated upon the public streets or highways or which is otherwise not in safe or legal condition for operation on public streets or highways due to missing or

inoperative parts, flat or removed tires, expired or missing license plates or other defects. For purposes of this Section, may also be referred to as "nuisance motor vehicles".

- (2) **Unlicensed – motor vehicles, truck bodies, tractors or trailers.** Motor vehicles, truck bodies, tractors, recreational vehicles or trailers which do not bear lawful current license plates.
- (3) **Motor vehicle.** Is defined in Sec. 340.01(35), Wis. Stats. Additionally, motor vehicle means any automobile, automobile part, all-terrain vehicle, snowmobile, motor home, bus, motorcycle, van or other device designed for travel.
- (4) **Inoperable appliance.** Any stove, washer, refrigerator or other appliance which is no longer operable in the sense for which it was manufactured.
- (5) **Junk.** Worn out or discarded material of little or no value, including but not limited to, household appliances or parts thereof, tools, discarded building materials or any other unsightly debris, the accumulation of which has an adverse effect upon the neighborhood or Village property values, health, safety or general welfare.
- (6) **Enclosure.** Type of construction required to hide and harbor vehicles from public view, excluding tarps. The Village Board shall have sole authority to determine the adequacy of enclosures required under this Chapter, which may be a structure, fence, vegetative screening, or other type of acceptable enclosure.
- (7) **Owner.** Considered to the person(s) who occupies the premises and who may or may not be the responsible person(s) harboring such unlicensed motor vehicle.
- (8) **Abandoned home or trailer.** One which has not been used or occupied, or which due to dilapidated condition cannot be occupied in a healthful manner, within the past three hundred sixty-five (365) days.
- (9) **Repair Work.** Includes mechanical, electrical and body work, maintenance, construction, reconstruction, assembly, disassembly, restoration, painting, upholstering or any similar or related work performed on any motor vehicle.
- (10) **Street Repairs.** Means "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.
- (11) **Temporary Repair Work.** Repair work which is performed within twenty-four (24) hours of motor vehicle becoming unexpectedly un-roadworthy on a street, highway or thoroughfare, which work will make or attempts to make said motor vehicle roadworthy.

(c) **Exceptions.**

- (1) This Section shall not apply to:
 - a Any motor vehicle or motor vehicle accessories stored within an enclosed building or on the premises of a business enterprise operated in a lawful place and manner in a properly zoned area, in such a manner as to not constitute a nuisance, when necessary to the operation of such business enterprise, in an enclosed storage place or depository maintained in a lawful place and manner.
 - b A vehicle meeting the standards for a "repair work" exception under Subsection (d) below.
 - c Any business engaged in the sale, repair or storage of such unlicensed vehicles in a properly zoned district may store such vehicles. The Village Board may determine the necessity of such storage and may impose limitations or require fencing or other type of approved enclosure of such non-residential properties.
- (2) In other situations the Village Board may issue a one-time temporary permit permitting an extension of not to exceed an additional thirty (30) days' time to comply with this Section

where exceptional facts and circumstances warrant such extension.

(d) Vehicle Repair Work — Limitations. "Repair work" of vehicles may only be performed upon observance of the following conditions and restrictions:

- (1) "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 the applicable state and Village ordinances, rules and regulations, licenses and permits.
- (2) Except for authorized street repairs, "repair work" which renders a motor vehicle inoperable for a period of more than three (3) days shall only be performed in a garage, shed or enclosed structure, or, in the case of a non-residential property, in a fenced area which fully 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.
- (3) "Street repairs" may be performed only within the scope of the definition thereof.

(e) Enforcement.

- (1) Whenever a Village law enforcement officer shall find any vehicles or appliances, as described herein, placed or stored in the open upon private property within the Village, he/she shall notify the owner of said property on which said vehicle or appliance is stored of the violation of this Section. If said vehicles or appliance is not removed within five (5) days, a Village law enforcement officer shall cause to be issued a citation to the property owner or tenant of the property upon which said vehicle or appliance is stored.
 - (2) If such vehicle or appliance is not removed within fifteen (15) days after issuance of a citation, a Village law enforcement officer shall cause the vehicle or appliance to be removed and impounded, and it shall thereafter be disposed of as prescribed in Sections 10-5-3 through 10-5-6 by a Village law enforcement officer. Any cost incurred in the removal and sale of said vehicle or appliance shall be recovered from the owner. However, if the owner of the vehicle or appliance cannot readily be found, the cost of such removal shall be charged to the property from which it is removed, which charges shall be entered as a special charge on the tax roll.
- (f) Penalty.** Any person who shall interfere with the enforcement of any of the provisions of this Section and shall be found guilty thereof shall be subject to a penalty as provided in Section 1-1-6. Each motor vehicle or appliance involved shall constitute a separate offense.

State Law Reference: Sec. 342.40, Wis. Stats.

Sec. 10-6-1 LOW-SPEED VEHICLES.

(a) DEFINITIONS AND REQUIREMENTS.

- (1) A Low-speed Vehicle (LSV) means a self-propelled electric motor vehicle that has successfully completed the Neighborhood Electric Vehicle America Test Program conducted by the Federal Department of Energy or a gas powered low-speed motor vehicle that conforms to the definitions 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.

(2) A LSV shall have four wheels and have a speed range of at least 20 miles per hour and not more than 35 miles per hour on a paved, level surface and a gross vehicle weight at rest of less than 3,000 pounds. Any LSV shall be equipped with the following:

- a. Headlamps.
- b. Front and rear turn signals.
- c. Stop lamps.
- d. Reflex reflectors: one red on each side as far to the rear as practicable, and one red on the rear (three total).
- e. An exterior mirror mounted on the driver's side and either an exterior mirror on the passenger side or an interior rearview mirror.
- f. Parking brakes.
- g. A windshield that conforms to the requirements of the federal motor vehicle safety standard on glazing materials (49 CFR 571.205).
- h. A vehicle identification number (VIN) that complies with federal law (49 CFR 565).
- i. A Type 1 or Type 2 seatbelt assembly conforming to 49 CFR 571.209 and Federal Motor Safety Standard No. 209, for each designated seating position.
- j. Meets the general test conditions under 49 CFR 571.50056.

(3) Parking Violations. The standardized Village parking ticket shall be used for enforcement of violations of rules of the road relating to parking of any LSV.

(4) Other Violations. All violations of this section not describe in (a)(1) or (a)(2) shall be enforced in accordance with the Village Ordinances and Wisconsin Statutes.

- (b) **PERMITTED USERS OF LOW-SPEED VEHICLES.** Any person who operates a LSV on any Village street must hold a valid State of Wisconsin driver's license.
- (c) **PERMITTED USE OF LOW-SPEED VEHICLES ON VILLAGE STREETS.** Any operator meeting the requirements of (b) above may operate a licensed LSV on Village streets having a posted speed limit of 35 miles per hour or less, except no LSC may be operated on ST. HWY 116/Main Street. A LSV may cross Main Street from one side to the other from a legal area to reach a street which is legal to operate upon. Headlamps must be on at all times during operation of any LSV on Village streets.
- (d) **OPERATION OF LOW-SPEED VEHICLES.** Any LSV shall comply with all state and local traffic laws, including but not limited to Chapter 10 of the Code of Ordinances, and owners and operators of LSV's shall be subject to citations and forfeitures for any such violation. Electrical cords, connections, or other charging devices shall not cross any public land, such as a sidewalk, terrace, street, or any other similar public land.
- (e) **TITLE AND REGISTRATION.** All Low-Speed Vehicles shall be titled and registered by the Wisconsin Department of Transportation.
- (f) **PROOF OF INSURANCE.** Any operator of a LSV must have a motor vehicle liability policy in effect that covers the LSV and meets minimum coverage requirements. The LSV operator must display proof of insurance coverage upon demand from any traffic officer.

- (g) ENFORCEMENT.** Any person who violates any provision of this section shall be subject to forfeiture as provided in this Chapter. Any person who violates a provision of this section that does not incorporate another state or local traffic law shall be subject to a forfeiture as provided in sec. (a).
- (h) SEVERABILITY.** If any portion of this ordinance, or its application to any person or circumstances, is held invalid, the validity of this section as a whole, or any other provision herein and its application to other persons or circumstances, shall not be affected.