

## Chapter 50

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

| <b>Section Number</b>                                 | <b>Title</b>   | <b>Ordinance Number</b> | <b>Date of Ordinance</b> |
|---|--|-------------------------|--------------------------|
| <b>Article I. In General</b>                          |  |                         |                          |
| Sec. 50-1.  | State traffic laws adopted.  |                         |                          |
| Sec. 50-2.  | Erection of official signs and signals.                                      | 06-2014                 | 06/09/14                 |
| Sec. 50-3.  | Penalty.   |                         |                          |
| Sec. 50-4.  | Enforcement.   |                         |                          |
| Secs. 50-5. – 50-30.                                  | Reserved.  |                         |                          |
| <b>Article II. Specific Street Regulations</b>        |  |                         |                          |
| Division 1. Generally                                 |  |                         |                          |
| Secs. 50-31.  | Compression braking prohibited.  | 2018-03<br>2023-16      | 05/14/18<br>11/13/23     |
| Secs. 50-32. – 50-50.                                 | Reserved.  |                         |                          |
| Division 2. Speed Limits                              |  |                         |                          |
| Sec. 50-51.   | Speed limits.  | 2017-02                 | 10/09/17                 |
| Secs. 50-52. – 50-70.                                 | Reserved.  |                         |                          |
| Division 3. Stopping, Standing, Parking               |  |                         |                          |
| Sec. 50-71.   | Parking prohibited where indicated by signs.                                 |                         |                          |
| Sec. 50-72.   | Overnight parking on roadways.   |                         |                          |
| Sec. 50-73.   | Specific parking prohibition.  |                         |                          |
| Secs. 50-74. – 50-90.                                 | Reserved.  |                         |                          |
| Division 4.<br>Weight Limits and Heavy Traffic Routes |  |                         |                          |
| Sec. 50-91.   | Class B highways designated; weight limitations; exemptions.                 | 02-2014                 | 06/09/14                 |
| Sec. 50-92.   | Special and seasonal weight limitations.                                     |                         |                          |
| Sec. 50-93.   | Adoption of Wis. Stat. Sec. 348.15(3)(g) – Table of Statutory Weight Limits. | 09-2014<br>2023-16      | 12/22/14<br>11/13/23     |
| Secs. 50-94. – 50-99.                                 | Reserved.  |                         |                          |

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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.

Article III. Off-Road Vehicles

Division 1. Generally

|              |              |         |          |
|--------------|--------------|---------|----------|
| Sec. 50-100. | Purpose.     | 2024-05 | 04/08/24 |
| Sec. 50-101. | Definitions. | 2024-05 | 04/08/24 |
| Sec. 50-102. | Exemption.   | 2022-06 | 7/11/22  |
|              |              | 2024-05 | 04/08/24 |
| Sec. 50-103. | Penalty.     | 2024-05 | 04/08/24 |
| Sec. 50-104. | Reserved.    | 2024-05 | 04/08/24 |

Division 2. Off-Road Vehicle Uses.

|              |                                   |         |          |
|--------------|-----------------------------------|---------|----------|
| Sec. 50-105. | Off-road vehicle uses.            | 2022-06 | 7/11/22  |
|              |                                   | 2024-05 | 07/11/22 |
| Sec. 50-106. | General operational restrictions. | 2024-05 | 04/08/24 |
| Sec. 50-107. | Location restrictions.            | 2024-05 | 04/08/24 |
| Sec. 50-108. | Time and duration restrictions.   | 2024-05 | 04/08/24 |
| Sec. 50-109. | Reserved.                         | 2024-05 | 04/08/24 |

Division 3. Off-Road Vehicle Tracks

|              |                    |         |          |
|--------------|--------------------|---------|----------|
| Sec. 50-110. | Approval.          | 2024-05 | 04/08/24 |
| Sec. 50-111. | Site restrictions. | 2024-05 | 04/08/24 |

## 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  |
| 341.07  | Certain vehicles to be registered by resident lessee                           |
| 341.08  | Application for registration   |
| 341.11(4)   | Display of registration certificates   |
| 341.15  | Display of registration plates   |
| 341.16(2)   | Destruction of illegible plates  |
| 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   |

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| 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                          |

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| 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  | U-Turns   |
| 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   |

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| 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  |
| 346.803          | 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  |

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| 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                                  |

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| 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                                   |

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| 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   |
| 348.19        | 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 a village 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 village 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 village 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—941.01 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(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. § 66.0114, a jail assessment if required by Wis. Stat. § 302.46(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. § 66.0114, a jail assessment if required by Wis. Stat. § 302.46(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 village board, which shall include the penalty assessment established under Wis. Stat. § 66.0114. 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 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. § 346.57 et seq.

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

The village 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 village where such prohibition is indicated by official signs of the village.

(Code 1982, § 7.03(1))

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

Overnight parking on roadways in the village 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 village, 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 village president; 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 village 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 village 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 village board meeting, then the Village President may grant a temporary exemption if good cause is shown by the requestor. The village 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 village 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 village 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 village 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 village 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 Village Board of the Village of Yorkville, Racine County, Wisconsin, and

**FURTHER, BE IT HEREBY ORDAINED**, that the Clerk 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 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 village 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 village board adopts the present article pursuant to its police power.

#### **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* shall mean a motorized vehicle designed for use on a variety of unimproved surfaces including but not limited to, dune buggies, four-wheel drive vehicles, snowmobiles, all-terrain vehicles (ATVs), utility terrain vehicles (UTVs), dirt bikes, mini-bikes, motor bikes, mopeds and trail bikes.

*Off-road vehicle track* shall mean a new or existing trail made for the use of an off-road vehicle(s) where a permanent and defined path has been created and where the landscape has been manipulated in such a manner as to create a path or ruts that may include jumps, pits, obstacle courses, hills, and/or berms.

*Off-road vehicle trail* shall mean a new or existing trail made for the use of an off-road vehicle(s) where a permanent and defined path has been created.

*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.

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

The operator of an all-terrain vehicle or utility terrain vehicle owned by a municipality, state agency, public utility, or the Great Lakes Indian Fish and Wildlife Commission is exempt from the requirements and prohibitions of this article while the operator is engaged in an emergency or in the operation of an all-terrain vehicle or utility terrain vehicle directly related to the functions of the

municipality, state agency, public utility, or the Great Lakes Indian Fish and Wildlife Commission and if safety does not require strict adherence to these restrictions. Agricultural equipment (such as farm tractors, seeders, combines, cultivators, etc.) used in the operation of a farm, garden tractors and riding lawnmowers are exempt from the requirements and prohibitions of this article.

**State law reference** - Operation on or near highways - Exceptions; municipal, state, utility, and electric cooperative operations or those operations directly related to the functions of the municipality, state agency, public utility, or electric cooperative, or of the Great Lakes Indian Fish and Wildlife Commission, if safety does not require strict adherence to these restrictions; operations where the operator is engaged in activities at the direction of and under contract with a municipality or electric cooperative, if safety does not require strict adherence to these restrictions; races and derbies; land surveying operations, Wis. Stat. § 23.33(4)(c).

### **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.

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

## Division 2. Off-Road Vehicle Uses

### **Sec. 50-105. Off-road vehicle uses.**

Three types of off-road vehicle use are defined and regulated under this section:

- (a) Type A incidental off-road vehicle use. Type A incidental off-road vehicle uses ("Type A Uses") are those in which the off-road vehicle is used on parcels of any size to further a permitted use on the subject parcel. Examples of a Type A Use would include use of an off-road vehicle to mow or plow snow, assist in activities related to on-site landscaping or agricultural activities, household chores, etc. Type A Uses are not subject to any time, duration or location restrictions, do not require any village registration or permit, but are subject to the general operational restrictions set forth in Sec. 50-106.
- (b) Type B off-road vehicle use. Type B off-road vehicle uses ("Type B Uses") are those that, in addition to Type A Uses, utilize an off-road vehicle trail for recreational purposes. Type B Uses do not require any village registration or permit, but are subject to the general operational restrictions set forth in Sec. 50-106, the location restrictions set forth in Sec. 50-107, and the time and duration restrictions set forth in Sec. 50-108.
- (c) Type C off-road vehicle use. Type C off-road vehicle uses ("Type C Uses") are those that, in addition to Type A and/or Type B Uses, utilize an off-road vehicle track. Type C Uses are subject to the general operational restrictions set forth in Sec. 50-106, the location restrictions set forth in Sec. 50-107, and the time and duration restrictions set forth in Sec. 50-108. In addition, Type C Uses are required to obtain a conditional use permit as

required by Sec. 50-110, and comply with the additional site restrictions set forth in Sec. 50-111.

**Sec. 50-106. General operational restrictions.**

- (a) It shall be unlawful for any person to operate an off-road vehicle within the village, except as herein specifically permitted and authorized, under any of the following circumstances:
  - (1) On that portion of any right-of-way of a public highway, street, road, trail, or alley that is used for motor vehicle travel;
  - (2) On a public sidewalk provided for pedestrian travel;
  - (3) On the private property of another without lawful authority or permission of the owner or occupant;
  - (4) 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;
  - (5) In any manner so as to create loud, unnecessary or unusual noise, such as due to a modification of the factory muffler;
  - (6) 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;
  - (7) While under the influence of alcohol or drugs, as defined by state statute.
- (b) All off-road vehicles operated within the Village shall conform to the equipment requirements set forth in Wis. Stat. § 23.33(6).

**Sec. 50-107. Location restrictions.**

- (a) Off-road vehicles may not be operated in any residentially zoned area.
- (b) Off-road vehicles involved in Type B Uses may be operated in agriculturally zoned areas (A-2) on lots of at least three acres in size, and Type C Uses may be operated in agricultural (A-2) commercial (B-2, B-5) or Recreational Park (P-2) zoning districts on lots of at least 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 village 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) Any unvegetated riding area must be watered down before, during, and after riding, as needed, to control dust.

### **Sec. 50-108. Time and duration restrictions.**

Off-road vehicles involved in Type B or Type C Uses may be operated only between the hours of 9:00 a.m. and 8:00 p.m., Monday through Saturday, and 12:00 p.m. and 8:00 p.m. on Sundays. In addition to complying with the above time requirements, Type B and Type C Uses may not continue for more than three hours (cumulatively) in any day.

### **50-109. Reserved.**

## Division 3. Off-Road Vehicle Tracks

### **Sec. 50-110. Approval.**

Anyone wishing to construct or use a private or commercial, off-road motor vehicle track must submit an application for a conditional use permit in accordance with the requirements of the Village's zoning code. Along with the requisite application fee, if any, the applicant shall submit a site plan showing the location of 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.

### **Sec. 50-111. Site restrictions.**

The minimum lot size for the construction or use of a private or commercial, 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. Permits granted for an off-road vehicle track shall be reviewed annually by the village 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 village's residents. Conditional use permits approved as to off-road vehicle tracks may include conditions that vary from the provisions of this ordinance, depending on the unique characteristics of the location under consideration, in accordance with the provisions governing the issuance of conditional use permits set forth in Chapter 55, Exhibit A, Chapter 20, Article VIII, Division 3.