

## Chapter 50

### GENERAL PROVISIONS<sup>1</sup>

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<sup>1</sup> Cross reference— Any ordinance prescribing through streets, parking and traffic regulations, speed limits, one-way traffic, limitations on load of vehicles or loading zones saved from repeal, § 1-9(9); vehicle accidents involving animals, § 6-85; junked, wrecked, abandoned vehicles, § 22-81 et seq.; miscellaneous offenses, ch. 30; streets, sidewalks and other public places, ch. 38.

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## Article I. In General

### Sec. 50-1. State traffic laws adopted.

The statutory provisions describing and defining regulations with respect to vehicles and traffic in the following enumerated sections of the Wisconsin Statutes, exclusive of any provisions therein relating to the penalties to be imposed or the punishment for violation of such statutes, are hereby adopted and by reference made a part of this chapter as if fully set forth herein. Any act required to be performed or prohibited by any statute incorporated herein by reference is required or prohibited by this chapter.

340.01, 341.01, 342.01, 343.01, 344.01, 346.01, 347.01 and 348.01	Words and phrases defined
341.03	Operating vehicle after suspension, revocation or cancellation of registration
341.04	Operating unregistered or improperly registered vehicle
341.045	Use of registered farm trucks regulated
341.05	When vehicle exempt from registration
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341.08	Application for registration
341.11(4)	Display of registration certificates
341.15	Display of registration plates
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341.51	Registration of dealer, distributor, manufacturer or transporter
341.55	Misuse of plates
341.61	Improper use of evidence of registration
341.62	False evidence of registration
341.63(3)	Surrender of plates upon suspension
342.05	Certificate of title required
342.06	Application for certificate of title
342.15	Transfer of interest in a vehicle
342.16	Transfer to or from dealer
342.30(2) and (3)	Assignment and stamping of new identification numbers
342.31(2)	Report of stolen or abandoned motor vehicle
342.33	Sale of vehicle used as taxicab
342.34	Destruction or junking of vehicles
343.10	Occupational licenses

343.12	School bus operators to obtain special authorization
343.18	License to be carried
343.19	Duplicate licenses or identification cards
343.22	Notice of change of address or name
343.305	Implied consent for tests of breath, blood or urine
343.35	Surrender of licenses upon revocation, cancellation or suspension
343.45	Permitting unauthorized persons to drive
343.46	Renting vehicles
344.45	Surrender of license and registration upon revocation or suspension
344.46	Transfer of ownership to defeat financial responsibility
344.51, 344.52	Financial responsibility for rented or leased vehicles
345.55	Traffic officers not to profit from arrests
346.02	Applicability of Wis. Stat. ch. 346
346.03	Authorized emergency vehicles
346.04(1), (2)	Obedience to traffic officer, signs and signals
346.05	Vehicles to be driven on right side of roadway
346.06	Meeting of vehicles
346.07	Overtaking and passing on left
346.075	Overtaking and passing bicycles and motorbuses
346.08	When overtaking and passing on right permitted
346.09	Limitations on overtaking on left or driving on left side of roadway
346.10	When passing at railroad crossing or intersection prohibited
346.11	Passing or meeting frightened animal
346.12	Driving through safety zones prohibited
346.13	Driving on roadways laned for traffic
346.14	Distance between vehicles
346.15	Driving on divided highway
346.16	Use of controlled-access highways, expressways and freeways
346.18	General rules of right-of-way
346.19	What to do on approach of emergency vehicle
346.20	Right-of-way of funeral processions and military convoys

346.21	Right-of-way of livestock
346.23	Crossing controlled intersection or crosswalk
346.24	Crossing at uncontrolled intersection or crosswalk
346.25	Crossing at place other than crosswalk
346.26	Blind pedestrian on highway
346.27	Persons working on highway
346.28	Pedestrians to walk on left side of highway; pedestrians and bicyclists on sidewalks
346.29	When standing or loitering in roadway or highway prohibited
346.31	Required position and method of turning at intersections
346.32	Required position for turning into private road or driveway
346.33	Where turns prohibited
346.34	Turning movements and required signals on turning and stopping
346.35	Method of giving signals on turning and stopping
346.37	Traffic-control signal legend
346.38	Pedestrian control signals
346.39	Flashing signals
346.40	Whistle signals
346.41	Display of unauthorized signs and signals prohibited
346.42	Interference with signs and signals prohibited
346.44	All vehicles to stop at signal indicating approach of train
346.45	Certain vehicles to stop at all railroad crossings
346.46	Vehicles to stop at stop signs and school crossings
346.47	When vehicles using alley or nonhighway access to stop
346.48	Vehicles to stop for school buses displaying flashing lights
346.50	Exceptions to stopping and parking restrictions
346.505	Stopping, standing or parking prohibited in parking spaces reserved for physically disabled persons
346.51	Stopping, standing or parking outside of business or residence districts
346.52	Stopping prohibited in certain specified places
346.53	Parking prohibited in certain specified places
346.54	How to park and stop on streets
346.55	Other restrictions on parking and stopping

346.57(2)	Reasonable and prudent speed
346.57(3)	Conditions requiring reduced speed
346.57(4)(a)—(c)	Fixed speed limits in school or safety zones
346.57(4)(d)—(h)	Fixed speed limits
346.57(4)(i)	Speeding in park or recreation area
346.57(5)	Zoned and posted speed limits
346.58	Special speed restrictions for certain vehicles
346.59	Minimum speed regulations
346.595	Motorcycles and mopeds
346.61	Applicability of sections relating to reckless and drunken driving
346.62	Reckless driving (first offense within four years)
346.63(1)	Operating under influence of intoxicant or other drug
346.63(2m)	Absolute sobriety for persons under legal drinking age
346.63(5)	Operating commercial motor vehicle under influence of intoxicant or other drug
346.66	Applicability of sections relating to accidents and accident reporting
346.68	Duty upon striking unattended vehicle
346.69	Duty upon striking property on or adjacent to highway
346.70	Duty to report accident
346.71	Coroners or medical examiners to report; require blood specimen
346.72	Garages to keep record of repairs of accident damage
346.73	Accident reports not to be use at trial
346.77	Responsibility of parent or guardian for violation of bicycle and play vehicle regulations
346.78	Play vehicles not to be used on roadway
346.79	Special rules applicable to bicycles
346.80	Riding bicycle on roadway
346.802	Riding bicycle on bicycle lane
346.803	Riding bicycle on bicycle way
346.804	Riding bicycle on sidewalk
346.87	Limitations on backing
346.88	Obstruction of operator's view or driving mechanism
346.89	Inattentive driving

346.90	Following emergency vehicle
346.91	Crossing fire hose
346.92	Illegal riding
346.93	Intoxicants in vehicles; underage persons
346.935	Intoxicants in motor vehicles
346.94	Miscellaneous prohibited acts
347.02	Applicability of Wis. Stat. ch. 347
347.03	Sale of prohibited equipment
347.04	Improperly equipped vehicle
347.06	When lighted lamps required
347.07	Special restrictions on lamps and the use thereof
347.08	Determining the visibility distance and mounted height of lamps
347.09	Headlamps on motor vehicles
347.10	Headlamp specifications for motor vehicles other than mopeds and motor bicycles
347.11	Headlamp specifications for mopeds and motor bicycles and motor bicycles
347.12	Use of multiple-beam headlamps
347.13	Tail lamps and registration plate lamps
347.14	Stop lamps
347.15	Direction signal lamps or devices
347.16	Clearance lamps and reflectors
347.17	Color of clearance and marker lamps and reflectors
347.18	Mounting of clearance lamps and reflectors
347.19	Visibility of clearance lamps and reflectors
347.20	Lamp or flag on projecting load or fixture
347.21	Lamps and flags on trains of agricultural vehicles
347.22	Lamps on farm tractors and self-propelled farm implements
347.23	Lamps on highway maintenance equipment
347.24	Lamps and reflectors on nonmotor vehicles and equipment
347.245	Identification emblem on slow moving vehicles
347.25	Special warning lamps on vehicles
347.26	Restrictions on certain optional lighting equipment
347.27	When lighted lamps required on parked vehicles

347.28	Certain vehicles to carry flares or other warning devices
347.29	Display of warning devices for certain vehicles when standing on highway
347.35	Brakes
347.36	Performance ability of brakes
347.38	Horns and warning devices
347.39	Mufflers
347.40	Mirrors
347.41	Speed indicators
347.415	Odometer tampering
347.42	Windshield wipers
347.43	Safety glass
347.44	Painting requirements
347.45	Tire equipment
347.46	Fenders and mudguards
347.47	Drawbars, trailer hitches and mobile home couplings
347.48	Safety belts and child safety restraint systems
347.485	Protective headgear for motorcyclist
347.486	General requirements (motorcyclists)
347.487	Seating requirements (motorcyclists)
347.488	Moped equipment
347.489	Lamps and other equipment on bicycles and motor bicycles
347.49	Equipment of vehicles transporting flammable liquids
348.02	Applicability of Wis Stat. ch. 348
348.05	Width of vehicles
348.06	Height of vehicles
348.07	Length of vehicles
348.08	Vehicle trains
348.09	Projecting loads on side of vehicle
348.10	Special limitations on load
348.15	Weight limitations on Class A highways
348.16	Weight limitations on Class B highways
348.17	Special or seasonal weight limitations
348.175	Seasonal operating rights for vehicles hauling peeled or unpeeled forest products cut crosswise or abrasives or salt



	for highway winter maintenance
348.18	Weight limitations apply to publicly owned vehicles; exceptions
348.185	Empty weight to be indicated on side of certain vehicles; rules
348.19	Traffic officers may weigh vehicles and require removal of excess load
348.20	Policy in prosecuting weight violations
348.25	General provisions relating to permits for vehicles and loads of excessive size and weight
348.26	Single trip permits
348.27	Annual, consecutive month or multiple trip permits
348.28	Permits to be carried
350.01—350.19	Snowmobiles
941.01	Negligent operation of vehicle

(Code 1982, §§ 7.340.01—7.941.03)

State law reference— Power of town to prohibit crimes against public health and safety, Wis. Stat. § 66.0107; power to adopt traffic laws, Wis. Stat. § 349.03.

### **Sec. 50-2. Erection of official signs and signals.**

- (a) The town board, or its designated deputies, the code enforcement officer and the Racine County Sheriff's Department, at their direction, are hereby authorized and directed to procure, erect and maintain appropriate standard traffic signs, signals and markings conforming to the Uniform Traffic Control Devices Manual and giving such notice of the provisions of this chapter as required by state law. Signs shall also be erected in such locations and manner as authorized by the town board to give adequate warning to users of the street, road, highway or alley in question.
- (b) No person shall intentionally damage, deface, move, remove or obstruct an official traffic sign or signal or intentionally interfere with the effective operation of such sign or signal."

### **Sec. 50-3. Penalty.**

The penalty for violation of any provision of this chapter shall be a forfeiture and penalty assessment if required by Wis. Stat. § 757.05, a jail assessment if required by Wis. Stat. § 302.46, plus any applicable fees prescribed in Wis. Stat. ch. 814. Only those violations of ordinances adopted under the sections of the Wisconsin Statutes listed below are exempt from the penalty assessment:

346.50	Exceptions to stopping and parking restrictions
346.51	Stopping, standing or parking outside of business or residence districts
346.52	Stopping prohibited in certain specified places
346.53	Parking prohibited in certain specified places
346.54	How to park and stop on streets
346.55	Other restrictions on parking and stopping
349.13	Authority to regulate the stopping, standing or parking of vehicles
349.14	Authority to use parking meters

- (1) *State forfeiture statutes.* Any forfeiture for violation of Wis. Stat. §§ 340.01—941.03 shall conform to the forfeiture permitted to be imposed for violation of the statutes adopted by reference, including any variations or increases for subsequent offenses.
- (2) *Local regulations.* Except as otherwise provided in this chapter, the penalty for violation of sections 50-2, 50-51, 50-71, 50-91 and 50-92 shall be as provided in section 1-14.
- (3) *Parking violations.*

		Forfeiture	
		Minimum	Maximum
346.51(1)	Improper parking on/off roadway	\$30.00	\$300.00
346.52(1)	Stopping/standing in prohibited areas	20.00	40.00
	Second conviction within one year	50.00	100.00
346.52(2)	Stopping/standing on highway by grade school	20.00	40.00
	Second conviction within one year	50.00	100.00
346.53	Parking/standing where prohibited	20.00	40.00
	Second conviction within one year	50.00	100.00
346.54	Improper parking/standing in vehicle	20.00	40.00
	Second conviction within one year	50.00	100.00
346.55(1)	Parking on left side of highway	30.00	300.00
346.55(2)	Parking vehicle for sale on highway	30.00	300.00
346.55(3)	Parking on posted private property	20.00	40.00
	Second conviction within one year	50.00	100.00

(Code 1982, § 7.10)

## Sec. 50-4. Enforcement.

- (a) *Enforcement procedure.* This chapter shall be enforced according to Wis. Stat. §§ 23.33, 66.0114, 345.11—345.61, 350.17 and Wis. Stat. ch. 799.
- (b) *Deposit.*
  - (1) Any person arrested for a violation of this chapter may make a deposit of money as directed by the arresting officer at the police station or at the office of the clerk of court or by mailing the deposit to such places. The arresting officer or the person receiving the deposit shall notify the arrested person, orally or in writing, that:
    - a. If the person makes a deposit for a violation of a traffic regulation, the person need not appear in court at the time fixed in the citation and the person will be deemed to have tendered plea of no contest and submitted to a forfeiture and penalty assessment if required by Wis. Stat. § 165.87, a jail assessment if required by Wis. Stat. § 53.46(1), plus any applicable fees prescribed in Wis. Stat. ch. 814, not to exceed the amount of the deposit that the court may accept as provided in Wis. Stat. § 345.37.
    - b. If the person fails to make a deposit for a violation of a traffic regulation or appear in court at the time fixed in the citation, the court may enter a default judgment finding the person guilty of the offense or issue a warrant for his arrest.
  - (2) The amount of the deposit shall be determined in accordance with the State of Wisconsin Revised Uniform State Traffic Deposit Schedule established by the Wisconsin Judicial Conference and shall include the penalty assessment established under Wis. Stat. § 165.87, a jail assessment if required by Wis. Stat. § 53.46(1), and court costs. If a deposit schedule has not been established, the arresting officer shall require the alleged offender to deposit the forfeiture established by the town board, which shall include the penalty assessment established under Wis. Stat. § 165.87. Deposits for nonmoving violations shall not include the penalty assessment.
  - (3) The arresting officer or the person receiving the deposit shall issue the arrested person a receipt therefor as required by Wis. Stat. § 345.26(3)(b).
- (c) *Petition to reopen judgment.* Whenever a person has been convicted in this state on the basis of a forfeiture of deposit or a plea of guilty or no contest and the person was not informed as required under Wis. Stat. § 345.27(1), (2), the person may, within 60 days after being notified of the revocation or suspension of the operating privilege, petition the court to reopen the judgment and grant him an opportunity to defend on merits. If the court finds that the petitioner was not informed as required under Wis. Stat. § 345.27(1), (2), the court shall order the judgment reopened. The court order reopening the judgment automatically reinstates the revoked or suspended operating privileges.

(Code 1982, § 7.11)

**Secs. 50-5 - 50-30. Reserved.**

**Article II. Specific Street Regulations**

Division 1. Generally

**Secs. 50-31. Compression braking, prohibited.**

- (a) *Compression Braking Prohibited.* No person shall use a compression braking system within designated areas of the Village unless the vehicle is equipped with an adequate engine brake muffler in constant operation and properly maintained to prevent excessive or unusual noise.
- (b) *Definition.* "Compression braking," also known as "engine braking," refers to the use of a dynamic braking device (commonly referred to as "jake brakes," "Jacob's brakes," or "engine brakes") for the conversion of the engine from an internal combustion engine to an air compressor for the purpose of braking without or limiting the use of wheel brakes. In addition, "compression braking" includes the process of downshifting and releasing the clutch to utilize the vehicle's engine to slow in order to meet proper speed restrictions.
- (c) *Emergency Defense Exception.* It shall be an affirmative defense to prosecution under this ordinance that compression braking was applied in an emergency in which there was an imminent and immediate risk of injury to a person or damage to another vehicle or property, and compression braking was necessary for the protection of said persons or property.
- (d) *Emergency Vehicle Exception.* Authorized emergency vehicles, as defined by §340.01(3), Wis. Stats., shall be exempt from this ordinance when responding to an emergency call, when in pursuit of an actual or suspected violator of the law, or when responding to but not upon returning from a fire alarm.
- (e) *Designated Areas.* The Village Board shall, by resolution, designate areas in the Village where engine braking is prohibited and signs shall be conspicuously posted in such areas stating: "No engine braking except in emergency" or its equivalent.
- (f) *Signs.* The Village Clerk/Treasurer or his/her designee is authorized and directed to gain appropriate approval, if required, from the State of Wisconsin to post appropriate signs consistent with the provisions of this ordinance and in accordance with State statutes and administrative regulations.
- (g) *Penalty.* Any person who violates this section shall be subject to a forfeiture in accordance with the general penalty provisions set forth in Section 1-14 of the Village's Code of Ordinances.

**Secs. 50-32. - 50-50. Reserved.**

## Division 2. Speed Limits

State Law reference— Speed limits, Wis. Stat. § 46.57 et seq.

### **Sec. 50-51. Speed limits.**

The town board determines that the statutory speed limits on the following streets or portions thereof are unreasonable, unsafe or imprudent and modifies such speed limits under authority granted by Wis. Stat. § 349.11, as follows:

*Alexandria Drive*, 25 miles per hour for its full length.

*Crystal Lane*, 25 miles per hour from its intersection with Racine County Line Rd., "KR," northerly to its termination in section 35.

*Deer Path*, 25 miles per hour for its full length.

*Evans Lane*, 25 miles per hour from its intersection with N. Sylvania Avenue westerly to its termination as a dead-end highway.

*Fawn Trail*, 25 miles per hour for its full length.

*Thoreau Court*, 25 miles per hour for its full length.

*Walden Drive*, 25 miles per hour for its full length.

*50th Road*, 35 miles per hour from a point 0.60 of a mile east of its intersection with CTH "U" easterly to a point 0.80 of a mile east of its intersection with CTH "U".

*50th Road*, 45 miles per hour for all vehicles from its intersection with N. Sylvania Ave. (I-94 Frontage Road) westerly for 0.6 of a mile.

*51st Drive*, 45 miles per hour from its termination on CTH "C" southerly 0.8 of a mile.

*51st Drive and 58th Road*, 45 miles per hour for all vehicles for the entire length of the highway.

*51st Drive*, from the intersection of Highway "C" to the intersection with 58th Road.

*58th Road*, from the intersection with Highway 45 to the intersection of S. Sylvania Avenue.

*58th Road*, 45 miles per hour from a point at its intersection with USH 45 easterly to a point 500 feet east of its intersection with Maurice Drive.

*65th Court*, 35 miles per hour from its intersection with 65th Drive westerly to its termination as a dead-end highway.

*65th Drive*, 45 miles per hour for its full length.

67th Drive, 45 miles per hour from Spring Street southerly to the intersection of STH 11.

(Code 1982, § 7.02; Ord. of 11-23-1998; Ord. No. 2006-02, § 1, 6-12-2006)  
State law reference— Authority to modify speed restrictions, Wis. Stat. § 349.11.

**Secs. 50-52 - 50-70. Reserved.**

Division 3. Stopping, Standing, Parking

**Sec. 50-71. Parking prohibited where indicated by signs.**

There shall be no parking on any roadway in the town where such prohibition is indicated by official signs of the town.

(Code 1982, § 7.03(1))

**Sec. 50-72. Overnight parking on roadways.**

Overnight parking on roadways in the town between the hours of 2:00 a.m. and 6:00 a.m. is prohibited.

(Code 1982, § 7.03(2))

**Sec. 50-73. Specific parking prohibition.**

Parking is prohibited on the west side of STH 45 from the northern boundary of Union Grove northerly 1,260 feet between the hours of 7:00 a.m. and 4:00 p.m.

(Code 1982, § 7.03(3))

**Secs. 50-74 - 50-90. Reserved.**

Division 4.  
Weight Limits And Heavy Traffic Routes

**Sec. 50-91. Class B highways designated; weight limitations; exemptions.**

(a) *Designated.* All streets and alleys within the town, except for the following listed streets, are designated as Class B highways and shall be subject to the weight limitations imposed by Wis. Stat. § 348.16:

- (1) Leetsbir Road;
- (2) Grandview Parkway; and
- (3) 58th Road from West Frontage Road to 56th Road.

- (b) *Weight limitation.* Any motor vehicle whose operation is pickup or delivery may pick up or deliver on a Class B highway if the gross weight imposed on the highway by the wheels does not exceed 16,500 pounds, subject to the approval of the town chairperson; provided that the use of such Class B highway shall be limited to the distances reasonably required to make such pickup or delivery.
- (c) *Exemption from Class B weight restrictions.* The town board may for good cause shown exempt certain motor vehicles on a case-by-case basis, from the Class B weight restrictions. Such exemption is dependent on the following criteria:
  - (1) Weight;
  - (2) Number and frequency of trips requested; and
  - (3) Reason for overweight trips.

A request for an exemption of the Class B weight restriction shall be made in writing to the town board addressing the criteria set out in this subsection. Requests for exemptions shall be placed on the next regularly scheduled board meeting agenda. If an exemption is needed prior to the next town board meeting, then the town chairperson may grant a temporary exemption if good cause is shown by the requestor. The town may place conditions on any exemption granted, including the posting of a cash bond or letter of credit. Any exemption granted, except a temporary exemption, is valid for a period of one-year, unless a shorter time period is set by the town board. Any exemption granted under this section does not exempt the motor vehicle from any state department of transportation or county permit requirements.

(Code 1982, § 7.04(1))

### **Sec. 50-92. Special and seasonal weight limitations.**

The town board may impose special or seasonal weight limits to prevent injury to the roadway of any highway, bridge or culvert within the jurisdiction of the town or for the safety of users of such highway, bridge or culvert and shall be responsible for erecting signs giving notice thereof in accordance with Wis. Stat. § 349.16.

(Code 1982, § 7.04(2))

### **Sec. 50-93. Adoption of Wis. Stat. Sec. 348.15(3)(g) – Table of Statutory Weight Limits.**

The town board on December 22, 2014 adopted Ordinance No. 09-2014 – "An Ordinance to Opt-in for Category B Implements of Husbandry to Comply with the Table of Statutory Weight Limits Under Wisconsin Statutes Section 348.15(3)(g)," which reads as follows:

**WHEREAS**, 2013 Wisconsin Act 377 under Wisconsin Statutes Section 348.15(9)(f)1. provides that there is no weight limitation per wheel, axle, or group of axles for Category B implements of husbandry as defined in Wisconsin Statutes Section 340.01(24)(a)1.b., but does apply gross vehicle weight limitations to these vehicles, and

**WHEREAS,** Wisconsin Statutes Section 348.15(9)(f)1. authorizes the municipality to require compliance with axle weight limitations established under Wisconsin Statutes Section 348.15(3)(g) for Category B implements of husbandry defined in Wisconsin Statutes Section 340.01(24)(a)1.b. on all highways under its jurisdiction.

**NOW, THEREFORE, BE IT HEREBY ORDAINED,** by the Town Board of the Town of Yorkville, Racine County, Wisconsin, that, pursuant to Wisconsin Statutes Section 348.15(9)(f), all implements of husbandry (including Category B implements of husbandry defined in Wisconsin Statutes Section 340.01(24)(a)1.b.) may not exceed the weight limits imposed by Wisconsin Statutes Section 348.15(3)(g), and

**FURTHER, BE IT HEREBY ORDAINED,** that, to exceed the length and/or weight limitations on highways under this jurisdiction, a no-fee permit may be applied for from the Town of Yorkville, and

**FURTHER, BE IT HEREBY ORDAINED,** that, pursuant to Wisconsin Statutes Section 348.27(19)(b)4m.a., in the event an application for a no-fee permit is made for a Category B implement of husbandry as defined in Wisconsin Statutes Section 340.01(24)(a)1.b., the Town of Yorkville is required to provide an approved alternate route, which may include highways that are not under its jurisdiction, if prior approval has been given by the jurisdiction over the alternate routes not under the Town of Yorkville's jurisdiction for operation of Category B implements of husbandry, as defined in Wisconsin Statutes Section 340.01(24)(a)1.b., and

**FURTHER, BE IT HEREBY ORDAINED,** that this ordinance shall remain in effect until rescinded by further action of the Town Board of the Town of Yorkville, Racine County, Wisconsin, and

**FURTHER, BE IT HEREBY ORDAINED,** that the Clerk-Treasurer is hereby directed to provide a copy of this ordinance to the Wisconsin Department of Transportation for posting on the Wisconsin Department of Transportation website, and

**FURTHER, BE IT HEREBY ORDAINED,** that the Clerk-Treasurer is hereby directed to publish a summary of this ordinance within thirty days of its adoption, as required by Wisconsin Statutes 60.80(1), and

**FURTHER, BE IT HEREBY ORDAINED,** that this ordinance take effect the day following its posting on the Wisconsin Department of Transportation website and its publication.

**Secs. 50-94 - 50-99. Reserved.**



## Article III. Off-Road Vehicles

### Division 1. Generally

#### **Sec. 50-100. Purpose.**

The town board finds that the significant noise, dust and potential harm to the public associated with the improper use of off-road vehicles may endanger the public's health, safety and welfare unless the operation of such off-road vehicles is appropriately regulated. Therefore, the town board adopts the present article pursuant to its police power.

(Ord. No. 2006-03, § 1, 7-10-2006)

#### **Sec. 50-101. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*All-terrain vehicle* has the meaning ascribed in Wis. Stat. § 340.01(2g).

*Dirt bike* means a motorized two wheeled vehicle that is designed for cross-country travel on natural terrain without benefit of a road or trail.

*Go-kart* means a motorized miniature vehicle capable of achieving speeds in excess of ten miles per hour and commonly used on courses or race tracks specifically designed for such vehicles.

*Off-road vehicle* means a snowmobile, all-terrain vehicle (ATV), dirt bike, go-kart, or any other vehicle designed to be ridden off-road.

*Private, off-road motor vehicle track* means a trail, track or roadway existing entirely on private property that is, or is intended to be, used for the driving, riding or otherwise operating of off-road vehicles and that is not open to the public. However, the term does not include any trail, track or roadway owned and operated by a business, club or private party for which a conditional use permit has been obtained.

*Snowmobile* means an engine-driven vehicle that is manufactured solely for snowmobiling, which has an endless belt tread and sled-type runners or skis to be used in contact with snow.

(Ord. No. 2006-03, § 1, 7-10-2006)

#### **Sec. 50-102. Exemption.**

Any agent or employee of any road authority, law enforcement or public safety agency, or any agent or employee of the Wisconsin Department of Natural Resources or any other governmental body conducting official business is exempt from the requirements and prohibitions of this article.

(Ord. No. 2006-03, § 1, 7-10-2006)

**Sec. 50-103. Penalty.**

Any person who violates any provision of this article shall be subject to a fine of not less than \$50.00 nor more than \$500.00, plus the costs of prosecution. Each day that a violation exists shall be deemed a separate offense.

(Ord. No. 2006-03, § 1, 7-10-2006)

**Sec. 50-104. Reserved.**

Division 2. Off-Road Vehicle Operation

**Sec. 50-105. General operational restrictions.**

It shall be unlawful for any person to operate an off-road vehicle within the town, except as herein specifically permitted and authorized, under any of the following circumstances:

- (a) On that portion of any right-of-way of a public highway, street, road, trail, or alley that is used for motor vehicle travel;
- (b) On a public sidewalk provided for pedestrian travel;
- (c) On the private property of another without lawful authority or permission of the owner or occupant;
- (d) On public or community-owned property, such as outlots (subdivision or otherwise), parks, playgrounds or recreational areas, or on public trails designated for off-road vehicle operation if such operation is in violation of any rule or regulation thereof;
- (e) In any manner so as to create loud, unnecessary or unusual noise, such as due to a modification of the factory muffler;
- (f) In a careless, reckless or negligent manner so as to endanger, or to be likely to endanger, the safety of any person or the property of any other person;
- (g) While under the influence of alcohol or drugs, as defined by state statute.

(Ord. No. 2006-03, § 1, 7-10-2006)

**Sec. 50-106. Location restrictions.**

- (a) Off-road vehicles may not be operated in any residentially zoned area.
- (b) Off-road vehicles may be operated in agriculturally zoned areas on lots greater than five acres in size, subject to the following limitations:
  - (1) Dust and noise control measures must be maintained by the property owner or occupant. Dust and noise control measures may be imposed and enforced by the

town if other properties are unreasonably and adversely affected by dust and noise generated by off-road vehicle use;

- (2) The off-road vehicles must be equipped with federally-approved spark arrestors, may not have been altered in any matter that effectively increases the noise associated with their operation (such as muffler modifications), and may not emit noise in excess of 96 decibels at a distance of 20 inches at one-half the vehicle's red-line speed, as measured in accordance with the procedure adopted by the Wisconsin Department of Natural Resources;
- (3) No more than three riders, including no more than two riders who do not reside at the property, may operate off-road vehicles on the property at any given time;
- (4) Any unvegetated riding area must be watered down before, during, and after riding, as needed, to control dust.

(Ord. No. 2006-03, § 1, 7-10-2006)

#### **Sec. 50-107. Time restrictions.**

Off-road vehicles may be operated only between the hours of 9:00 a.m. and 7:00 p.m., Monday through Saturday, and 12:00 p.m. and 7:00 p.m. on Sundays.

(Ord. No. 2006-03, § 1, 7-10-2006)

#### **Secs. 50-108, 50-109. Reserved.**

### Division 3. Off-Road Vehicle Tracks

#### **Sec. 50-110. Site restrictions.**

The minimum lot size for the construction or use of a private, off-road motor vehicle track is five acres. Private, off-road motor vehicle tracks shall have setback requirements that are equal to or greater than the setback requirements of any residence located on the property. No part of any private, off-road motor vehicle track may be nearer than 100 feet to any adjacent property. No private, off-road motor vehicle track may be constructed within one-half mile of any school, church, hospital, cemetery or park. All private, off-road motor vehicle tracks shall be located so as to be readily accessible by emergency vehicles.

(Ord. No. 2006-03, § 1, 7-10-2006)

#### **Sec. 50-111. Approval.**

Anyone wishing to construct or use a private, off-road motor vehicle track must submit an application to the town planning commission. Along with the requisite application fee, if any, the

applicant shall submit a site plan showing the requested private, off-road motor vehicle track and also indicating the approximate distance to and current use of all occupied adjacent properties. An application shall also detail the private, off-road motor vehicle track's planned construction, use and operation. The planning commission shall forward all completed applications, along with its recommendation and proposed conditions, if any, to the town board for its consideration and possible approval.

Permits granted under this section shall be reviewed annually by the town board and their renewal shall be conditioned upon the permittee's continued compliance with such conditions as the board may, from time to time, determine are necessary to safeguard the safety and welfare of the town's residents.

(Ord. No. 2006-03, § 1, 7-10-2006)

**Sec. 50-112. Variance/waiver.**

The town board may waive or grant a partial variance from any requirement or prohibition created by this division if the board specifically determines that the permittee's special circumstances make such a waiver or variance appropriate.

(Ord. No. 2006-03, § 1, 7-10-2006)