

CHAPTER 7

TRAFFIC CODE

(with amendments through 8-8-2019)

- 7.01 State Traffic Laws Adopted
- 7.02 Official Traffic Map and Control Devices:
Prohibited Signs, Signals and Markers
- 7.03 Stop and Yield Signs
- 7.04 Parking Regulations
- 7.05 Designation of Heavy Traffic Routes;
Heavy Traffic on Village Streets Restricted
- 7.06 Abandoned Vehicles
- 7.07 School Bus Warning Lights
- 7.08 Miscellaneous Traffic Provisions
- 7.09 Snowmobiles
- 7.10 Operation of Off-Road Vehicles Regulated-and Neighborhood Electric
Vehicles
- 7.105 All-Terrain Vehicle and Utility-Terrain Vehicle Routes
- 7.11 Penalty
- 7.12 Enforcement
- 7.13 Bond Schedule
- 7.14 References to Wisconsin Statutes

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

7.02 OFFICIAL TRAFFIC MAP AND CONTROL DEVICES: PROHIBITED SIGNS, SIGNALS AND MARKERS

(1) **DUTY OF THE DIRECTOR OF PUBLIC WORKS TO ERECT AND INSTALL UNIFORM TRAFFIC CONTROL DEVICES.** Whenever traffic regulations created by this chapter, including a State of Wisconsin traffic regulation adopted by reference in sec. 7.01 of this chapter, require the erection of traffic control devices for enforcement, the Director of Public Works, 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 will carry out the purposes of this chapter and give adequate warning to users of the streets and highways of the Village.

(2) **OFFICIAL TRAFFIC MAP.**

(a) **Official Traffic Map Established.** There is hereby established for the Village of West Baraboo an Official Traffic Map, dated September 1, 1985, upon which is indicated as of said date, all existing stop signs, arterial intersections, yield signs, school crossings, no parking zones, no parking tow-away zones and angle parking zones, and which the laws of the State of Wisconsin require the erection or use of official traffic control devices to enforce such restrictions or limitations. All such restrictions and limitations set forth on said Official Traffic Map are hereby ratified and affirmed.

(b) **Additions to Map.** The Village Board may, from time to time, make additions to or deletions from the Official Traffic Map and the Clerk-Treasurer shall keep such Official Traffic Map current. Every addition to said

Official Traffic Map made after September 1, 1985, shall indicate the number of the authorizing ordinance or resolution and the date the appropriate official traffic control device was erected, and every deletion shall indicate the number of the authorizing ordinance or resolution.

(c) Map to be Maintained. A copy of the Official Traffic Map shall be maintained and displayed in the Village Hall. The Clerk-Treasurer shall make appropriate authorized changes on said Map within three working days after the appropriate official traffic control device is erected or removed, as the case may be.

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

(3) PROHIBITED SIGNS AND MARKERS IN HIGHWAYS. No person other than an officer, authorized by this chapter to erect and maintain official traffic control devices, or his designee, shall place within the limits of any street or highway maintained by the Village any sign, signal, marker, mark or monument unless permission is first obtained from the State Highway Commission. Any violation of this subsection shall be subject to removal as provided in sub. (4) below.

(4) REMOVAL OF UNOFFICIAL SIGNS, MARKERS, SIGNALS AND TRAFFIC CONTROL DEVICES. The Director of Public Works may remove any sign, signal, marker or other device which is placed, maintained or displayed in violation of this chapter or State law. Any charge imposed against premises for removal of a prohibited or illegal sign, signal, marker or device shall be reported by the Director of Public Works to the Village Board for review and certification at its next regular meeting following the imposition of the charge. Any charge not paid on or before the next succeeding November 15 shall be placed upon the tax roll for collection as other special municipal taxes.

7.03 STOP AND YIELD SIGNS.

(1) DESIGNATION OF LOCATION OF STOP AND YIELD SIGNS. In the interest of public safety, the Village Board, by resolution, has designated the location of stop and yield signs within the Village and has ordered the installation of such signs. In addition, the location of such signs is indicated on the Official Traffic Map of the Village pursuant to sec. 7.02 of this chapter.

(2) **DESIGNATION OF TEMPORARY STOP SIGNS.** Under circumstances that create a temporary traffic hazard and the Village President deems public safety requires it, the Village President, with the cooperation of the Director of Public Works, may erect temporary stop signs. Such signs shall be removed when the traffic hazard no longer exists.

(3) **OPERATORS TO OBEY TRAFFIC CONTROL DEVICES.** Every operator of a vehicle approaching an intersection at which an official traffic control device is erected in accordance with this section shall obey the direction of such official traffic control device as required by the Wisconsin Statutes incorporated by reference in sec. 7.01 of this chapter. Operators of vehicles approaching a stop sign shall stop before entering a highway as required by S. 346.46, Wis. Stats. Operators approaching intersections at which a yield sign has been installed shall yield the right of way to other vehicles as required by S. 346.18(6), Wis. Stats.

7.04 PARKING REGULATIONS.

(1) **PARKING PROHIBITED AT ALL TIMES.** Except temporarily for the purpose of, and while actually engaged in, receiving or discharging passengers and while the vehicle is attended by a licensed operator so that it may be moved promptly in case of an emergency or to avoid obstruction of traffic, no person shall at any time park or leave standing any vehicle, on any of the following streets:

(a) Willson Street.

(b) North side of Linn Street (Hwy 33) from east Village limits to W. Pine Street and south side of Linn Street (Hwy 33) between W. Mulberry Street and W. Pine Street (Hwy BD). (Amended 3/14/2019; Ord. 19-03)

(c) North side of Berkley Boulevard abutting the Gordon L. Wilson School premises between the western most and eastern most driveways.

(d) The South side of Linn Street from the East Village limits to West Mulberry Street.

(e) The first 180 feet of Hill Street lying North of Linn Street (Hwy. 33).

(f) The first 100 feet of the South side of Berkley Boulevard lying East of Campus View.

(g) The East side of Mulberry Street between Linn Street and Berkley Boulevard, except that 15-minute parking shall be allowed from the north curb end

of the driveway serving 648 W. Mulberry St. to the south curb end of the driveway serving 674 W. Mulberry St. (Modified May of 2012).

(h) The West side of Mulberry Street between Maple Street and Linn Street.

(i) The West side of Willow Street between Oak Street and Locust Street. Also, the first 175 feet of the East side of Willow Street lying North of Shaw Street, except on Sundays.

(j) Zajak Drive, except the South side of Zajak Drive between Connie Road and the westernmost curb cut.

(k) The South side of Chestnut Street between W. Pine Street (Hwy 136) and the easternmost entrance curb cut serving 315 W. Pine Street and the North side of Chestnut Street between W. Pine Street (Hwy 136) and the easternmost entrance curb cut serving 615 Linn Street; and south side of Chestnut Street from west curb line of West Mulberry Street running 197 feet west. (Amended 3/14/2019; Ord. 19-03)

(l) The West side of Connie Road for a distance of 272 feet north from Linn Avenue.

(m) The following portions of Rosemary Lane and Crestview Circle:

1. The east side of Rosemary Lane commencing at a point 42 feet north of the intersection of Rosemary Lane and Crestview Circle thence south 170 feet along the Rosemary Lane curb line.

2. The west side of Rosemary Lane commencing at the intersection of Rosemary Lane and Crestview Circle thence south 60 feet.

3. The west side of Crestview Circle commencing at the intersection of Rosemary Lane and Crestview Circle thence west 40 feet.

4. The north side of Crestview Circle commencing at the north intersection of Rosemary Lane and Crestview Circle thence west 33 feet.

5. The west side of Rosemary Lane commencing at the intersection of Rosemary Lane and Crestview Circle thence north 50 feet.

6. At the South intersection between Crestview Circle and Rosemary Lane, from a point which is the center of the catch basin located on the Southwest corner of that intersection, and going West for 65 feet on Crestview Circle, and from the same beginning point going South 67 feet on Rosemary Lane.

7. At the South intersection of Crestview Circle where it intersects with Rosemary Lane, from a point which is the center of the catch basin located on the Northwest side of that intersection, and going West 72 feet on Crestview Circle, and from the same beginning point going North 80 feet on Rosemary Lane.

8. From the North side of the driveway entrance at 809 Rosemary Lane going North 80' on Rosemary Lane.

(n) The first 159 feet on the east side of Connie Road lying north of Linn Street (Highway 33) and the west side of Connie Road from the north side of University Hill Court to the south side of Terrytown Road.

(o) The West side of the parking area located at Haskins Park, and which is on the south end of Willow Street.

(p) At the intersection of Willow Street and Oak Street, starting at the south side of the driveway located on the northwest corner of said intersection, then proceeding south and west on the north side of Oak Street 88 feet.

(q) The North side of W. Maple Street 200 feet East from the East curb line of W. Pine Street (Hwy 136) and the South side of W. Maple Street 104 feet East of the East curb cut for the driveway to 422 W. Pine Street. (Adopted 8/8/2019; Ord. 19-10)

(2) MISCELLANEOUS PARKING RESTRICTIONS.

(a) Street Maintenance. Whenever it is necessary to clear or repair a Village roadway or any part thereof, the Public Works Department shall post such highways or parts thereof with signs bearing the words "No Parking-Street Maintenance Work." Such signs shall be erected at least 2 hours prior to the time that the street maintenance work is to be commenced. No person shall park a motor vehicle in violation of such signs.

(b) Parking in Driveways. No person shall park or leave standing any motor vehicle in any private driveway without the permission of the owner or

lessee of the property upon which such driveway is located, whether or not such driveway is posted to limit or restrict parking.

(c) **Truck Parking Restricted.** No operator of a motor truck, truck-tractor, trailer or semi-trailer or any other vehicle or combination of vehicles which exceeds 20 feet in length or has a gross vehicle load weight of more than 6,000 pounds shall park such vehicle, except for such time as is reasonably necessary to facilitate the loading or unloading of the vehicle, on any residential street.

(d) **Winter Parking Rules; Snow Removal.**

1. Within 24 hours after the cessation of any fall of snow, the owner of any motor vehicle parked on a Village street shall remove such motor vehicle and clear the snow from the street where his vehicle was parked if the vehicle's presence prevented snow clearing by the Village.

2. In the event any motor vehicle is not removed, as provided in subpar. 1. above, the owner of such vehicle shall be subject to a forfeiture as provided in sec. 7.11 of this chapter and, in addition, such vehicle may be removed as provided in sub. (3) below.

3. In the event that the owner of the vehicle has not removed snow from the street as required in subpar. 1. above, the Village shall remove such snow and bill the owner the cost thereof.

4. **Alternate Side Parking.** No person shall park in any public street, alley or highway of the Village between the hours of 1:00 a.m. and 6:00 a.m. beginning on December 1, up to and including March 15, except that if not otherwise prohibited by this Chapter, vehicles may be parked on the even numbered side of the street on those nights which, at 1:00 a.m., bear an even calendar date, and on the odd numbered side of the street on those nights which, at 1:00 a.m., bear an odd calendar date. This subsection shall not apply on those streets where parking is permitted on one side only or where parking is restricted during the hours of 1:00 a.m. and 6:00 a.m. on one side only.

(e) **Running Engines.** No person shall park or leave unattended any vehicle on any street or alley while the motor thereof is running.

(f) **Keys, Leaving in Parked Vehicle Prohibited.** No person shall allow a vehicle in his custody or control to stand or remain unattended on any street, alley or public place in the Village except in an attended parking area,

unless the starting lever, throttle, steering apparatus, gear shift or ignition of such vehicle is locked and the key for such lock is removed from the vehicle.

(g) Fire Hydrants. No person shall park or leave unattended any vehicle within 10 feet of any fire hydrant in the Village.

(3) REMOVAL OF ILLEGALLY PARKED VEHICLES. Any vehicle parked or left standing upon a highway, street or alley or other public grounds in violation of any of the provisions of this section or sec. 7.01 of this chapter is declared to be a hazard to traffic and public safety. Such vehicle shall be removed by the operator, upon request of any peace officer, to a position where parking, stopping or standing is not prohibited. Any peace officer, after issuing a citation for illegal parking, stopping or standing of an unattended vehicle in violation of this chapter, is authorized to remove such vehicle to a position where parking is not prohibited. The officer may order a motor carrier holding a permit to perform vehicle towing services, a licensed motor vehicle salvage dealer or a licensed motor vehicle dealer who performs vehicle towing services to remove and store such vehicle in any storage garage or rental parking grounds or any facility of the person providing the towing services. In addition to other penalties provided by sec. 7.12 of this chapter, the owner or operator of a vehicle so removed shall pay the cost of towing and storage.

(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 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 subject to the appropriate penalty.

(5) UNLAWFUL REMOVAL OF PARKING CITATIONS. No person other than the owner or operator thereof shall remove a Village parking violation ticket from a motor vehicle.

7.05 DESIGNATION OF HEAVY TRAFFIC ROUTES; HEAVY TRAFFIC ON VILLAGE STREETS RESTRICTED.

(1) DEFINITION. In this Section, "heavy traffic" means all vehicles not operated completely on pneumatic tires and all vehicles or combination of vehicles, other than motor busses, designed or used for transporting property of any nature and having a gross weight of more than 14,000 pounds.

(2) **ROUTES DESIGNATED.** The following streets and highways within the Village are hereby designated heavy traffic routes:

- (a) All State Trunk Highways.
- (b) The south bound lane of Connie Road on or before 12/31/99.

(3) **TRAVEL PROHIBITED.**

(a) No vehicle, except vehicles listed in subparagraph (b), which is not equipped with pneumatic tires or has a gross vehicle weight of 14,000 pounds or more shall be operated or moved on any street, highway or alley not a part of the heavy traffic route designated in sub. (2) above except for the purpose of obtaining orders for, moving or delivering supplies or commodities to or from a place of business or residence which has an entrance thereon, provided that in no event shall the weight of the vehicle and load on such other street exceed the limitations of Sections 348.15 and 348.16(3), Wis. Stats.

(b) Exceptions. The prohibition set forth in paragraph (3)(a), above, shall not apply to motor buses or any vehicle which, at the time of operation, is owned or rented by a state, county, or local unit of municipal government or agency thereof and is being used for official purposes.

(4) **ADDITIONAL RESTRICTIONS ON ORDER OF THE DIRECTOR OF PUBLIC WORKS.** The director of Public Works may impose special weight limitations, in addition to the ones set forth above, on any street or portion thereof which, because of weakness of the road bed due to deterioration, climatic conditions or other special or temporary condition, would likely be seriously damaged or destroyed in the absence of such special limitations.

(5) **EXCEPTION ON PERMIT FROM DIRECTOR OF PUBLIC WORKS.** The Director of Public works may permit a vehicle which, together with the load of such vehicle, exceeds the limit set forth in this Section to be operated on a Village street, highway, or alley, provided such owner or operator agrees in writing to reimburse the Village for the cost of repair of such street, highway, or alley for damage resulting from the operation of the same. Such owner or operator shall also file with the Village a bond in the sum of \$10,000 or such other amount as determined by reasonably necessary by the director of public works in consultation with the Village attorney guaranteeing to the Village that such owner or operator will reimburse the Village for damage caused to the street, highway, and/or alley by the operation of such vehicle.

(6) **SIGNS.** The Director of Public Works shall cause to be secured and erected appropriate signs to give notice of the heavy traffic routes.

(7) This Ordinance, including, but not limited to, the heavy traffic routes designated herein, shall be reviewed by the Village Board commencing no later than the regular January 1999 Village Board meeting.

7.06 ABANDONED VEHICLES.

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

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

(3) **PRESUMPTION OF ABANDONMENT.** Any vehicle left unattended for more than 48 hours on any public street or grounds, or on private property where parking is prohibited, limited or restricted without the permission of the owner or lessee, is deemed abandoned and constitutes a public nuisance; provided that the vehicle shall not be deemed abandoned under this section if left unattended on private property out of public view, by permission of the owner or lessee.

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

(5) **REMOVAL AND IMPOUNDMENT OR SALE.** Any vehicle found abandoned in violation of this chapter shall be impounded by the Director of Public Works until lawfully claimed or disposed of as provided in this section. If the Director of Public Works or his duly authorized representative determines that towing costs and storage charges for 14 days, as provided in sub. (6) below, would exceed the value of the vehicle, the vehicle may be junked or sold prior to the expiration of the impoundment period upon determination by the Director of Public Works that the vehicle is not wanted for evidence or any other reason; provided that vehicles in excess of 19 model years of age shall be sold or disposed of only by auction sale or sealed bid in accordance with sub. (8) below.

(6) **MINIMUM IMPOUNDMENT PERIOD.** The minimum period of impoundment or storage of a vehicle found in violation of this section shall be 14 days.

(7) **NOTICE TO OWNER.** The Director of Public Works shall within 10 days thereafter notify the owner and lienholders of record, by certified mail, of the

impoundment and of their right to reclaim the vehicle. The notice shall set forth the information contained in S. 342.40(3), Wis. Stats., and shall state that the failure of the owner or lienholders to exercise their right to reclaim the vehicle shall be deemed a waiver of all right, title and interest in the vehicle and a consent to sale of the vehicle.

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

(9) SALE TO BAR CLAIMS AGAINST VEHICLE. The sale of a motor vehicle under the provisions of this section shall forever bar all prior claims thereto and interest therein except as hereinafter provided.

(10) PURCHASER TO REMOVE VEHICLE. The purchaser of any vehicle on sealed bid or auction sale under sub. (7) above shall have 10 days to remove the vehicle from the storage area upon payment of a storage fee of \$10.00 for each day the vehicle has remained in storage after the second business day subsequent to the sale date. Ten days after the sale, the purchaser shall forfeit all interest in the vehicle and the vehicle shall be deemed to be abandoned and may be again sold.

(11) REQUEST FOR LIST. Any listing of vehicles to be sold pursuant to this section shall be made available by the Village Clerk-Treasurer to any interested person or organization who makes a written request therefor for a fee of \$1.00.

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

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

(14) EXEMPTION. Any owner or person operating a registered vehicle which shall become disabled or inoperative for any reason, and who shall be unable to cause removal of such vehicle from any alley, street, highway or public place not otherwise regulated as a restricted parking, stopping or standing zone shall, within 12 hours of such occurrence, notify the Clerk-Treasurer of the location of the vehicle and shall transfer and

deliver clear title for said vehicle to the Village together with a fee of \$25.00 to offset the cost of towing and junking charges and shall be exempt from the provisions of this section. When so requested by the owner or person in charge of a vehicle, the Clerk-Treasurer shall be authorized to order such vehicle removed and junked directly from the scene of disablement by a contractor engaged by the Village for towing of disabled vehicles. The provisions of sub. (11) above shall apply to any vehicle removed under this subsection.

(15) PENALTY. In addition to the cost of impounding and disposing of an abandoned vehicle, any person convicted of abandoning a vehicle in the Village shall be subject to a forfeiture of not less than \$50.00 nor more than \$100.00 plus the cost of prosecution.

7.07 SCHOOL BUS WARNING LIGHTS. All school bus operators operating buses within the Village shall use flashing red warning lights when pupils or other authorized passengers are to be loaded or unloaded at any location, except in authorized loading zones.

7.08 MISCELLANEOUS TRAFFIC PROVISIONS.

(1) DISPLAY OF POWER OR SPEED PROHIBITED. No person shall engage in any speed contest, exhibition of speed or any unreasonable or unnecessary acceleration or show of power on any street, alley or public parking lot in the Village, including all school parking lots within the Village.

(2) OTHER PROVISIONS. The operator of a vehicle shall not deviate from the lane of traffic in which the operator is driving in order to pass another vehicle along those portions of Crestview Circle designated by lane markings as a no-passing area.

7.09 SNOWMOBILES.

(1) STATE SNOWMOBILE LAWS ADOPTED. Except as otherwise specifically provided in this chapter, the statutory provisions describing and defining regulations with respect to snowmobiles in Ch. 350, Wis. Stats., except S. 350.11 and 350.16, are hereby adopted by reference and made a part of this section as if fully set forth herein. Acts required to be performed or prohibited by such Statutes are required or prohibited by this section.

(2) APPLICABILITY OF RULES OF THE ROAD TO SNOWMOBILES. The operator of a snowmobile upon a roadway shall, in addition to the provisions of Ch. 350, be subject to 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, 346.54, 346.55, 346.87, 346.88, 346.89, 346.90, 346.91, 346.92(1), and 346.94(1), (6), (6m) and (9), Wis. Stats.

(3) OPERATION OF SNOWMOBILES IN VILLAGE RESTRICTED. Except as provided in (7), below, it shall be unlawful to operate any snowmobile on the Village streets, alleys, parks, parking lots, or on any public lands or private lands or parking lots held open to the public. The operator shall at all times have the consent of the owner before operation of such craft or vehicle on private lands.

(4) PERMITTING OPERATION BY IMPROPER PERSONS PROHIBITED. No owner or person having charge or control of a snowmobile shall authorize or permit any person to operate such snowmobile who is not permitted under state law to operate such snowmobile, or who is under the influence of intoxicants or a controlled substance.

(5) OPERATION WHILE UNDER THE INFLUENCE PROHIBITED. Section 346.63, Wis. Stats., shall apply to the operation of a snowmobile any place within the Village.

(6) WRITTEN CONSENT OF OWNER REQUIRED. The consent required under S. 350.10(6), (11), (12) and (13), Wis. Stats., and in sub. (3) above, shall be written consent dated and limited to the year in which the consent is given. If the property is owned or leased by more than one person, the consent of each must be obtained.

(7) LIMITED USE OF SNOWMOBILES ON VILLAGE STREETS BY RESIDENTS AND PERSONS IN LODGING ESTABLISHMENTS LOCATED WITHIN THE VILLAGE.

(a) Intent and Definitions. The intent of this ordinance is to provide a means for persons to travel by snowmobile from a residence and lodging establishment within the limits of the Village of West Baraboo for the shortest distance that is necessary for a person to operate a snowmobile to a snowmobile route or trail that is closest to that residence and lodging establishment. The definitions of “lodging establishment” as set forth in s. 350.01(9m), “purpose of access from lodging” as set forth in s. 350.01(10d), Wis. Stats., and “purpose of residential access” as set forth in s. 350.01(10m) are incorporated herein by reference as though fully set forth.

(b) Authority. This section is adopted as authorized under s. 350.18(3a), Wis. Stats.

(c) Limited Snowmobile Travel on Village Streets Permitted. Persons who reside in the Village or are staying at lodging establishments within the

Village limits of the Village of West Baraboo may use Village streets to travel for the shortest distance that is necessary to reach the snowmobile trail or route that is closest to that residence or lodging establishment except as follows:

(1) Such travel is prohibited between April 1 and December 14.

(2) No such travel is permitted if the snowmobile route or trail that is closest is officially closed.

(3) Such travel is prohibited on U.S. Highway 12, County Highway BD, State Highway 33, Linn Street, and State Highway 136, except at the following intersections and then only for the purpose of proceeding directly across as provided in Chapter 350 of the Wisconsin Statutes:

- a. County Highway BD where it intersects with Berkley Boulevard.
- b. Linn Street (Highway 33) where it intersects with Mulberry Street.

(Amended 3/14/2019; Ord. 19-03)

(d) Penalties. In addition to any other penalties authorized by these ordinances, any person who uses a snowmobile in violation of this section (7.09)(7) of the Village ordinances may be penalized in accordance with s. 350.11(1)(a), Wis. Stats., which is incorporated herein by reference.

7.10 OPERATION OF OFF-ROAD VEHICLES REGULATED-AND NEIGHBORHOOD ELECTRIC VEHICLES.

(1) Except as set forth in section (2), below, no person shall operate an off-road vehicle including, but not limited to, mini-bikes and all-terrain vehicles, on any residential property within the Village, except for lawn care, snow removal and maintenance equipment.

(2) NEIGHBORHOOD ELECTRIC VEHICLES

(a) "Neighborhood Electric Vehicles" (NEV) means a motor vehicle that is propelled by electric power and that conforms to the definition and requirements for low speed vehicles as adopted in the Federal Motor Vehicle Safety Standards for "low-speed vehicles" under 49 CFR 571.3(b) and 571.500.

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

1. Headlamps;
2. Front and rear turn signals;
3. Stop lamps;
4. Reflex reflectors: one red and each side as far to the rear as practicable, and one red on the rear;
5. An exterior mirror mounted on the driver's side and either an exterior mirror on the passenger side or an interior rearview mirror;
6. Parking brake;
7. A windshield that conforms to the requirements of the federal motor vehicle safety standard on glazing materials (49 CFR 571.205);
8. A Vehicle Identification Number (VIN) that complies with federal law (49 CFR 565);
9. A Type 1 or Type 2 seatbelt assembly conforming to 49 CFR 571.209, and Federal Motor Safety Standard No. 209, for each designated seating position; and
10. Meets the general test conditions under 49 CFR 571.50056.

(c) Permitted Users of NEV's. To use an NEV on Village streets as set forth in (3) below, the individual must have a valid Wisconsin driver's license.

(d) Permitted Use of NEV's on Village Streets. A licensed individual may operate an NEV on the streets of the Village of West Baraboo having a posted speed limit of 35 miles per hour or less. Headlamps must be on during operation.

(e) Prohibited Use of NEV's on Village Streets. NEV's may not be operated on any State Trunk Highway located within the Village, except for the purpose of crossing through specifically designated intersections, as authorized by the Wisconsin Department of Transportation. A list of authorized intersection crossings shall be maintained and available for public inspection in the Village Clerk's office during regular business hours.

(f) Operation of NEV's. The operation of NEV's shall in all respects be in compliance with Chapter 7 of the Village of West Baraboo Municipal Code.

(g) License. NEV's shall be licensed by the Wisconsin Department of Transportation, pursuant to Wis. Stat. 341.25. The license shall be displayed on the rear of the NEV.

(h) Enforcement. Enforcement of this ordinance regulating the use of NEV's within the Village shall be pursuant to Sections 7.11 and 7.12 of the Village of West Baraboo Municipal Code. If not otherwise provided, the penalty for the unauthorized use of a NEV within the Village of West Baraboo shall be \$65.00 per occurrence.

7.105 ALL-TERRAIN VEHICLE AND UTILITY-TERRAIN VEHICLE ROUTES
[Adopted 4/12/2018; Ord. 18-03]

(1) INTENT. This ordinance is created to establish all-terrain vehicle and utility terrain vehicle routes on public roadways and to regulate the operation of such vehicles on such routes to provide safe and healthful conditions for the use of ATVs and UTVs consistent with state law.

(2) STATUTORY AUTHORITY. This ordinance is created pursuant to the Village's authority under Wis. Stat. §§ 23.33 (8)(b) and 23.33(11)(a).

(3) ADOPTION OF STATE LAW. Except as otherwise provided herein, operation of ATVs and UTVs shall be subject to all provisions of Wis. Stat. § 23.33, as the same may be amended from time to time.

(4) DEFINITIONS.

(a) "All-terrain vehicle" or "ATV" means a commercially designed and manufactured motor-driven device that has a weight, without fluids, of 900 pounds or less, has a width of 50 inches or less, is equipped with a seat designed to be straddled by the operator, and travels on 3 or more low-pressure tires or non-pneumatic tires. [ref. Wis. Stat. § 340.01(2g)]

(b) "Low pressure tire" means a tire that has a minimum width of 6 inches and that is designed to be inflated with an operating pressure not to exceed 20 pounds per square inch as recommended by the manufacturer. [ref. Wis. Stat. § 340.01(27g)]

(c) "non-pneumatic tire" means a tire that is designed by the manufacturer to meet all of the following requirements: [ref. Wis. Stat. § 23.33(1)(iq)]

1. To have a minimum width of six inches.
2. To have a reinforced structure.
3. To not be supported by air pressure.

(d) "Utility Terrain Vehicle" or "UTV" means any of the following: [ref. Wis. Stat. § 23.33(1)(ng)]

1. A commercially designed and manufactured motor driven device that does not meet federal motor vehicle safety standards in effect on July 1, 2012, that is not a golf cart, low-speed vehicle, dune buggy, mini-truck, or tracked vehicle, that is designed to be used primarily off of a highway, and that has, and was originally manufactured with, all of the following:

- (i) A weight, without fluids, of 2,000 pounds or less.
- (ii) Four or more low-pressure tires or non-pneumatic tires.
- (iii) A steering wheel.
- (iv) A tail light.
- (v) A break light.
- (vi) Two headlights.
- (vii) A width of not more than 65 inches.
- (viii) A system of seat belts, or a similar system, for restraining each occupant of the device in the event of an accident.
- (ix) A system of structural members designed to reduce the likelihood that an occupant would be crushed as the result of a rollover of the device.

2. A commercially designed and manufactured motor driven vehicle to which all of the following applies:

- (i) It has a weight, without fluids, of more than 900 pounds but not more than 2,000 pounds.
- (ii) It has a width of 50 inches or less.
- (iii) It is equipped with a seat designed to be straddled by the operator.
- (iv) It travels on 3 or more low-pressure tires or non-pneumatic tires.

(5) ROUTES.

(a) All public streets in the Village of West Baraboo are designated as ATV routes except:

- 1. State Highway 136
- 2. State Highway 33

3. U.S. Highway 12
4. County Highway BD
5. Tinkham Trail
6. Olde Saw Mill Road

(b) The routes designated under section 7.105(5)(a) shall be designated “all-terrain vehicle routes that may be used by operators of utility terrain vehicles” pursuant to Wis. Stat. § 23.33(1m)(b).

(c) ATVs and UTVs may be operated on Tinkham Trail and Olde Saw Mill Road only to take the most direct route from a residence on that street to the nearest designated ATV/UTV route.

(d) ATVs and UTVs may be operated on that portion of State Highway 33 between Connie Road and Cedar Street for the purposes of crossing State Highway 33 to obtain access to the designated ATV routes on Connie Road and Cedar Street. (Adopted 6/14/2018; Ord. 18-06).

(6) **CONDITIONS OF USE.** As a condition for the use of this route, the following shall apply to all operators (and passengers where applicable):

(a) All ATV and UTV operators shall comply with the provisions of Wis. Stat. § 23.33 and all rules and regulations promulgated by the Wisconsin Department of Natural Resources thereunder.

(b) All ATV and UTV operators shall comply with Chapter 7 of the Village of West Baraboo Municipal Code, including but not limited to Section 7.04 - parking regulations.

(c) Neither ATVs nor UTVs may be operated on the designated routes between the hours of 9:00 p.m. and 6:00 a.m.

(d) All ATV and UTV operators shall observe the posted speed limits.

(7) **SIGNAGE.** The Village shall sign the routes in accordance with Wis. Stat. § 23.33(8) and Wisconsin Administrative Code NR 64.12(7). No person may interfere with a sign or standard as provided under Wis. Stat. § 23.33(8)(f).

(8) **ENFORCEMENT.** The enforcement provisions of Wis. Stat. § 23.33(12), as the same may be amended from time to time, are adopted by reference as if fully set forth herein.

(9) **PENALTIES.** Unless specified in this section, all penalties as found in Wis. Stat. § 23.33(13) or section 7.11 of the Municipal Code as the same may be amended from time to time, are adopted by reference as if fully set forth herein. In enforcing this section 7.105, law enforcement may penalize violators pursuant to Wis. Stat. § 23.33(13) or section 7.11 of the Municipal Code.

(10) **EFFECTIVE DATE.** This section 7.105 shall take effect on May 1, 2018, or as soon as the Director of Public Works determines that the routes are posted with proper signage, whichever is later.

7.11 PENALTY.

(1) **FORFEITURE PENALTY.** The penalty for violation of any provision of this chapter shall be a forfeiture as hereinafter provided together with the costs of prosecution and the penalty assessment imposed by S. 165.87(2), Wis. Stats., where applicable. Payment of the judgment may be suspended by the sentencing judge for not more than 60 days. Any person who shall fail to pay the amount of the forfeiture, costs of prosecution and penalty imposed for violation of any provision of this chapter may, upon order of the court entering judgment therefor and having jurisdiction of the case, be imprisoned until such forfeiture, costs and assessment are paid, but not exceeding 90 days.

(2) **OTHER SANCTIONS.** 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 and registration of the defendant or to order the defendant to submit to assessment and rehabilitation or attend traffic safety school in addition to payment of a monetary penalty or in lieu of imprisonment.

(3) **FORFEITURES FOR UNIFORM OFFENSES.** Forfeitures for violations of any traffic regulation set forth in the Wisconsin Statutes adopted by reference in sec. 7.01 of this chapter shall conform to the forfeiture penalty permitted to be imposed for violations of the comparable State statute, including any variations or increases for subsequent offenses; provided, however, that this subsection shall not permit prosecution under this chapter of any offense for which an imprisonment penalty may be imposed upon the defendant.

(4) **FORFEITURES FOR VILLAGE PARKING VIOLATIONS.** The forfeiture for all Village parking violations shall be a forfeiture of \$10.00 if guilt is stipulated within 6 days after issuance of the ticket. After 6 days, the forfeiture shall be \$15.00.

(5) **FORFEITURES FOR OTHER VIOLATIONS OF THIS CHAPTER.** The forfeiture for all other violations of this chapter shall not be less than \$10.00 nor more than \$100.00 for the first offense and not less than \$20.00 nor more than \$200.00 for the second offense within one year.

7.12 ENFORCEMENT. This chapter shall be enforced in accordance with the Wisconsin Statutes and the provisions of sections 345.20 to 345.53, Chapter 200 and section 66.0113, Wis. Stats.

(1) **UNIFORM CITATION.** The uniform citation promulgated under section 345.11, Wisconsin Stats., shall be used for all moving violations.

(2) **NONMOVING CITATIONS.** The Village Attorney shall recommend a citation for use in enforcing the nonmoving traffic violations, also referred to as parking offenses, in this chapter. Nonmoving traffic violations are defined in Wis. Stats. section 345.28. When approved by the Village Board, such citation shall be used for enforcement of nonmoving traffic regulations created or adopted by this chapter. The citation for nonmoving traffic violations shall contain a notice that the person cited may discharge the forfeiture for violation of a nonmoving traffic regulation and penalty thereof by complying with sub. (3) below.

(3) **ISSUANCE OF NONMOVING CITATIONS.** The Village Board hereby authorizes and designates that the Director of Public Works may issue Nonmoving Citations for violations of nonmoving traffic violations. The Director of Public Works, with the approval of the Village Board, may delegate the authority to issue said Nonmoving Citations to appropriate individuals. All Nonmoving Citations under this chapter shall conform to section 345.28, Wis. Stats., as may be amended, and shall permit direct mail payment of the applicable forfeiture to the Village Clerk within 10 days of issuance of the citation in lieu of a court appearance. The citation shall specify thereon the amount of the applicable forfeiture as provided in this chapter.

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

7.13 BOND SCHEDULE. The Village of West Baraboo Bond Schedule is hereby adopted by reference and is on file in the office of the Clerk-Treasurer.

7.14 REFERENCES TO WISCONSIN STATUTES.

(1) **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 1984-85 as from time to time amended, repealed or modified by the Wisconsin Legislature.

(2) **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.