

## TITLE 10

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# Motor Vehicles and Traffic

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# Title 10 ► Chapter 1

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## Traffic and Parking

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## Article A: General Provisions

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### Sec. 10-1-1 State Traffic Laws Adopted.

- (a) **Statutes Adopted.** Except as otherwise specifically provided in this Code of Ordinances, the statutory provisions in Chapters 110, 194, and 340 through 349, Wis. Stats., describing and defining regulations with respect to vehicles and traffic, for which the penalty is a forfeiture only, exclusive of any regulations for which the statutory penalty is a fine or term of imprisonment or exclusively state charges, are hereby adopted and by reference made a part of this Chapter as if fully set forth herein. The statutory sections listed shall be designated as part of this Code of Ordinances by adding the prefix "10-1-" to each statute section number. Any act required to be performed or prohibited by any regulation incorporated herein by reference is required or prohibited by this Chapter. Any future amendments, revisions or modifications of the statutory regulations in Chs. 340 through 349, Wis. Stats., incorporated herein are intended to be made part of this Chapter in order to secure to the extent legally practicable uniform statewide regulation of vehicle traffic on the highways, streets and alleys of the State of Wisconsin. Any person who shall, within the Village of Wheeler, Wisconsin, violate any provisions of any Statute incorporated herein by reference shall be deemed guilty of an offense under this Section.
- (b) **Other State Laws Adopted.** There are also hereby adopted by reference the following sections of the Wisconsin Statutes, but the prosecution of such offenses under this Chapter shall be as provided in Chapters 340 through 349, Wis. Stats., and the penalty for violation thereof shall be limited to a forfeiture as hereinafter provided in this Chapter:
- 941.01 Negligent Operation of Vehicle Off Highway
  - 941.03 Highway Obstruction
  - 943.11 Entry into Locked Vehicle
  - 943.23 Operating Motor Vehicles Without Owners Consent
  - 947.045 Drinking in Motor Vehicle on Highway
- (c) **Statutes Specifically Incorporated by Reference.** Whenever this Chapter incorporates by reference specific sections of the Wisconsin Statutes, such references shall mean the Wisconsin Statutes of 2017-2018 as from time to time amended, repealed or modified by the Wisconsin Legislature.
- (d) **General References.** General references in this Chapter to Wisconsin statutory sections or chapters describing or defining procedures or authority for enactment or enforcement of local traffic regulations shall be deemed to refer to the most recent enactments of the Wisconsin Legislature describing or defining such procedures or authorities.

### Sec. 10-1-2 State Administrative Code Provisions Adopted.

- (a) **Administrative Regulations Adopted.** The following administrative rules and regulations adopted by the Secretary of the Wisconsin Department of Transportation and published in

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

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

- (b) **Non-Compliance Prohibited.** No person shall operate or allow to be operated on any highway, street or alley within the Village of Wheeler a vehicle that is not in conformity with the requirements of Subsection (a) or the provisions of Sec. 110.075 and Chapter 347, Wis. Stats., incorporated by reference in Section 10-1-1 of this Chapter.
- (c) **Safety Checks.**
- (1) **Operators to Submit to Inspection.** When directed to do so by any law enforcement officer, the operator of any motor vehicle shall stop and submit such vehicle to an inspection and such tests as are necessary to determine whether the vehicle meets the requirements of this Section or that the vehicle's equipment is in proper adjustment or repair. No person, when operating a motor vehicle, shall fail to stop and submit such vehicle to inspection when directed to do so by any law enforcement officer as herein provided.
  - (2) **Authority of Officer.** Any Village of Wheeler or other law enforcement officer is hereby empowered whenever he or she shall have reason to believe that any provision of this Section is being violated to order the operator of the vehicle to stop and to submit such vehicle to an inspection with respect to brakes, lights, turn signals, steering, horns and warning devices, glass, mirrors, exhaust systems, windshield wipers, tires and other items of equipment.
  - (3) **Vehicle to be Removed From Highway.** Whenever, after inspection as provided by this Section, a law enforcement officer determines that a vehicle is unsafe for operation, he or she may order it removed from the highway and not operated, except

for purposes of removal and repair until the vehicle has been repaired as directed in a repair order. Repair orders may be in the form prescribed by the secretary of the Wisconsin Department of Transportation under Sec. 110.075(5), Wis. Stats., and shall require the vehicle owner or operator to cause the repairs to be made and return evidence of compliance with the repair order to the department of the issuing officer within the time specified in the order.

(d) **Penalty.**

- (1) Penalty for violation of any provision of this Section, including the provisions of the Wisconsin Administrative Code, incorporated herein by reference, shall be as provided in Section 10-1-50, together with the costs of prosecution and applicable penalty assessment.
- (2) The Wisconsin Administrative Code sections adopted by reference in Subsection (a) above shall be designated as part of this Code by adding the prefix "10-1-" to each statute or Administrative Code section number.

### **Sec. 10-1-3 Official Traffic Signs and Control Devices; Prohibited Signs, Signals and Markers.**

- (a) **Duty of Public Works Department to Erect and Install Uniform Traffic Control Devices.** Whenever traffic regulations created by this Chapter, including a State of Wisconsin traffic regulation adopted by reference in Section 10-1-1, require the erection of traffic control devices for enforcement, the Public Works Department shall procure, erect and maintain uniform traffic control devices conforming to the Uniform Traffic Control Device Manual promulgated by the Wisconsin Department of Transportation, giving notice of such traffic regulation to the users of the streets and highways on which such regulations apply. Whenever State law grants discretion to local authorities in erecting or placement of a uniform traffic control device, devices shall be erected in such locations and in such a manner as, in the judgment of the Village Board, will carry out the purposes of this Chapter and give adequate warning to users of the streets and highways of the Village of Wheeler.
- (b) **Code Numbers to be Affixed to Official Traffic Control Devices.** The Public Works Department shall cause to be placed on each official traffic control sign a guide board, mile post, signal or marker erected under Subsection (a), a code number assigned by the Wisconsin Department of Transportation, and shall also place or direct the placing of code numbers on all existing official traffic control devices as required by the laws of the State of Wisconsin.
- (c) **Prohibited Signs and Markers in Highways.** No person other than a person authorized by this Chapter to erect and maintain official traffic control devices or his/her designee shall place within the limits of any street or highway maintained by the Village of Wheeler any sign, signal, marker, mark or monument unless permission is first obtained from the Village President or Public Works Department or, where applicable, the State Highway Commission. Any sign, signal, marker, mark or monument placed or maintained in violation of this Subsection shall be subject to removal as provided in Subsection (d).

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- (d) **Removal of Unofficial Signs, Markers, Signals and Traffic Control Devices.** The Public Works Department may remove any sign, signal, marking or other device which is placed, maintained or displayed in violation of this Chapter or state law. Any charge imposed against premises for removal of a prohibited or illegal sign, signal, marking or device shall be reported to the Village Board for review and certification at its next regular meeting following the imposition of the charge. Any charge not paid on or before the next succeeding November 15 shall be placed upon the tax roll for collection as other special municipal taxes.
- (e) **Unauthorized Removal or Possession.** It shall be a violation of this Section, subject to the penalty provisions of Section 1-1-6, for any unauthorized person or party to remove or possess any official traffic sign or control device.

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

### **Sec. 10-1-4 Registration Record of Vehicle as Evidence.**

When any vehicle is found upon a street or highway in violation of any provision of this Chapter regulating the stopping, standing or parking of vehicles and the identity of the operator cannot be determined, the owner, as shown by the ownership registration of the vehicle supplied by the Wisconsin Department of Transportation, or a comparable authority of any other state, shall be deemed to have committed the violation for purposes of enforcement of this Chapter and specifically Section 10-1-1 and shall be subject to the applicable forfeiture penalty; provided the defenses defined and described in Sec. 346.485(5)(b), Wis. Stats., shall be a defense for an owner charged with such violation.

### **Sec 10-1-5 School Bus Warning Lights.**

- (a) **Use of Bus Flashing Warning Light.**
  - (1) Notwithstanding the provisions of Sec. 346.48(2)(b)2., Wis. Stats., adopted by reference in Section 10-1-1 to the contrary and except as provided in Subsection (b) below, school bus operators shall use flashing red warning lights in residential and business districts when pupils or other authorized passengers are to be loaded or unloaded at locations at which there are no crosswalk or traffic signals so that pupils must cross the street or highway before being loaded or after being unloaded.
  - (2) The operator of a school bus equipped with flashing red warning lights shall actuate such lights at least one hundred (100) feet before stopping to load or unload pupils or other authorized passengers and shall not extinguish such lights until loading or



- unloading is completed and persons who must cross the street or highway are safely across.
- (3) The operator of a school bus shall use the flashing red warning lights when loading or unloading passengers from either side where the curb and sidewalk are laid on one (1) side of the road only.
  - (4) The operator of a school bus shall use the flashing red warning lights when loading or unloading passengers in a residential or business district when the passengers are to be loaded or unloaded at a location at which there are:
    - a. No traffic signals;
    - b. Sidewalk and curb are laid on both sides of the street or highway; and
    - c. Such persons must cross the street or highway before being loaded or after being unloaded.
  - (5) The operator of a motor vehicle which approaches from the front or rear of any school bus which has stopped on a street or highway when the bus is displaying flashing red warning lights shall stop the vehicle not less than twenty (20) feet from the bus and shall remain stopped until the bus resumes motion or the operator extinguishes the flashing red warning lights. The operator of a school bus, which approaches the front or rear of another school bus that has stopped and is displaying red warning lights, shall stop not less than twenty (20) feet from the other bus, display its red warning lights and remain stopped with red warning lights actuated until the other bus resumes motion or the other operator extinguishes the flashing red warning lights.
- (b) **Prohibited Use of Bus Flashing Lights.** Pursuant to Sec. 349.21(2), Wis. Stats., the use of flashing red warning lights by school bus operators is prohibited when pupils or other authorized passengers are loaded or unloaded directly from or onto the school grounds or that portion of a right-of-way between the roadway and the school grounds designated by "school" warning signs as provided in Sec. 118.08(1), Wis. Stats.

## Sec. 10-1-6 Blue Warning Lights on Police Vehicles.

- (a) **Blue Light Use Authorization.** Pursuant to Sections 346.03(3), 346.94(14), 346.95(3) and 347.25(1), (1m)(a) and (b) and (4), Wis. Stats., a marked police vehicle under Sec. 340.01(3)(a), Wis. Stats., operating in the Village of Wheeler may be equipped with a blue light and a red light which flash, oscillate or rotate.
- (b) **Useage.** If the vehicle is so equipped, the lights shall be illuminated when the operator of the police vehicle is exercising the privileges granted under Sec. 346.03, Wis. Stats. The blue light shall be mounted on the passenger side of the vehicle and the red light shall be mounted on the driver side of the vehicle. The lights shall be designed and mounted so as to be plainly visible and understandable from a distance of five hundred (500) feet during

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normal sunlight and during hours of darkness. No operator of a police vehicle may use the warning lights except when responding to an emergency call or when in pursuit of an actual or suspected violator of the law, when responding to but not upon returning from a fire alarm or when necessarily parked on a highway in a position which is likely to be hazardous to traffic using the highway.

**Sec. 10-1-7 Accident Reports.**

The operator of every vehicle involved in an accident shall, immediately after such accident, file with the appropriate law enforcement agency a copy of the report required by Sec. 346.70, Wis. Stats., if any. If the operator is unable to make such report, any occupant of the vehicle at the time of the accident capable of making such report shall have the duty to comply with this Section. Such reports shall be subject to the provisions and limitations of Sections 346.70(4)(f) and 346.73, Wis. Stats., specifically that accident reports filed with this Section shall be for the confidential use of the law enforcement agency and shall not be open to public inspection except as permitted by Sec. 346.73, Wis. Stats.

*State Law Reference:* Sec. 346.70, Wis. Stats.

**Secs. 10-1-8 through Sec. 10-1-9 Reserved for Future Use.**

## Article B: Street Traffic Regulations

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### Sec. 10-1-10 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 Chapter shall obey the direction of such Official Traffic Control Device as required by the Wisconsin Statutes incorporated by reference in Section 10-1-1 of this Chapter. Operators of vehicles approaching a stop sign shall stop before entering a highway as required by Sec. 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 Sec. 346.18(6), Wis. Stats.

### Sec. 10-1-11 Heavy Traffic Routes.

- (a) **Definition.** For purposes of this Section, "heavy traffic" shall be defined as:
- (1) All vehicles not operating completely on pneumatic tires, and
  - (2) All vehicles or combination of vehicles designed or used for transporting property of any nature and having a gross weight of more than twelve thousand (12,000) pounds. "Heavy traffic" does not include school buses, motor buses or recreational motor homes.
- (b) **Prohibited Routes.**
- (1) Heavy traffic is prohibited from using any Village of Wheeler street or highway not designated as a heavy traffic route.
  - (2) This Section shall not act to prohibit heavy traffic from using a Village street or highway for the purpose of obtaining orders for supplies or moving or delivering supplies or commodities to or from any place of business or residence which has an entrance on such street or highway, nor shall this Section apply to heavy traffic necessary to obtain orders, to make deliveries, or to move supplies or equipment for agricultural purposes. This exception shall be permitted for the period of time necessary to complete the above-described activities. This Section will not act to prohibit heavy traffic from using any Village streets over which are routed state trunk highways. When being driven to the site of any construction, repair or maintenance of electric, gas or water service, vehicles owned and operated by a public utility will be exempt from the provisions of this Section.
- (c) **Administration.** The Public Works Department, under the direction of the Village Board, shall administer this Section. Administration shall include:
- (1) **Posting of Signs.** Appropriate signs shall be posted giving notice of this Section and of the heavy traffic routes established herein. Yellow sign posts may also be used to designate heavy traffic routes.

- (2) **Maps.** Maps of the Village of Wheeler showing heavy traffic routes shall be prepared and shall be available upon request by heavy traffic operators and owners.
- (3) **Construction Equipment.**
  - a. Heavy construction equipment may use Village streets or highways not designated as heavy traffic routes provided that the closest access route is utilized.
  - b. Village-owned or operated equipment is specifically excluded from the provisions of this Section.
- (d) **Liability.** Any operator, corporation, owner or agent whose heavy traffic vehicle damages any Village of Wheeler streets or highways in violating this Section shall be liable and required to pay the Village the cost of repair or replacement of the damaged street or highway.
- (e) **Streets Designated Class "B" Highways.** All streets and highways within the Village of Wheeler, Wisconsin, are hereby designated Class "B" highways subject to the weight limitations imposed on Class "B" highways by the Wisconsin Statutes adopted by reference in Section 10-1-1 except the highways or parts of highways designated as heavy traffic routes in Subsection (f) below.
- (f) **Heavy Traffic Routes.** The following streets in the Village of Wheeler are hereby designated heavy traffic routes, for commercial vehicles, pursuant to Sec. 349.17, Wis. Stats.:
  - (1) State Highway 170.
  - (2) State Highway 25.

*State Law Reference:* Sec. 349.17, Wis. Stats.

## **Sec. 10-1-12 Speed Limits.**

- (a) **Statutory Provisions.** The provisions of Sections 346.57, 346.58 and 346.59, Wis. Stats., relating to the maximum and minimum speed of vehicles are hereby adopted as part of this Section as if fully set forth herein except as hereinafter provided pursuant to Sec. 349.11(3)(c), Wis. Stats.
- (b) **Speed Limits Modified.** The Village Board hereby 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 Sec. 349.11, Wis. Stats., as follows:
  - (1) **Speed Limits Increased.** Speed limits established by Sec. 346.57(4)(e), (f) and (g), Wis. Stats., are increased as hereinafter set forth upon the following streets or portions thereof:
    - a. Thirty (30) miles per hour on Main Street from State Highway 25 west to Oak Street.
    - b. Thirty-five (35) miles per hour on Main Street from the west line of Oak Street to the west Village limits.

- c. Thirty-five (35) miles per hour on State Highway 25 from the south line of the Village limits to the north line of the Village limits.
- (2) **Speed Limits Decreased.** Speed limits established by Sec. 346.57(4)(e)(f) and (g), Wis. Stats., are decreased as hereinafter set forth upon the following streets or portions thereof:
- a. Fifteen (15) miles per hour on Evergreen Drive (north) and Hillside Drive (south).

### Sec. 10-1-13 Point of Stopping.

For purposes of this Chapter, all stops shall be made by vehicles immediately prior to entering the crosswalk closest to the intersection being approached and located between the vehicle and the intersection. Where there are no marked crosswalks but sidewalks exist, then all stops shall be made before crossing the extended edge of the sidewalk farthest from the intersection being approached. In the event there are neither marked crosswalks nor sidewalks, then all stops shall be made with the front of the vehicle located approximately at a line extended from the stop sign and perpendicular thereto into the street being traveled by the vehicle.

### Sec. 10-1-14 Low Speed Vehicles.

- (a) **Definitions.** The following definitions shall be applicable herein:
- (1) **Low Speed Vehicle (LSV).** A motor vehicle that is propelled by electric power and which 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 C.F.R. Sec. 571.3(b) and 49 C.F.R. 500, and is a motor vehicle:
    - a. That is four-wheeled;
    - b. Whose speed attainable in one (1) mile is more than twenty miles per hour (20 m.p.h.) and not more than twenty-five miles per hour (25 m.p.h.) on a paved level surface;
    - c. Whose gross vehicle weight is less than three thousand (3,000) pounds; and
    - d. Is not a golf cart-type vehicle;
    - e. Has the following equipment in working order:
      - 1. Headlamps;
      - 2. Front and rear turn signals;
      - 3. Stop lamps;
      - 4. Reflex reflectors - one (1) red on each side as far to the rear as practicable, and one (1) 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;

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6. A parking brake;
  7. A windshield that conforms to the requirements of the federal motor vehicle standard on glazing materials (49 CFR 571.205);
  8. A Type I or Type 2 seatbelt assembly conforming to 49 CFR 571.209, and Federal Motor Safety Standard No. 209, for each designated seating position;
  - f. Has a valid Vehicle Identification Number (VIN) that complies with federal law (49 CFR 565); and
  - g. Meets the general test conditions under 49 CFR 571.50056.  
[Note: LSVs are also referred to as "neighborhood electric vehicles" by some manufacturers].
- (b) **Licensed Driver and Vehicle Registration Requirements.**
- (1) **Valid Driver's License Requirement.** Any person who operates a Low Speed Vehicle on Village of Wheeler streets shall hold a valid driver's license.
  - (2) **Registration Requirements.** Any person who operates a Low Speed Vehicle on any Village of Wheeler street shall register the LSV in accordance with the requirements of the Wisconsin Statutes and Wisconsin Administrative Code, specifically, but not limited to, Sections 341.25(1)(b) and 341.297(1), Wis. Stats., and TRANS 145, Wis. Adm. Code. A LSV shall be titled and registered by the State of Wisconsin, and shall display a proper State-issued license plate.
- (c) **Operation and Use of Low Speed Vehicles.**
- (1) **Limited Permitted Street Use; Headlight Use Required.** A licensed individual may operate a Low Speed Vehicle on the streets of the Village of Wheeler having a posted speed limit of thirty-five miles per hour (35 m.p.h.), and headlights shall be on at all times the LSV is in operation. A slow-moving vehicle (SMV) emblem is not required on a LSV.
  - (2) **Compliance With State and Local Laws.** The operation of a Low Speed Vehicle shall in all respects comply with state traffic laws and the Village of Wheeler Code of Ordinances, specifically, but not limited to this Title 10, Chapter 1.
- (d) **Enforcement.** Enforcement of this Section, and penalties for violations, regarding the use of Low Speed Vehicles within the Village of Wheeler shall be pursuant to Sections 10-1-50 and 10-1-51.

## **Sec. 10-1-14 Through Highways Designated.**

In the interest of public safety and pursuant to Sec. 349.07, Wis. Stats., the following streets or portions thereof are declared to be through highways, and traffic signs or signals giving notice thereof shall be erected by the Police or Street Departments:

- (a) Main Street from State Highway 25 west to the westerly Village limits.
- (b) State Highway 25 from the south line of the Village limits to the north line of the Village limits.

(c) Main Street from State Highway 25 east to the easterly Village limits.

**Sec. 10-1-15 through Sec. 10-1-19      Reserved for Future Use.**





## Article C: Parking Regulations

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### Sec. 10-1-20 Restrictions on Parking; Posting Limitations.

(a) **Forty-eight (48) Hour Limitation.**

- (1) No person, firm or corporation shall park or leave standing any automobile, truck, tractor, trailer or vehicle of any description on any public streets or public parking lots in the Village of Wheeler for a period of forty-eight (48) or more consecutive hours in the same location at any time, except that where more restrictive parking limits have been established, the more restrictive limits shall apply.
- (2) Excepted from the forty-eight (48) hour parking limits of Subsection (a)(1) is any Village Board-designated truck parking area where trucks are permitted to park for seven (7) days.
- (3) When any law enforcement officer or other duly authorized Village official shall find a vehicle standing upon a public street or parking lot in violation of the provisions of this Section, he/she is authorized to move such a vehicle or to require the operator in charge thereof to move such vehicle to a position permitted under this Chapter, or to have the violating vehicle towed. The law enforcement officer or other duly authorized Village official may cause said vehicle to be removed to a proper impoundment and storage area where storage space is available and in such case the owner shall pay the costs of removing said vehicle and the storage fees on said vehicle before he/she may recover the possession thereof.

(b) **Off-Street Public Parking Areas.** It shall be unlawful to park or leave for storage any equipment or vehicle in any public off-street area designated for public parking purposes, in excess of forty-eight (48) hours without written permission for special, unique cause from the Village President..

(c) **Posted Limitations.**

- (1) The Village Board may designate certain streets or portions of streets as no parking or no stopping or standing zones or as zones for parking by physically handicapped persons and may limit the hours in which the restrictions apply. The Village shall mark, by appropriate signs, each zone so designated in accordance with the provisions of Sec. 349.13, Wis. Stats.
- (2) Except when necessary to avoid conflict with other traffic or in compliance with the directions of a law enforcement officer or traffic control device, no person shall stop or park a vehicle in an established no stopping or standing zone when stopping or standing is prohibited. No vehicle shall be parked in a no parking zone during hours when parking is prohibited except physicians on emergency calls or as permitted by state law or elsewhere by this Code of Ordinances.
- (3) The Village Board has the authority, within the reasonable exercise of police power to prohibit, to limit the time or otherwise restrict the stopping, standing or parking of

vehicles beyond the provisions of Ch. 346, Wis. Stats.. The Village Board shall have the authority to restrict the turning or movement of heavy traffic and to impose special weight limitations on any highway or portions thereof which, because of the weakness of the roadbed due to deterioration or climatic conditions or other special or temporary conditions, would likely be seriously damaged or destroyed in the absence of any restrictions on heavy traffic movement or special weight limitations.

- (4) No prohibition, restriction or limitation on parking or restriction on movement or turning of heavy traffic and imposition of special weight limits is effective unless official traffic control devices have been placed or erected indicating the particular prohibition, restriction or limitation.
- (5) After the parking limitations on any given street have expired, any change of location of not more than one (1) stall following expiration of the parking period allowed shall be and constitute a violation of this Chapter.

### **Sec. 10-1-21 Parking Restrictions During Temporary Snow Removal or Street Maintenance.**

- (a) **Street Maintenance.** Whenever it is necessary to clear or repair a Village of Wheeler 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 two (2) hours prior to the time that street maintenance work is to be commenced. No person shall park a motor vehicle in violation of such signs.
- (b) **Temporary Parking Restrictions for Special Events.** For the period of time during which a temporary community event is being held and upon proper resolution of the Village Board, all or any portion of a street, adjacent to the area at which the community event is being held, may be designated as a temporary no-parking zone. All such temporary no-parking zones shall be properly designated by an official no-parking sign placed or erected pursuant to the authority and direction of the Village Board. The operator of any motor vehicle shall not park or allow such vehicle to stand in such temporary no-parking zone.
- (c) **Parking During Special Snow Removal.** No person shall park, place or leave standing any automobile, truck or other vehicle on any street or public way after one (1) hour from the time such area has been designated and marked with signs or barriers by the Public Works Department indicating no parking due to special snow removal work.

### **Sec. 10-1-22 Stopping or Parking Prohibited in Certain Specified Places.**

- (a) **Parking Prohibited at All Times.** Except temporarily for the purpose of and while actually engaged in loading or unloading or in receiving or discharging passengers or property 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:

- (1) Within an intersection.
  - (2) On a crosswalk.
  - (3) On a sidewalk or terrace area, except when parking in such place is clearly indicated by official traffic signs or markers or parking meters. "Terrace or Sidewalk Area" means that area between the sidewalk and the nearest curb line running parallel or generally parallel thereto or in the absence of a sidewalk ten (10) feet beyond the curb line.
  - (4) Alongside or opposite any highway excavation or obstruction when such stopping or standing would obstruct traffic or when pedestrian traffic would be required to travel in the roadway.
  - (5) On the roadway side of any parked vehicle unless double parking is clearly indicated by official traffic signs or markers.
  - (6) Within a fire lane consisting of either the driveway between the front doors of a Fire Station and the public street or in such places properly designated and marked as fire lanes ordered by the Fire Chief.
  - (7) Upon any portion of a highway where and at the time when stopping or standing is prohibited by official traffic signs indicating the prohibition of any stopping or standing.
  - (8) In any place or manner so as to obstruct, block or impede traffic.
  - (9) Within ten (10) feet of a fire hydrant, unless a greater distance is indicated by an official traffic sign.
  - (10) Upon any portion of a highway where and at the time when parking is prohibited, limited or restricted by official traffic signs.
  - (11) Upon any bridge.
  - (12) Upon any street or highway within the Village limits any vehicle which faces a direction different from the direction of normal traffic flow for the lane of traffic in which said vehicle is stopped or standing.
  - (13) Upon any terrace or sidewalk in the Village at any time.
  - (14) In a loading zoning.
  - (15) Within four (4) feet of the entrance to an alley, private road or driveway.
  - (16) In any municipal park when said park is closed to the public.
- (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 which such driveway is located, whether or not such driveway is posted to limit or restrict parking.
- (c) **Vehicles Not to Block Private Drive, Alley or Fire Lane.** No vehicle shall, at any time, be parked so as to unreasonably restrict the normal access to any private drive, alley or fire lane. Said access shall be deemed to be unreasonably restricted if any vehicle is parked within four (4) feet of either side of said access. Upon discovery by a law enforcement

officer or upon complaint by the owner of any such blocked drive, alley or fire lane, a law enforcement officer or other duly authorized Village official may order said vehicle towed from such position at the risk and expense of the owner of said vehicle.

(d) **Parking Vehicle for Repair or to Display for Sale Prohibited.**

- (1) No person shall stand or park a vehicle on any street, alley, public right-of-way or municipal parking lot in the Village of Wheeler for the purpose of repairing said vehicle or to display such vehicle for sale. No person shall park on any street or avenue any vehicles for the primary purpose of advertising.
- (2) No person other than an owner and/or operator of a business located on business-zoned property engaged in the regular business of selling vehicles may display a vehicle for sale upon private premises unless the following conditions are met:
  - a. Consent to display the vehicle has been given by the owner or lessee of the premises; and
  - b. The owner of the vehicle is on the premises or resides there; and
  - c. The vehicle displayed for sale is parked entirely on the premises; and
  - d. The premises contains only one (1) vehicle displayed for sale; and
  - e. The advertisement or sign for sale of the vehicle is not larger than two (2) square feet.

*Cross-Reference:* Title 10, Chapter 5

## **Sec. 10-1-23 Parking of Vehicles Within Eight (8) Feet of a Mailbox.**

- (a) **Definition.** For purposes of this Section, "official mailbox" shall be defined as:
- (1) Any public container which is maintained by the United States Postal Service (USPS) and is used primarily for depositing outgoing U.S. Mail with the intent of processing and distribution of said U.S. Mail by the United States Postal Service.
  - (2) Any private box which is maintained in accordance with USPS regulations by a private citizen and is used primarily for either of the following purposes, or both:
    - a. The collection of incoming U.S. Mail as deposited by an official USPS employee; or
    - b. The depositing of outgoing U.S. Mail by the owner of the box with the intention of collection of said outgoing U.S. Mail by a USPS employee.
- (b) **Parking Prohibitions.**
- (1) It shall be unlawful for any person to park any vehicle of any kind either directly in front of any official mailbox or within eight (8) feet of any mailbox between the hours of 7:00 a.m. and 5:00 p.m., or at any other time during which the daily U.S. Mail is actively being delivered, preventing U.S. Mail from being delivered to and/or collected from said mailbox.

- (2) It shall be unlawful for any person to leave standing any vehicle of any kind, regardless of whether or not said person intended to park said vehicle for any extended period of time, directly in front of any official mailbox, or within eight (8) feet in any direction from the mailbox, between the hours of 7:00 a.m. and 5:00 p.m., or at any other time during which the daily U.S. Mail is actively being delivered, preventing the U.S. Mail from being delivered to and/or collected from said mailbox.
- (c) **Exemptions.** This Section shall not apply to vehicles belonging to the following individuals or entities:
- (1) The lawful owner of the official mailbox to which U.S. Mail is being prevented from being delivered;
  - (2) Any visitor to the residence or business for which the official mailbox is intended to serve, so long as the visitor has the prior consent of the lawful owner of the official mailbox to park in such a manner as to prevent U.S. Mail from being delivered to the owner's own mailbox; or
  - (3) Any emergency vehicle operator who is conducting official business within a reasonable distance of the official mailbox.
- (d) **Enforcement.**
- (1) **Removal by Operator.** Such vehicle shall be removed by the operator responsible for the vehicle upon request of a law enforcement officer to a position where parking is permitted.
  - (2) **Citation and Removal by a Law Enforcement Officer.** The Village of Wheeler or a law enforcement officer are authorized to issue an appropriate citation to any violator of Subsection (b) above for illegal parking. After issuing such a citation, enforcement officials are authorized to remove such vehicle to a position where parking is permitted.
  - (3) **Removal by Private Service.** After issuance of a citation to a violator of Subsection (b) above for illegal parking, enforcement authorities are authorized to order a motor carrier empowered to perform vehicle towing services or a licensed motor vehicle dealer who performs vehicle towing services to remove and store such vehicle in any public storage facility or any storage facility of the person or entity providing the towing services. All cost incurred from the actual removal, towing and storage of such vehicle shall be paid by the registered owner or operator in charge of the vehicle in accordance with the regulations provided for in Section 10-1-34(e).

## Sec. 10-1-24 Parking Reserved for Vehicles of Disabled.

When official traffic signs indicating such restriction have been erected in accordance with Section 10-1-3 of this Chapter, no person shall park, stop or leave standing any vehicle upon any portion of a street, highway or public or private parking facility reserved for vehicles displaying

special registration plates or identification cards or emblems issued by the Wisconsin Department of Transportation or, for vehicles registered in another jurisdiction, by such other jurisdiction designating the vehicle as one used by a physically disabled person.

### **Sec. 10-1-25 Leaving Keys in Vehicle Prohibited; Parking Vehicles with Motor Running.**

- (a) **Leaving Keys in Vehicle.** No person shall permit any motor vehicle to stand or remain unattended on any street, alley or other public area, except an attended parking area, unless either the starting lever, throttle, steering apparatus, gear shift or ignition of the vehicle is locked and the key for such lock is removed from the vehicle. Whenever any law enforcement officer or duly authorized Village official shall find any vehicle standing with the key in the ignition in violation of this Section, such officer is authorized to remove such key from the vehicle and deliver the key to the Village office or appropriate law enforcement agency for safe custody.
- (b) **Parking Vehicles With Motor Running.** No person shall park or leave standing any motor vehicle with the motor or refrigerator unit running for more than thirty (30) minutes within three hundred (300) feet of any residence within the Village of Wheeler between the hours of 10:00 p.m. and 6:00 a.m.

### **Sec. 10-1-26 Unattended Motorized Machinery.**

It shall be unlawful for any person, firm or corporation to permit any construction, compaction, earth-grading or farm machinery which is self-propelled and moves upon the surface of the earth and which is owned or controlled by him/her to stand for any period of time unattended without locking the ignition system or otherwise rendering said machinery inoperable so as to prevent any person unauthorized by the owner or individual in control thereof from starting said machinery.

### **Sec. 10-1-27 Angle Parking.**

- (a) **Angle Parking Authorization.** The Village Board shall from time to time have certain streets or portions of streets marked with white lines to designate parallel or diagonal parking places. Angle parking or parking diagonally is prohibited on all the streets, alleys and highways of the Village except as provided herein in designated angle parking stalls. All vehicles shall park parallel to and within one (1) foot of the curb except where streets and parking lots are so marked for angle parking.
- (b) **Prohibited Angle Parking.** No person shall at any time park any vehicle:
  - (1) In any direction other than the designated parking angle, where angle parking spaces are so designated and provided by appropriate markings.

- (2) Backwards into angle parking spaces so designated and provided by appropriate markings, unless actually engaged in unloading activity.
- (3) With a trailer attached or any vehicle longer than twenty (20) feet on any street where angle parking is so provided and allowed.

## **Sec. 10-1-28 Parking of Vehicles Over 15,000 Pounds or 22 Feet Restricted.**

### **(a) Parking.**

- (1) No person owning or having control of any commercial motor vehicle, such as a road tractor, semitrailer, trailer or truck tractor, motor home, recreational vehicle, or a combination of vehicles weighing in excess of fifteen thousand (15,000) pounds gross weight, or over twenty-two (22) feet in length (including accessories, racks, or other physical extensions), or having an enclosed area height of more than eight (8) feet from the roadway, shall park the same upon any street, avenue, or public way in areas zoned residential or primarily residential in nature. The provisions of this Subsection shall not be deemed to prohibit the lawful temporary parking of such equipment upon any street, avenue, or public way in the Village of Wheeler for the actual loading or unloading of goods, ware or merchandise, providing, however, the "loading" and "unloading," as used in this Section, shall be limited to the actual time consumed in such operation.
- (2) The Village Board may designate specific truck parking zones/lots. This prohibition on the parking of large trucks shall not apply to such designated truck parking zones/lots.

(b) **Municipal Equipment Exception.** Municipal vehicles or public works equipment are excepted from the provisions of Subsection (a) above.

(c) **Bus Parking.** No operator of a school bus or other bus, regardless of its size, shall park such vehicle in any residential district - on the street, on a lawn, in the alley, in a driveway or anywhere else - except for such time as is reasonably necessary to facilitate the loading or unloading of the vehicle, except that school buses may park at any school when required.

### **(d) Storage of Trucks, Trailers, Tractors and Road Machinery on Private Property.**

Unless enclosed within a building, no person, firm or corporation shall park, keep or maintain on property zoned for residential use the following types of vehicles: trucks with a gross vehicle in excess of fifteen thousand (15,000) pounds or over twenty-two (22) feet in length, truck tractors, semi-trailers, tractor-trailers, semi-tractors, farm tractors in excess of six (6) feet in width, dump trucks, auto wreckers, construction equipment, and road machinery. Said vehicles shall not be kept or parked outside of a building on said residential premises, except temporarily for the purposes of unloading, cleaning or servicing such vehicles for a period not exceeding three (3) days within a fifteen (15) day period.

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- (e) **Trailer Parking.** It is unlawful to park an unattended, unattached trailer on the street right-of-way for more than forty-eight (48) hours. This Subsection shall include, but not be limited to the following types of trailers:
  - (1) Boat and recreational vehicle trailers.
  - (2) Camper trailers.
  - (3) Utility or construction trailers.
- (f) **Removal.** Any vehicle unlawfully parked under Subsection (a), (c), (d) or (e) above may be removed from the street by order of a law enforcement officer, pursuant to Section 10-1-33, and the expense of so moving and storing such vehicle shall be paid by the operator or owner of said vehicle as a forfeiture in addition to the penalties hereafter prescribed.
- (g) **Penalty.** The penalty for violation of any provision of this Section shall be as provided in Section 10-1-50, together with the costs of prosecution and applicable penalty assessment.

## **Sec. 10-1-29 Parking Prohibited Regulations.**

- (a) **Posted No Parking Spaces.** When signs are erected in any block giving notice thereof, no person shall park or leave standing any vehicle for longer than the period specified upon such highways, streets or parts thereof, except temporarily for the purpose of and while actually engaged in receiving or discharging passengers:
- (b) **Parking Prohibited Areas.** When signs are erected in any block giving notice thereof, no person shall park a vehicle for longer than the period hereinafter specified at any time between the hours of 9:00 a.m. and 5:30 p.m. except Sundays and the holidays of New Year's Day, Memorial Day, Good Friday between the hours of 12:00 noon and 3:00 p.m., Independence Day, Labor Day, Thanksgiving Day, Christmas Day, or between the hours of 9:00 a.m. and 9:00 p.m. on Fridays, upon the following streets or portions of streets:
  - (1) **No Parking on One Side.**
    - a. On the east side of State Highway 25 from the south line of the Village limits to the north line of the Village limits.
    - b. On the south side of 2nd Street east from Church Street to Oak Street.
    - c. On the north side of 2nd Street from Church Street west to the dead end.
  - (2) **Twenty-four Hour Parking Limit.**
    - a. On Main Street from State Highway 25 west to the westerly Village limits.
    - b. On 2nd Street from State Highway 25 west to the westerly Village limits.
- (c) **Post Office Parking.** When signs are erected giving notice thereof, no person shall park any vehicles for longer than ten (10) minutes on Main Street in front of the Post Office from the alley sixty (60) feet to the east.
- (d) **Parking in Alleys.** No person shall park any vehicle in any alley within the Village of Wheeler at any time, except that delivery trucks may park in any alley, but only for the sole



purpose of making a delivery and such delivery truck must be removed from the alley as soon as the delivery is complete.

### **Sec. 10-1-30 Seasonal Alternate Side Parking Restrictions.**

- (a) **Alternate Side Parking Required.** No person, firm or corporation shall park a motor vehicle, trailer, or any similar vehicle on any streets or roads in the Village of Wheeler between 2:00 a.m. and 8:00 a.m. from November 1 to April 1 of each year, except that vehicles may be parked on the even house numbered sides of the street between 2:00 a.m. and 8:00 a.m. on even-numbered days of the month, and on odd house numbered sides of the street on odd-numbered days of the month. The odd or even numbered days shall be that day which the vehicle will be standing on the street between 2:00 a.m. and 8:00 a.m.. The provisions of Section 10-1-29 of this Code of Ordinances regarding snow emergencies shall also be fully complied with.
- (b) **Exceptions.** For purposes of this Section, parking is defined as meaning leaving a vehicle or permitting a vehicle to remain unattended on the street, but shall not include the temporary stopping of:
- (1) A vehicle responding to a house call by a medical professional;
  - (2) Business vehicles being used for deliveries during those hours where off-street parking is not available, and whose engine remains running; or
  - (3) Police, fire or other emergency vehicles so marked.

*Cross-Reference:* Section 10-1-31, Snow Emergencies

### **Sec. 10-1-31 Parking During Snowstorm Emergencies.**

- (a) **Snow Emergency Declarations.**
- (1) The Village Board hereby declares that a snow emergency exists in the Village whenever a snowfall during any period of twenty-four (24) hours or less reaches a depth of three (3) inches or more. Such emergency is declared to be a serious public hazard impairing transportation and public health, safety and welfare for a period of forty-eight (48) hours or until such time as snow removal operations have been declared completed by the Village President or Public Works Department.
  - (2) The Village President or Public Works Department are hereby authorized to declare a snow emergency watch in advance of the conditions established in Subsection (a)(1) by reason of forecasted heavy snow or blizzard, and all provisions of a snow emergency are to become effective immediately upon the declaration of a snow emergency watch and at such time as the conditions of the snow emergency

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established above exist, or as otherwise proclaimed in the snow emergency watch declaration.

**(b) Parking Restrictions.**

- (1) When signs have been erected at or reasonably near the corporate limits, as provided in Sec. 349.13, Wis. Stats., no owner or operator of any motor vehicle shall park upon any public street or alley during a snow emergency is in existence in accordance with Subsection (a) until the snow removal operations have completely cleared the street or alley.
- (2) The Public Works Department is also authorized to order the erection of temporary "No Parking" signs at any time during the existence of any emergency which impairs or prevents the full or safe use of the highway, street, alley or parking lot.
- (3) Any vehicle parked in violation of any provision of this Section may be issued a citation as an illegally parked vehicle and is subject to the provisions of Section 10-1-32 (Removal of Illegally Parked Vehicles) of this Code of Ordinances.

**Sec. 10-1-32 Unlawful Removal of Parking Citations.**

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

**Sec. 10-1-33 Operation of Motor Vehicles in Public Parking Lots.**

- (a) **Unlicensed Operators Prohibited.** No person who does not hold a valid operator's license shall operate a vehicle in any public parking lot or ramp or in any private parking lot or ramp held out for the use of parking for the general public.
- (b) **Traffic Regulations Applicable.** All provisions of Section 10-1-1 of this Chapter and of the Wisconsin Statutes and laws incorporated herein by reference shall be applicable on any public parking lot or ramp and on any private parking lot, road or ramp held out for use for the general public for parking or vehicular traffic.

**Sec. 10-1-34 Unregistered Motor Vehicles Prohibited  
On Streets.**

- (a) **Definitions.** For purposes of this Section, "unregistered motor vehicle" means any motor vehicle that is not currently registered and which is located upon a street, highway or municipal lot in the Village of Wheeler for such time and under such circumstances as to cause the motor vehicle to reasonably appear to have been unregistered for not less than thirty (30) days.

- (b) **Violations.** No person shall cause any unregistered motor vehicle to be located upon any street, highway or municipal lot within the Village of Wheeler.
- (c) **Enforcement; Impoundment.**
  - (1) In addition to issuance of a forfeiture, any law enforcement or parking enforcement officer who discovers any unregistered motor vehicle located upon any street, highway or municipal lot within the Village may cause the motor vehicle to be removed to a suitable place of impoundment.
  - (2) The owner of any unregistered motor vehicle is responsible for all costs of towing, impounding and disposing of the motor vehicle. Disposal will be conducted pursuant to the procedures in Title 10, Chapter 5 of this Code of Ordinances.
- (d) **Exceptions.** A person charged with violating Subsection (b) above may not be convicted if he/she produces in court satisfactory evidence that, at the time of the issuance of the citation, either:
  - (1) A complete application for registration for the motor vehicle, including evidence of inspection prescribed by Section 110.20, Wis. Stats., when required, accompanied by the required registration fee had been delivered to the Wisconsin Department of Transportation or deposited in the mail properly addressed with postage prepaid; or
  - (2) The motor vehicle was exempt from registration pursuant to Chapter 341, Wis. Stats.
- (e) **Release of Impounded Vehicles.** The owner of an unregistered motor vehicle that has been impounded under this Section may secure release of the motor vehicle by paying any forfeiture imposed for a violation of this Section, including but not limited to any towing forfeiture charged under this Code of Ordinances and the reasonable costs of impounding the motor vehicle and providing satisfactory evidence of one (1) of the following:
  - (1) That the motor vehicle is currently registered in the State of Wisconsin;
  - (2) That a complete application for registration of the motor vehicle, including evidence of inspection under Section 110.20, Wis. Stats., when required, accompanied by the required registration fee, has been delivered to the Wisconsin Department of Transportation or deposited in the U.S. Mail properly addressed with required postage; or
  - (3) That the motor vehicle is exempt from registration under Chapter 341, Wis. Stats.

## **Sec. 10-1-35 Removal of Illegally Parked Vehicles.**

- (a) **Hazard to Public Safety.** Any vehicle parked, stopped or standing upon a highway or public parking lot or ramp in violation of any of the provisions of this Chapter is declared to be a hazard to traffic and public safety.
- (b) **Removal by Operator.** Such vehicle shall be removed by the operator in charge, upon request of any law enforcement officer or duly authorized Village official, to a position where parking is permitted or to a private or public parking or storage premises.

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- (c) **Removal by Law Enforcement Officer.** Any law enforcement officer or duly authorized Village official may issue a citation for illegal parking, stopping or standing of an unattended vehicle in violation of this Chapter, and/or is authorized to remove such vehicle to a position where parking is permitted if it is deemed to be a hazard, at the owner's expense.
- (d) **Removal by Private Service.** The officer or duly authorized Village official may order a motor carrier holding a permit to perform vehicle towing services, a licensed motor vehicle salvage dealer or a licensed motor vehicle dealer who performs vehicle towing services to remove and store such vehicle in any public storage garage or rental parking grounds or any facility of the person providing the towing services.
- (e) **Towing and Storage Charges.** In addition to other penalties provided in this Chapter, the owner or operator of a vehicle so removed shall pay the actual cost of moving, towing and storage. If the vehicle is towed or stored by a private motor carrier, motor vehicle salvage dealer or licensed motor vehicle dealer, actual charges regularly paid for such services shall be paid. If the vehicle is stored in a public storage garage or rental facility, customary charges for such storage shall be paid. Upon payment, a receipt shall be issued to the owner of the vehicle for the towing or storage charge.

### **Sec. 10-1-36 Inoperable, Wrecked or Discarded Vehicles.**

- (a) **Storage Prohibited.** No person owning or having custody of any partially dismantled, nonoperable, wrecked, junked or discarded motor vehicle shall allow such vehicle to remain on any public street or highway, parking lot or ramp longer than forty-eight (48) hours after notification thereof by a law enforcement officer or duly authorized Village official. Any such vehicle not removed within forty-eight (48) hours is declared to be a public nuisance and may be removed as provided in Section 10-1-35.
- (b) **Exemptions.** This Section shall not apply to a motor vehicle in an appropriate storage place or depository maintained in a lawful place and manner authorized by the Village of Wheeler.

*Cross-Reference:* Section 10-5-1.

**Sec. 10-1-37 through Sec. 10-1-39      Reserved for Future Use.**

## Article D: Miscellaneous Provisions

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### Sec. 10-1-40 Disturbance of the Peace with a Motor Vehicle.

- (a) **Unnecessary Noise Prohibited.** It shall be unlawful for any person to operate a motor vehicle with a loud muffler or in such a manner which shall make or cause to be made any loud, disturbing, or unnecessary sounds or noises such as may tend to annoy or disturb another in or about any public or private area in the Village of Wheeler.
- (b) **Unnecessary Smoke Prohibited.** It shall be unlawful for any person to operate a motor vehicle in such a manner which shall make or cause to be made any smoke, gases, or odors which are disagreeable, foul, or otherwise offensive which may tend to annoy or disturb another in or about any public or private area in the Village of Wheeler.
- (c) **Unnecessary Acceleration and Display of Power Prohibited.** It shall be unlawful for any person to operate any vehicle, including motorcycles, all-terrain vehicles and bicycles, in such a manner as to cause, by excessive and unnecessary acceleration, the tires of such vehicle or cycle to spin, squeal, or emit loud noises or to unnecessarily throw stones or gravel; nor shall such driver cause to be made by excessive and unnecessary acceleration any loud noise as would disturb the peace.
- (d) **Disorderly Conduct with a Motor Vehicle.**
  - (1) **Conduct Prohibited.** No person shall, within the Village of Wheeler, by or through the use of any motor vehicle, including but not limited to, an automobile, truck, motorcycle, minibike or snowmobile, cause or provoke disorderly conduct with a motor vehicle, cause a disturbance or annoy one or more persons, or disturb or endanger the property or the safety of another's person or property.
  - (2) **Definition.** "Disorderly conduct with a motor vehicle" shall mean the engaging in violent, abusive, unreasonably loud conduct, or disturbing or endangering the property or the safety of another's person or property, or otherwise disorderly conduct, including but not limited to, unnecessary, deliberate or intentional spinning of wheels, squealing of tires, revving of engine, blowing the horn, causing the engine to backfire or causing the vehicle, while commencing to move or in motion, to raise one or more wheels off the ground.
- (e) **Avoidance of Traffic Control Device Prohibited.** It shall be unlawful for any person to operate a motor vehicle in such a manner as to leave the roadway and travel across private property to avoid an official traffic control device, sign, or signal.
- (f) **Operation in Restricted Area Prohibited.** It shall be unlawful for any person to operate a motor vehicle in such a manner as to leave the roadway and park, stop, or travel upon or across any public or private property, parking lot, driveway, or business service area for any purpose except the official conduct of business located on said property without the consent of the owner or lessee of the property. This Section shall specifically include, but not be limited to:

- (1) Public park property;
  - (2) Cemetery properties;
  - (3) School District property;
  - (4) Medical facilities;
  - (5) Funeral homes;
  - (6) Service stations;
  - (7) Grocery stores;
  - (8) Restaurants;
  - (9) Financial institutions; and
  - (10) Other similar-type businesses with service driveways or drive-up or drive-through facilities.
- (g) **Stopping and Parking Prohibited.** It shall be unlawful for any person to stop or park a motor vehicle in any manner on any public or private property or parking lot contrary to a regulatory sign posted thereon which may permit parking by certain persons and limits, restricts, or prohibits parking as to other persons without the consent of the owner or lessee of the property. Any vehicle parked in violation of this Section may be removed or towed by the property owner at the vehicle owner's expense.

### **Sec. 10-1-41 Motor Vehicles on Pedestrian Ways and Overpasses.**

- (a) No person shall operate or park any motor vehicle on any pedestrian way or pedestrian overpass within the Village of Wheeler except municipal or county maintenance vehicles.
- (b) At an intersection or crosswalk where traffic is not controlled by traffic control signals or by a traffic officer, the operator of a vehicle shall yield the right-of-way to a pedestrian, or to a person riding a bicycle or electric personal assistive mobility device in a manner which is consistent with the safe use of the crosswalk by pedestrians, who are crossing the highway within a marked or unmarked crosswalk. The minimum and maximum forfeiture for a violation of this Subsection shall be the same as those prescribed by statute for a violation of Sec. 346.24(1), Wis. Stats.

### **Sec. 10-1-42 School Crossing Guards.**

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

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

### **Sec. 10-1-43 Driving Over Curbing or Safety Islands Prohibited.**

- (a) **Driving Over Curbing Prohibited.** It shall be unlawful for any motor vehicle to be driven or backed over any curbing in the Village of Wheeler.
- (b) **Driving Over Safety Zones or Islands Prohibited.** Whenever safety zones or safety islands are marked in accordance with the Wisconsin Uniform Traffic Control Device Manual, no operator of a vehicle shall at any time drive through or over a safety zone or safety island. Persons causing damage to curbing by driving over such curbing shall be responsible for the cost of such repairs.

### **Sec. 10-1-44 Sound-Producing Devices in Vehicles; Impoundment; Seizure and Forfeiture.**

- (a) **Sound-Producing Devices; Impoundment; Seizure and Forfeiture.**
  - (1) In this Section, "sound-producing device" does not include a piece of equipment or machinery that is designed for agricultural purposes and that is being used in the conduct of agricultural operations.
  - (2) A law enforcement officer, at the time of issuing a citation for a violation of Sec. 346.94(16), Wis. Stats., or a Village ordinance in strict conformity with Sec. 346.94(16), Wis. Stats., or any other Village ordinance prohibiting excessive noise, is authorized to impound any radio, electric sound amplification device or other sound-producing device used in the commission of the violation if the person charged with such violation is the owner of the radio, electric sound amplification device or other sound-producing device and has two (2) or more prior convictions within a three (3) year period of Sec. 346.94(16), Wis. Stats., or a local ordinance in strict conformity with Sec. 346.94(16), Wis. Stats., or any other Village ordinance prohibiting excessive noise. The Village authorizes the impoundment of a vehicle for not more than five (5) working days to permit the Village authorities or their authorized agent to remove the radio, electric sound amplification device or other sound-producing device if the vehicle is owned by the person charged with the violation and the sound-producing device may not be easily removed from the vehicle. Upon removal of the sound-producing device, an impounded vehicle shall be returned to its rightful owner.
  - (3) The Village may recover the cost of impounding the sound-producing device and, if a vehicle is impounded, the cost of impounding the vehicle and removing the sound-producing device. Upon disposition of the forfeiture action for the violation of Sec. 346.94(16), Wis. Stats., or a local ordinance in strict conformity with Sec. 346.94(16), Wis. Stats., or any other local ordinance prohibiting excessive noise and payment of any forfeiture imposed, the sound-producing device shall be returned to its rightful owner.

- (4) The Village may dispose of any impounded sound-producing device or, following the procedure for an abandoned vehicle under Sec. 342.40, Wis. Stats., any impounded vehicle which has remained unclaimed for a period of ninety (90) days after disposition of the forfeiture action.
  - (5) This Subsection does not apply to a radio, electric sound amplification device or other sound-producing device on a motorcycle.
  - (6) Notwithstanding Subsections (a)(1)-(5) above, the Village authorizes a law enforcement officer, at the time of issuing a citation for a violation of Sec. 346.94(16), Wis. Stats., or a local ordinance in strict conformity with Sec. 346.94(16), Wis. Stats., or any other local ordinance prohibiting excessive noise, to seize any radio, electric sound amplification device or other sound-producing device used in the commission of the violation if the person charged with such violation is the owner of the radio, electric sound amplification device or other sound-producing device and has three (3) or more prior convictions within a three (3) year period of Sec. 346.94(16), Wis. Stats., or a local ordinance in strict conformity with Sec. 346.94(16), Wis. Stats., or any other local ordinance prohibiting excessive noise.
  - (7) The Village may impound a vehicle violating Subsection (a)(6) vehicle for not more than five (5) working days to permit the Village or its authorized agent to remove the radio, electric sound amplification device or other sound-producing device if the vehicle is owned by the person charged with the violation and the sound-producing device may not be easily removed from the vehicle. Upon removal of the sound-producing device, an impounded vehicle shall be returned to its rightful owner upon payment of the reasonable costs of impounding the vehicle and removing the sound-producing device.
  - (8) Any seized sound-producing device under Subsection (a)(6) shall be treated in substantially the manner provided in Sec. 973.075(3), 973.076 and 973.077, Wis. Stats., for property realized through the commission of any crime, except that the sound-producing device shall remain in the custody of the applicable law enforcement agency; a district attorney or Village Attorney, whichever is applicable, shall institute the forfeiture proceedings; and, if the sound-producing device is sold by the law enforcement agency, all proceeds of the sale shall be retained by the Village.
  - (9) The Village may, following the procedure for an abandoned vehicle under Sec. 342.40, Wis. Stats., dispose of any impounded vehicle which has remained unclaimed for a period of ninety (90) days after disposition of the forfeiture action.
  - (10) This Subsection does not apply to a radio, electric sound amplification device or other sound-producing device on a motorcycle.
- (b) **Vehicle Owner's Liability for Radios or Other Electric Sound Amplification Devices.**
- (1) a. The owner of a vehicle involved in a violation of Sec. 346.94(16), Wis. Stats., shall be presumed liable for the violation as provided in this Section.
  - b. Notwithstanding Subsection (b)(1), no owner of a vehicle involved in a violation of Sec. 346.94(16), Wis. Stats., may be convicted under this Section if the person



operating the vehicle or having the vehicle under his or her control at the time of the violation has been convicted for the violation under this Section or under Sec. 346.94(16), Wis. Stats.

- (2) Any member of the public who observes a violation of Sec. 346.94(16), Wis. Stats., may prepare a written report indicating that a violation has occurred. If possible, the report shall contain the following information:
  - a. The time and the approximate location at which the violation occurred.
  - b. The license number and color of the motor vehicle involved in the violation.
  - c. Identification of the motor vehicle as an automobile, station wagon, motor truck, motor bus, motorcycle or other type of vehicle.
- (3)
  - a.
    1. Within twenty-four (24) hours after observing the violation, a member of the public may deliver a report containing all of the information in Subsection (b)(2) to a law enforcement officer of the county or municipality in which the violation occurred. A report which does not contain all of the information in Subsection (b)(2) shall nevertheless be delivered and shall be maintained by the county or municipality for statistical purposes.
    2. Within forty-eight (48) hours after receiving a report containing all of the information in Subsection (b)(2), the law enforcement officer shall investigate the violation and may prepare a uniform traffic citation under Sec. 345.11 and, within seventy-two (72) hour after receiving such report, any traffic officer employed by the authority issuing the citation may personally serve it upon the owner of the vehicle.
  - b. If with reasonable diligence the owner cannot be served under paragraph (a), service may be made by leaving a copy of the citation at the owner's usual place of abode within this state in the presence of a competent member of the family who is at least fourteen (14) years of age and who shall be informed of the contents thereof. Service under this paragraph may be made by any law enforcement officer employed by the authority issuing the citation and shall be performed within seventy-two (72) hours after a report containing all of the information in Subsection (b)(2) was delivered to a law enforcement officer under paragraph (a)l.
  - c. If with reasonable diligence the owner cannot be served under paragraph (a) or (b) or if the owner lives outside of the jurisdiction of the issuing authority, service may be made by certified mail addressed to the owner's last-known address. Service under this paragraph shall be performed by posting the certified mail within seventy-two (72) hours after a report containing all of the information in Subsection (b)(2) was delivered to a law enforcement officer under paragraph (a)l. Except for owners who live outside of the jurisdiction of the issuing authority, service under this paragraph may not be performed unless service under paragraphs (a) and (b) has been attempted.

- (4) Defenses to the imposition of liability under this Section include:
  - a. That a report that the vehicle was stolen was given to a traffic officer before the violation occurred or within a reasonable time after the violation occurred.
  - b. If the owner of the vehicle provides a traffic officer employed by the authority issuing the citation with the name and address of the person operating the vehicle or having the vehicle under his or her control at the time of the violation and sufficient information for the officer to determine that probable cause does not exist to believe that the owner of the vehicle was operating the vehicle or having the vehicle under his or her control at the time of the violation, then the owner of the vehicle shall not be liable under this Section or under Sec. 346.94 (16), Wis. Stats.
  - c. If the vehicle is owned by a lessor of vehicles and at the time of the violation the vehicle was in the possession of a lessee, and the lessor provides a law enforcement officer employed by the authority issuing the citation with the information required under Sec. 343.46(3), Wis. Stats., then the lessee and not the lessor shall be liable under this Section or under Sec. 346.94(16), Wis. Stats.
  - d. If the vehicle is owned by a dealer, as defined in Sec. 340.01(11) (intro.), Wis. Stats., but including the persons specified in Sec. 340.01 (11)(a) to (d), Wis. Stats., and at the time of the violation the vehicle was being operated by or was under the control of any person on a trial run, and if the dealer provides a law enforcement officer employed by the authority issuing the citation with the name, address and operator's license number of the person operating the vehicle or having the vehicle under his or her control on a trial run, then that person, and not the dealer, shall be liable under this Section or under the applicable provision of Sec. 346.94(16), Wis. Stats.
  - e. Notwithstanding Sec. 346.94(16)(b)6., Wis. Stats., this Section does not apply to the operation of a motorcycle.
- (c) **Authority to Regulate Radios or Other Electric Sound Amplification Devices.**
  - (1) Notwithstanding Sec. 346.94(16), Wis. Stats., the Village provides that, except as provided in Sec. 347.38(1), Wis. Stats., no person may operate or park, stop or leave standing a motor vehicle while using a radio or other electric sound amplification device emitting sound from the vehicle that is clearly audible under normal conditions from a distance of fifty (50) or more feet, unless the electric sound amplification device is being used to request assistance or warn against an unsafe condition. Any person violating this Subsection may be required to forfeit not less than Forty Dollars (\$40.00) nor more than Eighty Dollars (\$80.00) for the first violation and not less than One Hundred Dollars (\$100.00) nor more than Two Hundred Dollars (\$200.00) for the second or subsequent violation within a year.
  - (2) Subsection (c)(1) may not apply to any of the following:
    - a. The operator of an authorized emergency vehicle, when responding to an emergency call or when in the pursuit of an actual or suspected violator of the law or when responding to but not upon returning from a fire alarm.

- b. The operator of a vehicle of a public utility, as defined in Sec. 11.40(1)(a), Wis. Stats.
- c. The operator of a vehicle that is being used for advertising purposes.
- d. The operator of a vehicle that is being used in a community event or celebration, procession or assemblage.
- e. The activation of a theft alarm signal device.
- f. The operator of a motorcycle being operated outside of a business or residence district.

### **Sec. 10-1-45 Motorized Vehicles or Horses on Village Trails.**

- (a) No horses or motorized vehicles shall be permitted to use or cross any portion of a walking or bicycle trail that is situated in the Village of Wheeler.
- (b) No horses or motorized vehicles other than licensed snowmobiles shall be permitted to use or cross any portion of the snowmobile trails that are situated in the Village of Wheeler.

### **Sec. 10-1-46 Climbing on Motor Vehicles Prohibited.**

No person shall climb, lay or sit upon the motor vehicle of another person without permission from the owner or person in charge of such vehicle is parked or standing upon the public streets, public parking lots or other public area of the Village of Wheeler.

### **Secs. 10-1-47 through 10-1-49 Reserved for Future Use.**



## Article E: Enforcement and Penalties

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### Sec. 10-1-50 Penalties.

- (a) **Forfeiture Penalty.** The penalty for violation of any provision of this Chapter shall be a forfeiture as hereafter provided, together with court costs and fees prescribed by Sections 814.63(1) and (2) or 814.65(1), Wis. Stats., the penalty assessment for moving traffic violations and the driver improvement surcharge imposed by Sections 165.87 and 346.655, Wis. Stats., where applicable. Upon a conviction for violation of Section 10-1-1 adopting Sec. 346.63(1)(a) or (b), Wis. Stats., a court shall impose all actual costs chargeable to the Village of Wheeler as a disbursement, including, but not limited to, costs for the withdrawal or analysis of blood, breath, urine and, in all cases, actual costs of service of process. Payment of the judgment and applicable court costs, fees, assessments and surcharges may be suspended by the sentencing court for not more than sixty (60) days. Any person eighteen (18) years of age or older who shall fail to pay the amount of the forfeiture, court costs, any penalty assessment or driver surcharge or other penalty imposed for violation of any provision of this Chapter may, upon order of the court entering judgment therefor and having jurisdiction of the case, be imprisoned until such forfeiture, costs and assessment are paid, but not exceeding ninety (90) days.
- (b) **Other Sanctions.**
- (1) **By Court.** Nothing herein shall preclude or affect the power of the sentencing court to exercise additional authorities granted by the Wisconsin Statutes to suspend or revoke the operating privileges of the defendant, order the defendant to submit to assessment and rehabilitation programs or to attend traffic safety school in addition to payment of a monetary penalty or in lieu of imprisonment.
  - (2) **By Municipality.** No person who has been convicted of a violation of any provision of this Chapter shall be issued a license or permit by the Village of Wheeler, except a dog license, until the forfeiture imposed for such violation and any penalty assessment, court costs and fees or surcharge is paid.
  - (3) **Alcohol-Related Offenses.** Upon conviction of any alcohol-related offense for which the Village has expended funds or incurred expense for the withdrawal or testing of blood or urine, the cost of such service to the Village of Wheeler shall be added to any forfeiture, court costs, and fees imposed by the court.
- (c) **Forfeitures for Violation of Uniform Moving Traffic Regulations.** Forfeitures for violations of any moving traffic regulation set forth in the Wisconsin Statutes adopted by reference in Section 10-1-1 shall conform to the forfeiture penalty permitted to be imposed for violations of the comparable Wisconsin Statute, including any variations or increases for subsequent offenses; provided, however, that this Subsection shall not be construed to permit prosecution under this Chapter for any offense described in Chapters 341 to 350, Wis. Stats., for which an imprisonment penalty or fine may be imposed upon the defendant.

(d) **Forfeitures for Parking Violations.**

(1) **Forfeitures for Uniform Statewide Parking, Stopping and Standing Offenses.** Minimum and maximum forfeiture for violation of non-moving traffic violations adopted by reference in Section 10-1-1 as described in Chapter 341 to 350, Wis. Stats., shall be as found in the current edition of the Revised Uniform State Traffic Deposit Schedule.

(2) **Parking of Trucks.** Any person found to have violated Section 10-1-28 shall forfeit an amount not to exceed One Hundred Dollars (\$100.00) nor less than Twenty Dollars (\$20.00), plus costs and disbursements.

(3) **Snow Emergency Violations.** Any person found violating Section 10-1-31 forfeit an amount not to exceed One Hundred Dollars (\$100.00), nor less than Twenty Dollars (\$20.00), plus costs and disbursements, including any towing and storage charges.

(4) **Penalty for Other Parking Violations.** The penalty for all other parking violations, not included under Subsection (d)(1) above, subject to any exceptions listed below, shall be Five Dollars (\$5.00) if paid within the first five (5) days after issuance of the violations. Failure to pay the penalty within five (5) days after issuance of the violation causes the penalty to be increased to Ten Dollars (\$10.00). Failure to pay within ten (10) days shall increase the penalty to Twenty-five Dollars (\$25.00). A Twenty Dollar (\$20.00) penalty will be added on to any parking citation when a "Notice of Unpaid Citation" is sent to the Wisconsin Department of Transportation.

(e) **Other Violations.** Any person who shall violate any provision of this Chapter for which a penalty is not otherwise established by this Section shall be subject to a forfeiture of not less than Twenty-five Dollars (\$25.00) nor more than Two Hundred Dollars (\$200.00) for the first offense and not less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00) for the second offense within two (2) years.

## Sec. 10-1-51 Enforcement.

(a) **Enforcement Procedures.**

(1) **How Enforced.** This Chapter shall be enforced in accordance with the applicable provisions of the Wisconsin Statutes and this Section.

(2) **Applicable Court Procedures.** Except where otherwise specifically provided by the laws of the State of Wisconsin or this Code of Ordinances, the traffic regulations in this Code shall be enforced in accordance with the provisions of Sec. 345.20(2)(b) and Chapter 800, Wis. Stats.

(b) **Citations.**

(1) **Uniform Citation and Complaint.** The Wisconsin Uniform Traffic Citation and Complaint described and defined in the Wisconsin Statutes shall be used for enforcement of all provisions of this Chapter except those provisions which describe

or define non-moving traffic violations and violations of Sections 346.71 through 346.73, Wis. Stats. Violations of Sections 346.71 through 346.73, Wis. Stats., shall be reported to the District Attorney and the Wisconsin Uniform Traffic Citation shall not be used in such cases except upon written request of the District Attorney.

- (2) **Parking Citations.** The Village Attorney and law enforcement agency serving the Village shall recommend to the Village Board a citation for use in enforcing the non-moving traffic offenses in this Chapter. Such citation shall be used for enforcement of non-moving traffic regulations created or adopted by this Chapter, including violations of non-moving traffic regulations defined and described in the Wisconsin Statutes, adopted by reference in Section 10-1-1, and all provisions regarding non-moving traffic violations in this Chapter. The citation for non-moving traffic violations shall contain a notice that the person cited may discharge the forfeiture for violation of a non-moving traffic regulation and penalty thereof by complying with Subsection (c)(2) of this Section. Non-moving traffic citations may be issued by law enforcement officers or by civilian employees of the Village of Wheeler.
- (c) **Deposits and Stipulations.**
- (1) **Uniform Traffic Offenses.**
    - a. **Who May Make.** Persons arrested or cited for violation of moving traffic offenses created by this Chapter shall be permitted to make deposits and stipulations of no contest or released by the arresting officer in accordance with the applicable provisions of the Wisconsin Statutes. Stipulations of guilt or no contest may be made by persons arrested for violations of this Chapter in accordance with Sec. 66.12(1)(b), Wis. Stats., whenever the provisions of Sec. 345.27, Wis. Stats., are inapplicable to such violations. Stipulations shall conform to the form contained in the uniform traffic citation and complaint under Sec. 345.11, Wis. Stats.
    - b. **Delivery or Mailing of Deposit and Stipulation.** Any person stipulating guilt or no contest under the preceding Subsection must make the deposit required under Sec. 345.26, Wis. Stats., or, if the deposit is not established under such Statute, shall deposit a forfeited penalty as provided in the schedule approved by the Village Board. Deposits, including those for moving and nonmoving violations, shall be brought or mailed to the Clerk of Court as directed by the arresting officer; parking violations shall be brought to the Village Municipal Building.
  - (2) **Non-moving Traffic Offenses.**
    - a. **Direct Payment of Penalty Permitted.** Persons cited (summons not issued) for violation of non-moving traffic offenses described and defined in this Chapter may discharge the penalty thereof and avoid prosecution by mailing or forwarding within five (5) days of the issuance of the citation to the Village office the minimum forfeiture specified for the violation.
    - b. **Court Prosecution.** If the alleged violator does not deliver or mail a deposit as provided in Subsection a. within fifteen (15) days of the date of the citation, the

Village shall forward a copy of the citation to the Village Attorney for possible prosecution.

- c. **Registration Suspension.** If the alleged violator does not pay the forfeiture or appear in court in response to the citation for a non-moving traffic violation on the date specified in the citation or, if no date is specified on the citation, within twenty-eight (28) days after the citation is issued, the Village may ask the Wisconsin Department of Transportation to suspend the registration of the vehicle involved or refuse registration of any vehicle owned by the person pursuant to the provisions of Sec. 345.28(4), Wis. Stats., and Subsection (c)(3) below.
  - d. **Bond.** Any official authorized to accept deposits under Sec. 345.26, Wis. Stats., or this Section, shall qualify by taking the oath prescribed by Sec. 19.01, Wis. Stats.
- (3) **Notice of Demerit Points and Receipt.** Every officer accepting a forfeited penalty or money deposit under this Section shall receipt therefor as provided in Sec. 345.26(3)(b), Wis. Stats. Every officer accepting a stipulation under the provisions of this Section shall comply with the provisions of Sections 343.27, 343.28, 345.26(1)(a) and 345.27(2), Wis. Stats., and shall require the alleged violator to sign a statement of notice in substantially the form contained on the uniform traffic citation and complaint promulgated under Sec. 345.11, Wis. Stats.
- (4) **Registration Suspension Program.**
- a. The Village of Wheeler shall participate in the Wisconsin Department of Transportation Traffic Violation and Registration Program as set forth in Sec. 345.28, Wis. Stats., and TRANS 128, Wis. Adm. Code, and all amendments or changes thereto.
  - b. The Village Clerk-Treasurer is hereby designated as a delegated authority for purposes of Sections 85.13 and 345.28, Wis. Stats., and TRANS 128, Wis. Adm. Code. The Village Clerk-Treasurer is authorized to perform, on behalf of the Village of Wheeler, all functions required of a local authority under said Statutes and Code including, but not limited to:
    1. Preparing and completing all forms and notices, notifying the Wisconsin Department of Transportation of unpaid citations for non-moving traffic violations;
    2. Specifying whether the registration of vehicles involved in unpaid citations for non-moving traffic violations should be suspended and/or whether registration should be refused for any vehicle owned by persons with unpaid citations for non-moving traffic violations;
    3. Determining the method by which the Village will pay the Wisconsin Department of Transportation for administration of the program; establishing the effective date for participation;
    4. And taking such other action as is necessary to institute and continue participation in the Wisconsin Department of Transportation Traffic Violation and Registration Program.



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- c. The Village Clerk-Treasurer is hereby authorized to assign a member of the Village staff to perform such acts as are necessary to effectuate this Subsection.
  - d. In addition to all applicable fines and court costs, the cost of using the Wisconsin Department of Transportation Traffic Violation and Registration Program shall be assessed as permitted by Sec. 345.28(4)(d), Wis. Stats. The Village may refuse to notify the Wisconsin Department of Transportation of payment on a citation until all applicable fines and costs, including costs assessed under the preceding sentence, are paid.
  - e. This Subsection shall not be interpreted as requiring that all unpaid citations for non-moving traffic violations be processed through the Wisconsin Department of Transportation Traffic Violation and Registration Program. The Village's participation in such program shall be in addition to any and all other means legally available to enforce such citations.

***State Law Reference:*** Sec. 345.28, Wis. Stats.; Chapter TRANS 128, Wis. Adm. Code.



# Title 10 ▶ Chapter 2

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## Bicycles and Play Vehicles

10-2-1	Definitions
10-2-2	Lighting and Other Equipment
10-2-3	Rules of the Road
10-2-4	Regulation of Skateboards, Roller Skates, In-Line Skates, Rollerblades and Roller Skis
10-2-5	Use of Motor Assisted Scooters
10-2-6	General Bicycle Regulations
10-2-7	Bicycle Penalties
10-2-8	Play Vehicle Penalties

### Sec. 10-2-1 Definitions.

The following definitions shall be applicable in this Chapter:

- (a) **Bicycle.** Every device propelled by the feet acting upon pedals and having wheels, any two (2) of which are not less than twenty (20) inches in diameter.
- (b) **Bicycles' Lane.** That portion of a roadway set aside for exclusive use of bicycles and so designated by appropriate signs and markings by the responsible governing body.
- (c) **Bike Route.** An area, street or trail designated by the Village Board and identified by appropriate signs and markings.
- (d) **Bicycle Way.** Any path or sidewalk, or portion thereof, designated for the use of bicycles by the Village Board.
- (e) **Carrier.** Any device attached to a bicycle designed for carrying articles.
- (f) **In-Line Skates.** Skates with wheels arranged in a single line rather than in pairs.
- (g) **Play Vehicles.** Any coaster, skateboard, roller skates, sled, toboggan, in-line skates, roller skis, scooter, electric-driven scooter, unicycle or toy vehicle upon which a person may ride.
- (h) **Right-of-Way.** The right of one vehicle or pedestrian to proceed in a lawful manner in preference to another vehicle or pedestrian approaching under such circumstances of direction, speed and proximity as to give rise to danger of collision unless one grants precedence to the other.
- (i) **Roller Skates/Roller Blades.** A pair of shoes with a set of wheels attached for the purpose of moving by alternate action of the legs.



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- U) **Roller Skis.** A pair of narrow strips of wood, metal, or plastic curving upward in the front with a set of wheels attached for the purpose of moving by alternate action of the legs.
- (k) **Skate Board.** A toy consisting of a short, oblong board with a pair of wheels at each end, ridden in a standing position.

## Sec. 10-2-2 Lighting and Other Equipment.

No person shall operate a bicycle upon a highway unless equipped as required in Sec. 347.81, Wis. Stats.

## Sec. 10-2-3 Rules of the Road.

The provisions of Chs. 346 and 347, Wis. Stats., and applicable Village of Wheeler Ordinances shall govern the operation of bicycles where appropriate. Every person driving a bicycle upon a roadway shall be granted all the rights and shall be subject to all the duties applicable to the driver of a vehicle by the laws of the State declaring rules of the road applicable to vehicles or by the traffic ordinances of the Village applicable to the driver of the vehicle, except as to those provisions of laws and ordinances which by their nature can have no application.

## Sec. 10-2-4 Regulation of Skateboards, Roller Skates, In-Line Skates, Rollerblades and Roller Skis.

- (a) **State Laws Adopted.** Specifically adopted by reference are the following statutes regulating in-line skates and play vehicles, as amended:

349.235	Authority to Restrict Use of In-line Skates on Roadway
349.94	In-Line Skates on Roadway
340.01(24m)	Definition on "In-Line Skates"
340.02(43m)(b)	Play Vehicles Does Not Include In-Line Skates

- (b) **Use Regulated.** It shall be unlawful for any person in the Village of Wheeler to operate or ride a skateboard, roller skates, rollerblades, in-line skates, or roller skis ("play vehicles") in any of the following places:
  - (1) On any Village streets, except while crossing a roadway at a crosswalk.
  - (2) On any sidewalk in a business district. For purposes of this Section, a business district shall be defined as any area primarily commercial in nature.
  - (3) In any public parking ramp or parking lot.
  - (4) On private property, unless permission has been received from the owner, lessee or person in charge of that property.

- (c) **Yield to Pedestrians.** Operators or riders of skateboards, roller skates, roller skis, roller blades, in-line skates, or other play vehicles shall yield the right-of-way to other pedestrians using Village sidewalks, and shall not otherwise endanger or interfere with normal pedestrian traffic on those sidewalks.
- (d) **Play Vehicles Not to be Pulled by Moving Vehicles.** No person riding upon any coaster, roller skates, skateboard, roller skis, sled, toboggan, roller blades, in-line skates, or play vehicle shall attach the same or himself/herself to any vehicle upon a roadway.
- (e) **Traffic Law Compliance.** Any person riding on or propelling themselves by means or use of any skateboard, roller skates, rollerblades, in-line skates, roller skis or other similar device, on any street within the corporate limits of the Village of Wheeler shall obey all lawful traffic laws, rules and regulations.
- (f) **Improper Devices.** No persons shall erect, maintain or use any ramp, scaffold, jump or other device used for the purpose of skateboarding, roller skating, roller skiing, roller blading, in-line skating or using other like devices, except on private property with the consent of the owner.
- (g) **Penalty.** The penalty for violation of this Section shall be a forfeiture of not less than Five Dollars (\$5.00) nor more than Fifty Dollars (\$50.00) plus applicable court costs and assessments. Upon violation of this Section and upon issuance of a citation, law enforcement officers shall have the authority to confiscate the skateboard, roller skates, in-line skates, rollerblades, roller ski of any person found to be a minor and shall retain the same at the Police Department until the forfeiture is paid and further may require that the parent or legal guardian of said minor appear in person or contact the Police Department by other means before releasing the confiscated item to said minor.

## Sec. 10-2-5 Use of Motor Assisted Scooters.

- (a) **Definitions.** As used in this Section, "motor assisted scooter means a self-propelled device with:
  - (1) Two (2) wheels in tandem in contact with the ground during operation;
  - (2) A braking system capable of stopping the device under typical operating conditions;
  - (3) An electric motor not exceeding forty (40) cubic centimeters;
  - (4) An unoccupied weight of less than seventy-five (75) pounds;
  - (5) A deck designed to allow a person to stand or sit while operating the device; and
  - (6) The ability to be propelled by human power alone.
- (b) **Exception.** This Section does not include "personal assistive mobility devices" as defined in Section 340.01(15pm), Wis. Stats.
- (c) **Prohibition on Use in Certain Places.** No person may operate or ride a motor assisted scooter in any of the following places:
  - (1) On a public highway, street, road or alley;

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- (2) On any public property;
  - (3) On any designated bicycle path/way with the power unit in operation; or
  - (4) On any private property unless written permission has been received from the owner, lessee or person in charge of that property. Written permission must be carried with the person operating the motor assisted scooter on that property during such use.
- (d) **Sidewalk Use Limited.** It shall be unlawful for operators of motor assisted scooters to use Village-owned sidewalks with the power unit in operation.
- (e) **Crosswalk Exception.** This Section shall not apply to or restrict a person from riding upon a motor assisted scooter while crossing a roadway at a crosswalk.

## Sec. 10-2-6 General Bicycle Regulations.

- (a) **Parental Responsibility.** No parent or guardian of any child shall authorize or knowingly permit such child to violate any of the provisions of Sections 10-2-3, 10-2-4 and this Section.
- (b) **Street Operation.**
- (1) Unless preparing to make a left turn, every person operating a bicycle upon a roadway carrying two-way traffic shall ride as near as possible to the right edge of the unobstructed traveled roadway. On one-way roadways, the operator of the bicycle shall ride as near as possible to the right edge or left edge of the unobstructed traveled roadway. Every person operating a bicycle upon a roadway shall exercise due care when passing a standing vehicle or one proceeding in the same direction, allowing a minimum of three (3) feet between his bicycle and the vehicle.
  - (2) Every person when operating a bicycle upon a roadway shall ride such bicycle in single file.
  - (3) It shall be unlawful for any person riding upon a bicycle to cling to or attach himself/herself or the bicycle to any other moving vehicle upon a street or highway, nor shall the operator of any such bicycle tow or draw any coaster wagon, sled, person on roller skates, skateboards, roller blades, roller skis, toy vehicles or any other similar vehicle on such highways and sidewalks.
  - (4) No bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped. Infant seats are permitted if securely attached to the frame at the top mount and to the axle and frame at the rear bottom mount and if provided with hand holds, foot rests, foot guards and safety belt. The use of a back pack for carrying an infant is permitted. Persons are not permitted to be located on a bicycle in front of the operator of the bicycle.
  - (5) No person operating a bicycle shall carry any package, bundle or article which prevents the safe operation of the bicycle with at least one hand on the handlebars at all times.

- (6) No rider of a bicycle shall remove both hands from the handlebars or feet from the pedals, or practice any acrobatic or fancy riding on any street. No person shall operate a bicycle upon the streets and sidewalks of the Village of Wheeler without having manual control of the handlebars or operate a bicycle in any other manner which necessitates the element of unusual extraordinary skill and involves unnecessary risk.
  - (7) Whenever a usable path for bicycles has been provided adjacent to a roadway, bicycle riders shall use such path and shall not use the roadway.
  - (8) No person may operate a bicycle or moped upon a roadway where a sign is erected indicating that bicycle riding is prohibited.
- (c) **Bicycle Parking.** No bicycle shall be parked upon any street or public way except in an upright position in bicycle stalls, which are provided therefor. Until such time as sufficient stalls are provided to meet the demand therefor, which determination shall be made by the Police Department, bicycles may be parked in an upright position, parallel to the curb line. No person shall leave a bicycle at such a place or in such a way as to create a hazard to pedestrians, automobile operators or to anyone else.
- (d) **Required Equipment.**
- (1) Every bicycle, when operated upon a highway, shall be equipped with a brake adequate to control the movement of and to stop such vehicle whenever necessary. Such brake shall be maintained in good working order at all times.
  - (2) Every bicycle, when operated upon a highway, shall be equipped with a horn or bell in good working order, capable of emitting sound audible under normal conditions for a distance of not less than one hundred (100) feet, and it shall be unlawful for any bicycle to be equipped with a siren or whistle, or to use any such bell or horn otherwise than as a reasonable warning to other users of the highway.
- (e) **Bicycles Not to be Pulled by Moving Vehicles.** No person riding upon a bicycle shall cling or attach himself/herself or his/her bicycle to any other moving vehicle upon a street or highway, nor shall the operator of any such bicycle tow or draw any coaster wagon, sled, person on roller skates, toy vehicles or any other similar vehicle on such highway.
- (f) **Speed.** No person shall operate a bicycle at a speed greater than is reasonable and prudent under existing conditions or in excess of any posted speed limit.
- (g) **Operation on Sidewalks.**
- (1) Bicycles are allowed to be operated on the sidewalks in the Village of Wheeler but operators shall yield to pedestrians at all times.
  - (2) This prohibition shall not apply to training bicycles with wheels sized twenty (20) inches or under, except that this exception shall not apply to bicycles designed or modified to BMX specifications.
- (h) **Bicycle Operation While Hearing Obstructed.** No person may operate a bicycle upon a highway while such operator is using any audio device attached directly to ear or ears of such operator that materially impairs the ability of such operator to hear traffic signals or warnings.



- (i) **Mopeds Prohibited on Bicycle Ways.** No person may ride a moped or motor bicycle with the power unit in operation upon a bicycle trail.
- U) **Riding Bicycle on Bicycle Lanes.**
  - (1) Unless two-way traffic is authorized by the Village Board on any portion of a roadway which it has set aside as a bicycle lane and appropriate traffic signs are installed, every person operating a bicycle upon a bicycle lane shall ride in the same direction in which vehicular traffic on the lane of the roadway nearest the bicycle lane is traveling.
  - (2)
    - a. Unless otherwise provided under Subsection (k)(2)b below, a person operating a bicycle may enter or leave a bicycle lane only at intersections or at driveways adjoining the bicycle lane.
    - b. A person may leave a bicycle at any point by dismounting from the bicycle and walking it out of the lane. A person may enter a bicycle lane at any point by walking his/her bicycle into the lane and then mounting it.
  - (3) Every person operating a bicycle upon a bicycle lane shall exercise due care and give an audible signal when passing a bicycle rider proceeding in the same direction.
  - (4) Every operator of a bicycle entering a bicycle lane shall yield the right-of-way to all bicycles in the bicycle lane. Upon leaving a bicycle lane, the operator of a bicycle shall yield the right-of-way to all vehicles and pedestrians.
- (k) **Riding Bicycle on Bicycle Way.**
  - (1) Every person operating a bicycle upon a bicycle way shall:
    - a. Exercise due care and give an audible signal when passing a bicycle rider or a pedestrian proceeding in the same direction.
    - b. Obey each traffic signal or sign facing a roadway which runs parallel and adjacent to a bicycle way.
  - (2) Every person operating a bicycle upon a bicycle way open to two-way traffic shall ride on the right side of the bicycle way.
  - (3) Every operator of a bicycle entering a bicycle way shall yield the right-of-way to all bicycles and pedestrians in the bicycle way.
- (1) **Yield to Pedestrians.** Operators or riders of skateboards, roller skates, roller skis, or other play vehicles shall yield the right-of-way to other pedestrians using Village sidewalks, and shall not otherwise endanger or interfere with normal pedestrian traffic on those sidewalks.

## **Sec. 10-2-7 Bicycle Penalties.**

The following penalties shall be applicable for bicycle violations:

- (a) Any person sixteen (16) years of age or older who shall violate any provision of this Chapter may be issued a Uniform Traffic Citation and be subject to the penalties provided by the Uniform State Traffic Deposit Schedule.

- (b) Any person fourteen (14) years of age through fifteen (15) years of age who shall violate any provisions of this Chapter may be issued a citation and be subject to the penalties provided by the Deposit Schedule and, upon conviction thereof, may be required to forfeit not more than Twenty-five Dollars (\$25.00), together with the cost of the prosecution and, in default of such payment, the Court may suspend the child's operating privileges, as defined in Sec. 340.01, Wis. Stats., for not less than thirty (30) days nor more than ninety (90) days.
- (c) Any person under fourteen (14) years of age who shall violate any provision of this Chapter may be issued a special Bicycle Violation Warning Notice along with the following additional actions:
  - (1) First to third offense in one (1) year: A warning letter sent to the parent or guardian.
  - (2) Fourth and subsequent offense in the same year: Referral to the Juvenile Court System.
- (d) All violations shall be determined based on the preceding twelve (12) month period to establish which violation has occurred.
- (e) Any parent or guardian of any child who authorizes or knowingly permits such child to violate any of the provisions of this Chapter may be subject to the provisions of Sections 346.77 and 346.82(1), Wis. Stats.

### **Sec. 10-2-8 Play Vehicle Penalties.**

The following penalties shall be applicable for play vehicle violations:

- (a) Any person fourteen (14) years of age and over who shall violate any provisions of this Chapter may be issued a citation and be subject to the penalties provided by the deposit schedule and, upon conviction thereof, may be required to forfeit not more than Twenty-five Dollars (\$25.00), together with the costs of prosecution.
- (b) Any person under fourteen (14) years of age who shall violate any provisions of this Chapter may receive an officer's report warning notice along with the following additional actions:
  - (1) First offense in one (1) year: a warning letter sent to the parent or guardian.
  - (2) Second or third offense in the same year: the play vehicle may be impounded by law enforcement authorities.
  - (3) Fourth and subsequent offense in the same year: mandatory referral to the Juvenile Court System.
- (c) Any parent or guardian of any child who authorizes or knowingly permits such child to violate any of the provisions of this Chapter may be subject to the provisions of Secs. 346.77 and 346.82(1), Wis. Stats.



## Title 10 ► Chapter 3

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# Snowmobiles

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

### **Sec. 10-3-1 State Snowmobile Laws Adopted.**

Except as otherwise specifically provided in this Chapter, the statutory provisions describing and defining regulations with respect to snowmobiles in the following enumerated sections of the Wisconsin Statutes are hereby adopted by reference and made part of this Chapter as if fully set forth herein. Acts required to be performed or prohibited by such statutes are required or prohibited by this Chapter. Any future amendments, revisions or modifications of the Statutes incorporated herein by reference are intended to be made part of this Code of Ordinances:

350.01	Definitions
350.02	Operation of Snowmobiles on or in the Vicinity of Highways
350.03	Right-of-Way
350.04	Snowmobile Races, Derbies and Routes
350.045	Public Utility Exemption
350.047	Local Utility Exemption
350.05	Operation by Youthful Operators Restricted
350.055	Safety Certification Program Established
350.06	Firearms and Bows
350.07	Driving Animals
350.08	Owner Permitting Operation

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- 350.09 Head Lamps, Tail Lamps and Brakes, Etc.
- 350.10 Miscellaneous Provisions for Snowmobile Operation
- 350.101 Intoxicated Snowmobiling
- 350.102 Preliminary Breath Screening
- 350.1025 Application of Intoxicated Snowmobiling Law
- 350.103 Implied Consent
- 350.104 Chemical Tests
- 350.106 Report Arrest to Department
- 350.107 Officer's Action after Arrest for Operating a Snowmobile
  - While Under the Influence of an Intoxicant
- 350.108 Public Education Program
- 350.12 Registration of Snowmobiles
- 350.125 Completion of Application for Registration by
  - Snowmobile Dealers
- 350.13 Uniform Trail Signs and Standards
- 350.135 Interference With Uniform Trail Signs and Standards
- 350.15 Accidents and Accident Reports
- 350.155 Coroners and Medical Examiners to Report; Require
  - Blood Specimen
- 350.17 Enforcement
- 350.18 Local Ordinances
- 350.19 Liability of Landowners
- 350.99 Parties to a Violation

**Sec. 10-3-2 Applicability of Traffic Regulations to Snowmobiles.**

No person shall operate a snowmobile upon any street, highway or alley within the Village of Wheeler in violation of the traffic regulation provisions of Sections 346.04, 346.06, 346.11, 346.14(1), 346.18, 346.19, 346.20, 346.21, 346.26, 346.27, 346.33, 346.35, 346.37, 346.39, 346.40, 346.44, 346.46, 346.47, 346.48, 346.50(1)(b), 346.51, 346.52, 346.53, 346.54, 346.55, 346.87, 346.88, 346.89, 346.90, 346.91, 346.92(1) and 346.94(1), (6), (6m) and (9), Wis. Stats.

**Sec. 10-3-3 Unattended Vehicles.**

No person shall leave or allow a snowmobile owned or operated by him/her to remain unattended on any public highway or public property while the motor is running or with the starting key left in the ignition.

### Sec. 10-3-4 Operation on Sidewalks Prohibited.

No person shall operate a snowmobile upon any sidewalk, pedestrian way or upon the area between the sidewalk and the curb line of any street in the Village of Wheeler, except as specifically authorized by Section 10-3-8 or for the purpose of crossing to obtain immediate access to an authorized area of operation.

### Sec. 10-3-5 Speed; Hours of Operation; Unattended Snowmobiles.

- (a) **Speed.** The speed of a snowmobile must be reasonable and prudent determined by existing conditions and shall at no time exceed fifteen (15) miles per hour within the Village limits while on the routes established. No person shall operate a snowmobile on any trail designated in Section 10-3-8 of this Chapter or in any public park or recreation area at a speed in excess of the posted limit.
- (b) **Intersections.** Snowmobiles using Village streets as routes shall stop at every intersection and yield the right-of-way to all other vehicular traffic and pedestrians.
- (c) **Hours of Operation.** No person shall operate a snowmobile in the Village of Wheeler between 2:00 a.m. and 6:00 a.m. except upon a public highway as authorized by State statutes and this Section or for the purpose of gaining access to or leaving such highway or snowmobile route; provided residents outside the Village limits and nonresidents within the Village limits may make one (1) ingress or egress trip during the prohibited hours.
- (d) **Parking.** Parking of snowmobiles or all-terrain vehicles on the streets of the Village of Wheeler is prohibited except that parking of snowmobiles or all-terrain vehicles out of the traffic lanes will be permitted on the snowmobile or all-terrain vehicle route portion.
- (e) **Travel.** Snowmobiles will operate on the right hand side of the street or thoroughfare, making a full stop before crossing over an intersecting street, highway, or thoroughfare, and yielding the right of way at all times. Snowmobiles will travel in single file.
- (f) **Prohibited Areas of Operation.** No person shall operate a snowmobile within the Village limits of the Village of Wheeler, contrary to the following prohibitions:
  - (1) On any private property marked or signed prohibiting use by snowmobiles.
  - (2) Within fifty (50) feet of any dwelling or residential structure, except for the purpose of removing and returning a snowmobile to its place of storage and except when on a designated trail or authorized snowmobile access to a residence.
  - (3) On the following public ways, except to cross perpendicularly:
    - a. All sidewalks.
    - b. All alleys except on officially designated routes.
    - c. All boulevards/terraces.
    - d. All streets except on officially designated routes or accessing a residence as authorized by this Chapter.
  - (4) In all Village of Wheeler parks except on marked snowmobile trails.

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- (g) **Restriction on Equipment.** No snowmobile or other vehicle operating on the snowmobile route shall be allowed if it has an expansion chamber or any muffler other than the type and size provided by the manufacturer. Each snowmobile must display a lighted headlight and taillight at all times and said lights must conform to the requirements of Sec. 350.09, Wis. Stats.
- (h) **Firearms and Bows.** No person shall operate or ride in any snowmobile with any firearm in his/her possession unless it is in compliance with state law.
- (i) **Driving Animals.** No person shall drive or pursue any animal with a snowmobile, except as a part of normal farming operations involving the driving of livestock.

*State Law Reference:* Sec. 350.07, Wis. Stats.

## Sec. 10-3-6 Restrictions on Operators.

- (a) **Restrictions on Juvenile Operators.**
  - (1) **Age Restriction.** No person under the age of twelve (12) years may operate a snowmobile unless the person is accompanied either by a parent or guardian or by a person over eighteen (18) years of age.
  - (2) **Snowmobile Safety Permit or Operator's License Required.** No person over the age of twelve (12) years but under the age of sixteen (16) years may operate a snowmobile unless he/she holds a valid snowmobile safety certificate or is accompanied by a person over eighteen (18) years of age or by a person over fourteen (14) years of age having a snowmobile safety certificate issued by the State of Wisconsin. Any person who is over the age of twelve (12) and under the age of sixteen (16) who holds a snowmobile safety certificate shall carry it while operating a snowmobile and shall display it to a law enforcement officer on request. Persons enrolled in a safety certification program approved by the State of Wisconsin may operate a snowmobile in an area designated by the instructor.
  - (3) **Exceptions.** This Subsection does not apply to the operation of snowmobiles by an operator under the age of sixteen (16) years upon lands owned or leased by the operator's parent or guardian. As used in this Subsection, "leased lands" does not include land leased by an organization of which said operator or the operator's parent or guardian is a member.
  - (4) **Definition.** For purposes of this Section, "accompanied" means being on the same snowmobile as the operator.
- (b) **Valid License Required.** Except as provided in Subsection (a) above, no person shall operate any snowmobile upon any street, alley or other public right-of-way in the Village of Wheeler unless such person shall have a valid motor vehicle operator's license or unless such operator is accompanied by a person who has a valid motor vehicle operator's license and who is occupying a seat on the vehicle.

- (c) **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 an intoxicant or a dangerous narcotic drug.
- (d) **Operation While Under Influence Prohibited.** Section 346.63, Wis. Stats., shall apply to the operation of a snowmobile any place within the Village of Wheeler.

### **Sec. 10-3-7 Accidents and Accident Reports.**

- (a) If he/she can do so without serious danger to his/her own snowmobile or to persons on board, the operator of a snowmobile involved in a snowmobile accident within the Village of Wheeler shall stop his/her snowmobile and shall render to other persons affected thereby such assistance as may be practicable and necessary to save them from or minimize any danger caused by the accident and shall give his/her name and address and identification of his/her snowmobile to any person injured and to the owner of any property damaged in the accident.
- (b) If the snowmobile accident results in death or injury to any person or total property damage in excess of Two Hundred Dollars (\$200.00), every operator of a snowmobile involved in such accident shall, as soon as possible, notify the Sheriffs Department of the accident and shall, within ten (10) days after the accident, file a written report thereof with the Department on forms prescribed by it.
- (c) If the operator of a snowmobile is physically incapable of making the report required by this Section and there was another occupant on the snowmobile at the time of the accident capable of making the report, he/she shall make such report.
- (d) "Snowmobile Accident" means a collision, accident or other casualty involving a snowmobile.

### **Sec. 10-3-8 Snowmobile Routes and Trails Designated.**

- (a) **Use of Public Property Restricted; Routes.**
  - (1) Except as provided in Sections 350.02 and 350.045, Wis. Stats., or for a snowmobile event authorized in accordance with Sec. 350.04, Wis. Stats., no person shall operate a snowmobile, unless expressly authorized, upon any public right-of-way, in any public park or on any other public municipal property in the Village of Wheeler except upon trail routes designated by resolution of the Village Board.
  - (2) It shall be unlawful to use any streets or alleys, whether snowmobile trails or not, for recreational or pleasure riding.
  - (3) All persons using snowmobiles on the routes designated shall obey all markers or limitations indicated by trail signs or directions thereon, which are erected in accordance with the terms of this Chapter.



- (b) **Operation on Private Premises Restricted.** No person shall operate a snowmobile or all-terrain vehicle on any private property not owned or controlled by him/her within the Village of Wheeler without the express consent or permission of the owner of said property.
- (c) **Trail Markers.** Area snowmobile organizations, in cooperation with the Village Board, are directed and authorized to procure, erect and maintain appropriate snowmobile route, trail and limit signs and markers as approved by the Wisconsin Department of Natural Resources under Sec. 350.13, Wis. Stats.
- (d) **Snowmobiles and All-Terrain Vehicle Routes Designated.** The Village Board may, by resolution, designate snowmobile routes/trails within the Village of Wheeler.
- (e) **Markers to be Obeyed.** No person shall fail to obey any route or trail sign, marker or limit erected in accordance with this Section.
- (f) **Rules of Operation.** Snowmobiles operated on designated snowmobile routes over public highways shall observe the rules of the road for motor vehicles set forth in Chapter 346, Wis. Stats., and Title 10 of this Code of Ordinances, which is hereby adopted by reference and made part of this Chapter as if fully set forth herein. Any act required to be performed or prohibited by such laws is required or prohibited by this Section.
- (g) **Snowmobile Access from a Residence or Lodging Establishment to a Snowmobile Route.**
  - (1) **Intent.** The intent of this Subsection is to provide a means for actual residents to travel from a residence or lodging establishment within the limits of the Village of Wheeler, for the shortest distance that is necessary for a resident to operate a snowmobile to the snowmobile route or trail that is closest to that residence or lodging establishment.
  - (2) **Statutory Authority.** This Subsection is adopted as authorized under Sec. 350.18(3)(a), Wis. Stats.
  - (3) **Designated Roadways and/or Highways.** This Subsection shall allow the operation on the right-hand side of any roadway or the right shoulder of any highway in the Village on designated streets/routes pursuant to Subsection (a).
  - (4) **Speed.** A snowmobile operated on a portion of the roadway or shoulder pursuant to this Subsection shall observe roadway speed limits.
  - (5) **Penalties.** Wisconsin state snowmobile penalties as found in Sec. 350.11(1)(a), Wis. Stats., are adopted by reference.
- (h) **Declaring Trails Closed.** Due to weather conditions or an emergency, the Village President may declare snowmobile trails closed within the Village of Wheeler.

*Cross Reference:* Section 10-4-2.

## **Sec. 10-3-9 Penalty.**

Except as provided in Subsection (b) below, any person who shall violate any provision of this Chapter shall, upon conviction thereof, forfeit not less than Thirty Dollars (\$30.00) and not more

than Five Hundred Dollars (\$500.00), together with the costs of prosecution, and, in default of payment thereof, may be imprisoned in the county jail for a period not exceeding ten (10) days, provided no person shall forfeit an amount in excess of the maximum fine or forfeiture allowed in the Wisconsin Statutes for the same offense and further provided that the penalty and forfeiture for parking violations on highways shall be the amount applicable to such violations by owners or operators of motor vehicles under Title 10, Chapter 1, of this Code of Ordinances.

### **Sec. 10-3-10 Enforcement.**

- (a) **Uniform Citation for Highway Violations.** The uniform traffic citation promulgated under Sec. 345.11, Wis. Stats., shall be used for violations of this Chapter relating to highway use except as herein provided.
- (b) **Parking Violations.** The special traffic citation described and defined in Title 10, Chapter 1, of this Code of Ordinances shall be used for enforcement of violations of rules of the road relating to parking of vehicles adopted by reference in Section 10-3-1 of this Chapter.
- (c) **Other Violations.** All violations of this Chapter not described in Subsections (a) or (b) shall be enforced in accordance with Secs. 66.0111 and 66.0114, Wis. Stats. Stipulations of guilt or no contest may be made as provided in Sec. 66.0114, Wis. Stats., in substantially the form provided in the uniform traffic citation within five (5) days of the date of the citation for such violation. Bail deposits may also be made under Sec. 66.0114, Wis. Stats.
- (d) **Police Department to Receive Stipulations and Penalties.** Stipulations, forfeited penalties and deposits for obtaining release from arrest authorized under this Chapter may be accepted at the Police Department office.
- (e) **Forfeited Penalties and Deposits.** Except as otherwise provided in Sec. 345.26, Wis. Stats., and the deposit schedule adopted by the State Board of Circuit Court Judges thereunder, required penalties and deposits or bail not including costs or fees for violation of this Chapter shall be as established by the schedule adopted by the Village Board.



## Title 10 ► Chapter 4

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# All-Terrain Vehicles and Utility Terrain Vehicles

<b>10-4-1</b>	State All-Terrain Vehicle Laws Adopted; Definitions
<b>10-4-2</b>	General ATV and UTV Use Regulations
<b>10-4-3</b>	Miscellaneous ATV/UTV Regulations; ATV/UTV Routes
<b>10-4-4</b>	Unauthorized Off-Road Operation of Motor Vehicles on Public or Private Property

### Sec. 10-4-1 State All-Terrain Vehicle Laws Adopted.

- (a) **Adoption of Statutory Provisions.** The provisions describing and defining regulations with respect to all-terrain vehicles (ATVs) and utility terrain vehicles (UTVs) in the following-enumerated Subsections of Sec. 23.33, Wis. Stats., and any future amendments or revisions, are hereby adopted by reference and made part of this Section as if fully set forth herein. Any acts required to be performed by the following Statutory Subsections or which are prohibited by such Statutory Subsections are required to be performed by this Section or are prohibited by this Section:

23.33(1)	Definitions
23.33(1m)	Utility Terrain Vehicle Program
23.33(2)	Registration
23.33(2j)	Non-Resident Trail Passes
23.33(2k)	Weekend Exemption
23.33(2m)	Rental of All-Terrain Vehicles and Utility Terrain Vehicles
23.33(3)	Rules of Operation
23.33(3c)	Firearms
23.33(3g)	Use of Headgear
23.33(4)	Operation On or Near highway
23.33(4c) through 23.33(4z)	Intoxicated Operation of an All-Terrain Vehicle or Utility Terrain Vehicle and Related Laws
23.33(5)	Age Restrictions
23.33(6)	Equipment Requirements
23.33(6m)	Noise Limits

23.33(7)	Accidents
23.33(8)(f)	Interference With Signs and Standards Prohibited
23.33(12)(b)	Refusal to Stop for Law Enforcement Officer
23.33(13)	Penalties [subsections (a) - (b)l and (b)4, (bg), (e), and (f)]

(b) **Definitions.** The following definitions shall be applicable in this Chapter:

- (1) **All-Terrain Vehicle.** An engine-driven device which has a net weight of nine hundred (900) pounds or less, which is originally manufactured with a width of fifty (50) inches or less, which is equipped with a seat designated to be straddled by the operator and which is designed by the manufacturer to travel on three (3) or more low-pressure tires. [Sec. 340.01(2g), Wis. Stats.]
- (2) **Snow Removal Device.** An attachment designed and installed for the purpose of removing snow, such as a plow blade, blower, bucket or brush.
- (3) **Utility Terrain Vehicle (UTV).** Means any of the following:
  - a. A 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:
    1. A net weight of less than two thousand (2,000) pounds.
    2. Four (4) or more low-pressure tires.
    3. A cargo box installed by the manufacturer.
    4. A steering wheel.
    5. A tail light.
    6. A brake light.
    7. Two (2) headlights.
    8. A width of not more than sixty-five (65) inches.
    9. Seats for at least two (2) occupants, all of which seating is designed not to be straddled.
    10. A system of seat belts, or a similar system, for restraining each occupant of the device in the event of an accident.
    11. 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.
  - b. A motor driven device that has a net weight of more than nine hundred (900) pounds, that is originally manufactured with a width of fifty (50) inches or less, that is equipped with a seat designed to be straddled by the operator, and that is designed by the manufacturer to travel on three (3) or more low-pressure tires. [See Sec. 23.33(ng), Wis. Stats.]

## Sec. 10-4-2 General ATV and UTV Use Regulations.

### (a) Operation on Designated Routes; Exception for Municipal Vehicles.

- (1) All-terrain and utility terrain vehicles may be operated in the Village of Wheeler on any public streets and on routes/trails designated by the Village Board in Section 10-4-3(c).
- (2) All-terrain and utility terrain vehicle routes within the Village of Wheeler shall be marked by uniform marking signs which conform with regulations of the Wisconsin Department of Transportation (WisDOT) and Wisconsin Department of Natural Resources (WisDNR).

### (b) Snow Removal Exception. For the sole purpose of snow removal, an all-terrain or utility terrain vehicle, with a snow removal device attached, may be operated on a public sidewalk, street, or alley, when all of the following provisions are complied with:

- (1) The operator is actively engaged in snow removal activity on the property, or is enroute to or from the property, and not exceeding five (5) m.p.h while on the sidewalk, street, or alley.
- (2) The operator shall follow the shortest and most direct route to the property at which snow removal activities will be conducted.
- (3) The operator of the all-terrain or utility terrain vehicle is sixteen (16) years of age or older and has a valid driver's license.
- (4) The ATV's/UTV's headlights are on at all times and not obstructed by the attached snow removal device.
- (5) The operator of the all-terrain or utility terrain vehicle yields the right of way to any pedestrian, bicyclist or motor vehicle approaching on a street, sidewalk, or alley.
- (6) The manner of snow removal is consistent with Village ordinances.

### (c) Rules of the Road. Except as otherwise provided in Section 23.33, Wis. Stats., and herein, all-terrain vehicles and utility terrain vehicles shall follow the State of Wisconsin rules of the road that are applicable to automobiles.

### (d) Yield to Traffic and Pedestrians. All all-terrain and utility terrain vehicles shall yield to all vehicular traffic and pedestrian movement.

## Sec. 10-4-3 Miscellaneous ATV/UTV Regulations; ATV/UTV Routes.

### (a) Conditions of Operation. The following conditions of operation shall apply to all operators and passengers of all-terrain and utility terrain vehicles:

- (1) **Speed; Hours.** No person shall operate an all-terrain or utility terrain vehicle within the Village of Wheeler, including on private property, at a speed in excess of fifteen (15) m.p.h., on any type of designated route or public way, including road shoulders, designated as a part of a designated route or when within one hundred fifty (150) feet of a dwelling. An ATV/UTV may only be operated in the Village of Wheeler between sunrise and 10:00 p.m.

- (2) **Restrictions on Equipment.** No all-terrain or utility terrain vehicle may be operated within the Village of Wheeler unless it complies with all noise, registration, and other equipment standards as established in the Wisconsin Statutes, Wisconsin Administrative Code, or this Code of Ordinances.
  - (3) **Headlight/Taillight and Trailer Requirements.**
    - a. Every all-terrain and utility terrain vehicle operating within the Village of Wheeler shall display a lighted headlight and taillight at all times, and said lights shall conform to applicable standards.
    - b. Headlights shall be of a white or clear light and be capable of illuminating the road ahead during the hours of darkness and be observed at a distance of five hundred (500) feet. Headlights shall be properly adjusted so as to not interfere with the operation of other vehicles on the roadway.
    - c. Taillights shall be red in color and be observable to a distance of five hundred (500) feet at night.
    - d. If a trailer is towed behind an all-terrain or utility terrain vehicle, the trailer shall conform with all lighting requirements applicable to an all-terrain or utility terrain vehicle.
  - (4) **Operations Restrictions.** If the Village Board does designate by resolution a street, public right-of-way or public lands, or portion thereof, as an official designated route, all-terrain and utility terrain vehicles operating on Village of Wheeler streets, roads, and other public property shall comply with the following:
    - a. All-terrain and utility terrain vehicles shall be operated on the extreme right side of the roadway and travel with the flow of traffic.
    - b. All-terrain and utility terrain vehicles shall be operated in single-file, with headlights and taillights in operation at all times.
    - c. All-terrain and utility terrain vehicle operators shall yield the right-of-way to all other vehicular traffic and pedestrians.
    - d. No racing-type all-terrain or utility terrain vehicles, all-terrain or utility terrain vehicle conversions, or converted drive trains will be allowed on Village streets or public ways.
- (b) **Licensed Operator Requirements.** Operation of an all-terrain or utility terrain vehicle on a Village street or public way by unlicensed or youth operators shall be governed by the restrictions of Section 23.35(5), Wis. Stats. No person who is not lawfully licensed, or under a current driver's license suspension, revocation or cancellation for any reason, may operate a all-terrain and utility terrain vehicle upon a public street or public way in the Village of Wheeler.
- (c) **Routes.**
- (1) **Routes/Trails Designated.**
    - a. Pursuant to Sec. 23.33(8)(b), Wis. Stats., the Village Board designates all public streets in the Village of Wheeler as authorized all-terrain and utility terrain

vehicle routes and the Village Board may, in addition, also designate by resolution non-public street trails and routes. Such resolution is hereby incorporated herein by reference.

- b. Except as provided in this Section and the Wisconsin Statutes, or unless operating on a Village-designated route/trail, no person shall operate an all-terrain or utility terrain vehicle upon any public right-of-way, public park or cemetery, on any other public property in the Village, or on private property without the owner's express permission except upon routes and trails designated by the Village Board as all-terrain or utility terrain vehicle routes/trails.

(2) **Operation Prohibited Areas.**

- a. No person may operate an all-terrain or utility terrain vehicle in the following public areas of the Village of Wheeler, unless a part of a Village designated trail or authorization is first obtained from the Village Board; Village-owned property need not be posted regarding this regulation:
  1. Any Village of Wheeler parks.
  2. Any Village of Wheeler cemeteries.
  3. Any property owned or leased by the Village of Wheeler.
- b. It is the responsibility of all-terrain and utility terrain vehicle operators to know whether they are operating on public or private property.

(d) **Route Markers.**

- (1) **Erection of Trail Markers.** The Department of Public Works is directed and authorized to procure, erect and maintain appropriate route, trail, and/or speed limit signs and markers as required by the Wisconsin Statutes and NR 64.12, Wis. Adm. Code. The Department of Public Works may request the assistance of all-terrain/utility terrain vehicle organizations in satisfying this requirement.
- (2) **Trail Status/Closure.** The Village President shall have the authority to declare designated all-terrain and/or utility terrain vehicle routes and trails open or closed. Such closure and openings information shall be posted by the Village of Wheeler.
- (3) **Signs and Markers to be Obeyed.** No person shall fail to obey any route or trail sign, marker or speed limit or other control device erected in accordance with this Section or traffic sign or signal under authority of the Wisconsin Statutes.

## **Sec. 10-4-4 Unauthorized Off-Road Operation of Motor Vehicles on Public or Private Property.**

(a) **Purpose.**

- (1) The unauthorized off-road operation of motor vehicles within the Village of Wheeler can result in serious damage to public and private lands including damage or destruction of vegetation, animal life and improvements on the lands; and



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- (2) The unauthorized off-road operation of motor vehicles can result in the permanent scarring of land and an increase in erosion, noise pollution and air pollution; and
  - (3) The unauthorized off-road operation of motor vehicles can result in collisions or near collisions threatening the life and safety of the operators of such vehicles as well as of other persons and personal property; and
  - (4) The unauthorized off-road operation of motor vehicles can result in a loss of the privacy, quietude and serenity to which the owners and users of land, and their neighbors, are rightfully entitled.
- (b) **Definitions.** For purposes of this Section, the terms below shall be defined as follows:
- (1) **Unauthorized.** Without the express prior consent of the owner, lessee, manager or other person authorized to give consent by the owner or lessee of land. Authorization shall not be implied from a failure to post private or public land.
  - (2) **Off-Road.** Any location which:
    - a. Is not a paved or maintained as a public street or alley; or
    - b. Is not used or maintained by the owner or lessee of land as a driveway, parking lot or other way for motor vehicles; or
    - c. Is a private trail for use only by the owner or his/her permittees for recreational or other vehicular use. "Off-road" shall not include any creekbed, riverbed or lake provided, however, that this Subsection shall not apply to snowmobiles or other vehicles being operated on the ice covering such creekbed, riverbed or lake.
  - (3) **Operation.** The physical manipulation or activation of any of the controls of a motorized vehicle necessary to put it in motion.
  - (4) **Motor Vehicle.** For purposes of this Section, any vehicle which is self-propelled and shall include, but not be limited to, automobiles, trucks, jeeps, vans, motorcycles, motorbikes, go-karts, utility terrain vehicles, all-terrain vehicles, mopeds, snowmobiles, and dune buggies. "Motor vehicle" shall not mean any airplane, railroad train, boat, assisted mobility device, or bicycle. A vehicle which would otherwise be defined as a motor vehicle under this Section shall not be so defined while:
    - a. It is being operated solely for the purpose of construction or maintenance of an improvement to land or solely for access to construction or maintenance sites provided such operation is by persons having legitimate business on such lands or sites;
    - b. It is being operated by or at the direction of public employees or utility company employees as part of their employment duties.
    - c. It is being operated by the holder of an easement or right of access on or over the land on which operation is occurring or the holder's employees or agents.
- (c) **Unauthorized Off-road Operation Prohibited.**
- (1) The unauthorized off-road operation of a motor vehicle is prohibited in the Village of Wheeler.
  - (2) Except for authorized maintenance vehicles and snowmobiles or all-terrain/utility terrain vehicles operating on routes/trails authorized by the Village Board or as

otherwise authorized by this Chapter, it shall be unlawful to operate any minibike, go-kart, or any other motor-driven craft or vehicle principally manufactured for off-highway use on Village streets, alleys, parks, sidewalks, bikeways, 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 written consent of the owner before operation of such craft or vehicle on private lands.

- (3) Operation of vehicles regulated by this Section shall not be operated in the following manner:
- a. At a rate of speed that is unreasonable or imprudent under the circumstances.
  - b. In a careless way so as to endanger people or property.
  - c. While under the influence of intoxicating liquor, fermented malt beverages, wine, narcotics or other controlled substances.
  - d. Without a functioning muffler or in such a way that the exhaust of the engine produces an excessive or unusual noise.
  - e. Upon any public street or alley, or upon a sidewalk or public right-of-way, unless such vehicle is registered for street operation as required by Chapter 341, Wis. Stats., and its operation in the Village is permitted by this Code of Ordinances.
  - f. Except where authorized, upon any lands owned, operated or leased by the Village of Wheeler.
- (d) **Liability of Parent or Guardian.** No parent or guardian of any person under the age of eighteen (18) years of age shall authorize or permit such child to violate any of the provisions of this Section. Any person under the age of eighteen (18) years of age who shall operate a vehicle in a manner prohibited by this Section shall be presumed to be operating such vehicle under the authority of a parent or guardian.



## Title 10 ► Chapter 5

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# Abandoned and Junked Vehicles

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

### Sec 10-5-1 Abandoned Vehicles; Definitions.

- (a) **Abandonment of Vehicles Prohibited.** No person shall leave unattended any motor vehicle, trailer, semitrailer or mobile home on any public street or highway or private or public property in the Village of Wheeler for such time and under such circumstances as to cause the vehicle to reasonably appear to have been abandoned. Whenever any such vehicle has been left unattended on any street or highway in the Village of Wheeler or upon private or public property without the permission of the property owner or other person charged with the lawful jurisdiction thereof for more than forty-eight (48) hours, the vehicle shall be deemed abandoned and constitutes a public nuisance.
- (b) **Definitions.** For purposes of this Chapter, the following definitions shall be applicable:
- (1) **Vehicle.** A motor vehicle, trailer, semitrailer or mobile home, whether or not such vehicle is registered under Wisconsin Law.
  - (2) **Unattended.** Unmoved from its location with no obvious sign of continuous human use.
  - (3) **Street.** Any public highway or alley and shall mean the entire width between the boundary lines of any public way where any part thereof is open to the public for purposes of vehicular traffic.
  - (4) **Abandoned Motor Vehicle.** Any motor vehicle which has been left or abandoned upon a public highway, the right-of-way thereof, or other publicly owned property for forty-eight (48) hours or more, or upon the property of another person without the permission of that person.

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- (5) **Removal.** The physical relocation of any property hereunder to an authorized location.
- (c) **Presumptions.** For purposes of this Section, the following irrebuttable presumptions shall apply:
  - (1) A vehicle shall be presumed unattended if it is found in the same position forty-eight (48) hours after issuance of a traffic ticket, citation and if such traffic ticket or citation remains placed upon the windshield during said forty-eight (48) hours.
  - (2) Any vehicle left unattended for more than forty-eight (48) hours on any public street or public ground or left unattended for more than forty-eight (48) hours on private property without the consent of the property owner is deemed abandoned and constitutes a nuisance; provided, that the vehicle shall not be deemed abandoned under this Subsection if left unattended on private property and/or is enclosed within a building, or if designated as not abandoned by an enforcement officer.
- (d) **Exceptions.** This Section shall not apply to a vehicle in an enclosed building or a vehicle stored on a premises which is fully in compliance with applicable zoning regulations or other Village ordinances, or to a vehicle parked in a paid parking lot or space where the required fee has been paid.

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

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

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

- (a) **Applicability.** The provisions of this Section shall apply to the removal, storage, notice, reclaimer or disposal of abandoned vehicles as defined in Section 10-5-1.
- (b) **Removal.** Any law enforcement officer (or other enforcement authority) who discovers any motor vehicle, trailer, semitrailer, mobile home or other vehicle described in Section 10-5-1 on any public street or highway or private or public property in the Village of Wheeler which has been abandoned shall cause the vehicle to be removed to a suitable place of impoundment.
- (c) **Storage and Reclaimer.** Any abandoned vehicle which is determined by a law enforcement officer to be abandoned shall be retained in storage for a period of ten (10) days after certified mail notice, as hereinafter provided, has been sent to the Wisconsin titled owner and/or secured party of record with the Wisconsin Motor Vehicle Division,

except that if a law enforcement officer determines an abandoned vehicle to have a value of less than One Hundred Dollars (\$100.00), or that the cost of towing and storage charges for impoundment will exceed the value of the vehicle, it may be junked or sold by direct sale to a licensed salvage dealer after having been retained in storage for a period of forty-eight (48) hours and after certified mail notice, as hereinafter provided, has been sent to the Wisconsin titled owner or secured party of record with the Wisconsin Motor Vehicle Division, provided that it is first determined that the vehicle is not reported stolen or wanted for evidence or other reason. All substantially complete vehicles in excess of nineteen (19) model years of age shall be deemed as a having value of less than One Hundred Dollars (\$100.00). Any such vehicle which may be lawfully reclaimed may be released upon the payment of all accrued charges, including towing, storage and notice charges and upon presentation of the vehicle title or other satisfactory evidence to a law enforcement officer to prove an ownership or secured party interest in said vehicle.

- (d) **Notice to Owner or Secured Party.** Certified mail notice, as referred to herein, shall notify the Wisconsin titled owner of the abandoned vehicle, if any, and/or the secured party of record with the Wisconsin Motor Vehicle Division, if any, of the following:
- (1) That the vehicle has been deemed abandoned and impounded by the Village of Wheeler;
  - (2) The "determined value" of the abandoned vehicle;
  - (3) If the cost of towing and storage costs will exceed the determined value of the vehicle;
  - (4) That if the vehicle is not wanted for evidence or other reason, the vehicle may be reclaimed upon the payment of all accrued charges, including towing, storage and notice charges, within ten (10) days of the date of notice, unless the vehicle has been determined to have a value less than One Hundred Dollars (\$100.00) or that the cost of towing and storage charges for impoundment will exceed the value of the vehicle, in which case the vehicle may be reclaimed within seven (7) days upon the payment of the aforesaid charges; and
  - (5) That the owner or aforesaid secured party may, upon request, be granted a hearing relating to the determinations made with respect to said vehicle within the period that such vehicles may be reclaimed.

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

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

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

Within five (5) days after the direct sale or disposal of a vehicle as provided for herein, the law enforcement officer shall advise the Wisconsin Department of Transportation, Division of Motor Vehicles, of such sale or disposal on a form supplied by said Division. A copy of the form shall be given to the purchaser of the vehicle enabling the purchaser to obtain a regular certificate of title for the vehicle. The purchaser shall have ten (10) days to remove the vehicle from the storage area but shall pay a reasonable storage fee established by the Village for each day the vehicle remains in storage after the second business day subsequent to the sale date. Ten (10) days after the sale the purchaser shall forfeit all interest in the vehicle and the vehicle shall be deemed to be abandoned and may be sold again. Any listing of vehicles to be sold by the Village of Wheeler shall be made available to any interested person or organization which makes a written request for such list to the Village. The Village of Wheeler may charge a reasonable fee for the list.

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

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

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

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

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

- (a) **Storage of Automobiles and Other Debris Restricted.**
  - (1) **Prohibition; Time Limit; Screening.**
    - a. No disassembled, inoperable, unlicensed, junked or wrecked motor vehicles [including but not limited to, truck bodies, truck tractors, trailers, farm machinery,

appliances, household furnishings, tires, lumber, bricks/blocks, vehicle parts, motor vehicle accessories, recreational vehicles (boats, trailers, campers, snowmobiles, all-terrain vehicles, utility terrain vehicles, etc.), improperly stored refuse and recyclables, scrap metal, refuse, debris, abandoned mobile home or trailer, appliances, improperly stored personal property, unsightly debris, or construction equipment/debris shall be stored unenclosed outside of a building or within public view within the Village of Wheeler for a period exceeding fourteen (14) days, or outside an industrial or commercial property for more than fourteen (14) days, unless it is in connection with an authorized agricultural, commercial or industrial enterprise located on a properly zoned property maintained in such a manner as to not constitute a public nuisance, and which is fully in compliance with this Section and all other applicable Village ordinances.

- b. No disassembled, inoperable or junked farm machinery shall be kept or stored outside upon property zoned agricultural for a period exceeding thirty (30) days. A one-time thirty (30) day storage extension may be granted by the Village Board pursuant to Subsection (c) below. Violations of this Subsection are deemed to be a public nuisance. For purposes of this Section, equipment primarily used with construction or commercial contractor work is not classified as agricultural equipment, even if occasional use of such equipment is made for agricultural purposes.
  - c. Thirty (30) day extension applications shall be made to the Village Board, who shall make a determination regarding such application, following recommendations from the Zoning Administrator. The thirty (30) day extension shall run from the time of the Village Board's determination. Appeals of the Village Board's determination may be made to Circuit Court.
  - d. No person, after notification to remove any junked or inoperable motor vehicle, abandoned motor vehicle, motor vehicle accessories or other debris in violation of this Section has been given pursuant to Village ordinances, shall move the same to another private property upon which such storage is not permitted or onto any public highway or other public property for purposes of storage.
  - e. Outside storage of items listed above (but not limited to) on a commercial or industrial property shall be enclosed by a fence or other enclosure of a design approved by the Village Board.
- (2) **Limited Permitted Storage.** Any business engaged in automotive sales or repair located in a properly zoned district may retain no more than three (3) disassembled, inoperable, unlicensed or wrecked vehicles, or other item(s) listed in Subsection (a)(1), in the open and/or outside its Village-approved enclosure, for a period not to exceed thirty (30) days, after which such vehicles shall be removed.
- (b) **Definitions.** In addition to the definitions in Section 10-5-1(b), the following definitions shall be applicable in this Section:



- (1) **Disassembled, inoperable, Junked or wrecked motor vehicles, truck bodies, tractors, trailers.**
  - a. Motor vehicles, recreational vehicles (boats, campers, snowmobiles, all-terrain vehicles, etc.), truck bodies, tractors, construction/contractors equipment, farm machinery or trailers, and other items listed in Subsection (a), or defined in this Subsection, in such state of physical or mechanical ruin or disrepair as to be incapable of designed use or propulsion, being operated upon the public streets or highways or which is otherwise not in safe or legal condition for operation on public streets or highways, or for the equipment's design purpose, due to missing or inoperative parts, flat or removed tires, expired or missing license plates, disrepair, or other defects. Also includes any motor vehicle which is partially dismantled or wrecked and does not comply with the standards of TRANS 305, Wis. Adm. Code. For purposes of this Section, may also be referred to as "nuisance motor vehicles".
  - b. Included in this definition are "junked motor vehicles" which are motor vehicles that are incapable of operation or use upon a highway, or for the equipment's design purpose, and that have no resale value except as a source of parts or scrap or a vehicle that an insurance company has taken possession of or title to if the estimated cost of repairing the vehicle exceeds its fair market value.
  - c. To be considered "operable" under this Section, non-automotive equipment, such as construction or contractor's equipment, must be fully capable of starting and performing design tasks, and must be in full operation as designed at least four (4) times per year, and off-site in the case of construction/contractors equipment.
- (2) **Unlicensed - motor vehicles, truck bodies, tractors or trailers.** Motor vehicles, truck bodies, tractors, recreational vehicles or trailers which do not bear lawful current license plates or registration stickers.
- (3) **Motor vehicle.** Is defined in Sec. 340.01(35), Wis. Stats., and further includes any self-propelled land vehicle which can be used for towing or transporting people or materials, including, but not limited to, automobiles, trucks, buses, motorized campers, motorcycles, motor scooters, tractors, snowmobiles, all-terrain vehicles, etc. For purposes of this Section, "motor vehicle" includes, but is not limited to, all of the following:
  - a. **Aircraft** as defined in Sec. 29.001(16), Wis. Stats.
  - b. **All-Terrain vehicles** as defined in Sec. 340.01(2g), Wis. Stats.
  - c. **Antique vehicles** as described in Sec. 341.265, Wis. Stats.
  - d. **Automobiles** as defined in Sec. 340.01(4), Wis. Stats.
  - e. **Boats** as defined in Sec. 29.001(16), Wis. Stats.
  - f. **Camping trailers** as defined in Sec. 340.01(6m), Wis. Stats.
  - g. **Farm equipment** as defined in Sec. 100.47(1), Wis. Stats.
  - h. **Farm tractors** as defined in Sec. 340.01(16), Wis. Stats.

- i. *Hobbyist or homemade vehicles* as defined in Sec. 341.268, Wis. Stats.
  - J. *Junk vehicles* as defined in Sec. 340.01(25j), Wis. Stats.
  - k. *Implements of husbandry* as defined in Sec. 340.01(24), Wis. Stats.
  - l. **Manufactured homes** as defined in Sec. 101.91(2), Wis. Stats.
  - m. **Mobile homes** as defined in Sec. 340.01(29), Wis. Stats.
  - n. **Mopeds** as defined in Sec. 340.01(29m), Wis. Stats.
  - o. **Motor bicycles** as defined in Sec. 340.01(30), Wis. Stats.
  - p. **Motor buses** as defined in Sec. 340.01(31), Wis. Stats.
  - q. **Motor homes** as defined in Sec. 340.01(33m), Wis. Stats.
  - r. **Motor trucks** as defined in Sec. 340.01(34), Wis. Stats.
  - s. **Motorcycles** as defined in Sec. 340.01(32), Wis. Stats.
  - t. **Railroad trains** as defined in Sec. 340.01(48), Wis. Stats.
  - u. **Recreational vehicles** as defined in Sec. 340.01(48r), Wis. Stats.
  - v. **Road machinery** as defined in Sec. 340.01(52), Wis. Stats.
  - w. **Road tractors** as defined in Sec. 340.01(53), Wis. Stats.
  - x. *Salvage vehicles* as defined in Sec. 340.01(55g), Wis. Stats.
  - y. *School buses* as defined in Sec. 340.01(56), Wis. Stats.
  - z. *Semi trailers* as defined in Sec. 340.01(57), Wis. Stats.
  - aa. *Snowmobiles* as defined in Sec. 340.01(58), Wis. Stats.
  - bb. *Special interest vehicles* as defined in Sec. 341.266, Wis. Stats.
  - cc. *Trailers* as defined in Sec. 340.01(71), Wis. Stats.
  - dd. *Truck tractors* as defined in Sec. 340.01(73), Wis. Stats.
  - ee. *Unlicensed demolition motor vehicles, unlicensed racing motor vehicles, and go carts, garden tractors, riding lawn mowers, and other motorized tractors, motorized carts, and motorized utility vehicles* that require no registration or licensure by the State of Wisconsin.
- (4) **Inoperable appliance.** Any stove, washer, refrigerator or other appliance which is no longer operable in the sense for which it was manufactured.
- (5) **Junk.** Worn out or discarded material of little or no value, including but not limited to, household appliances or parts thereof, tools, discarded building materials or any other unsightly debris, the accumulation of which has an adverse effect upon the neighborhood or Village property values, health, safety or general welfare.
- (6) **Enclosure.** Type of construction, enclosure or screening required to hide and harbor vehicles from public view, excluding tarps. The Village Board shall have sole authority to determine the adequacy of enclosures and their construction required under this Chapter, which may be a structure, fence, vegetative screening, or other type of acceptable enclosure acceptable to the Village Board.
- (7) **Owner.** Considered to be the person(s) who either owns or occupies the premises and who may or may not be the responsible person(s) harboring such unlicensed motor vehicle.

- (8) **Abandoned mobile home or trailer.** One which has not been used or occupied, or which due to dilapidated condition cannot be occupied in a healthful manner, within the past three hundred sixty-five (365) days.
  - (9) **Repair Work.** Includes mechanical, electrical and body work, maintenance, construction, reconstruction, assembly, disassembly, restoration, painting, upholstering or any similar or related work performed on any motor vehicle.
  - (10) **Street Repairs.** Means "temporary repair work" performed on a motor vehicle in a manner and place which will not create a danger or hazard to vehicular or pedestrian traffic.
  - (11) **Temporary Repair Work.** Repair work which is performed within twenty-four (24) hours of a motor vehicle becoming unexpectedly unroadworthy on a street, highway or thoroughfare, which work will make, or attempts to make, said motor vehicle roadworthy.
  - (12) **Public View.** Items stored or maintained outside of an approved enclosure which are visible from any direction from either public right-of-ways or from property in private ownership.
  - (13) **Not Registered.** In reference to all-terrain/utility terrain vehicles, as defined in Sec. 340.01(2g), Wis. Stats., "snowmobiles" as defined in Sec. 340.01(58a), Wis. Stats., or "boat" as defined in Sec. 29.001(16), Wis. Stats., are those that are required to, but do not have nor bear any current and valid State of Wisconsin registrations.
  - (14) **Improperly Stored Personal Property.** Any personal property which is stored or otherwise placed or kept in violation of the provisions of this Section.
  - (15) **Motor Vehicle Accessories.** Any part or parts of any motor vehicle.
  - (16) **Unightly Debris/Junk.** Any personal property which is stored in public view which is junked, discarded, unused, in disrepair or otherwise unightly, including but not limited to, refrigerators, furnaces, washing machines, stove, machinery or machinery parts, wood, bricks and cement blocks, and miscellaneous construction debris.
- (c) **Exceptions.**
- (1) **Exceptions Described.** This Section shall not apply to:
    - a. Any motor vehicle or motor vehicle accessories stored within an enclosed building or on the premises of a business enterprise operated in a lawful, properly zoned place, in such a manner as to not constitute a nuisance, when necessary to the operation of such business enterprise, in an enclosed storage place or depository maintained in a lawful place and manner.
    - b. A vehicle meeting the standards for a "repair work" exception under Subsection (d) below.
    - c. Any business engaged in the sale, repair or storage of such unlicensed vehicles may store such vehicles provided a public nuisance is not created and activities are in full compliance with this Section, the Village Zoning Code, and pertinent Village regulations, including enclosure requirements. The Village Board,

following a recommendation from the Zoning Administrator, may determine the necessity of such storage and may impose limitations or require fencing or other type of approved enclosure of such non-residential properties.

- (2) **Temporary Permit.** In other situations the Village Board may issue a one-time temporary permit, following the procedures in Subsection (a)(1)b above, permitting an extension of not to exceed an additional thirty (30) days' time to comply with this Section where exceptional facts and circumstances warrant such extension.
  - (3) **Race Cars; Parts Cars; Collectible Vehicles.** No exceptions shall be recognized by the Village under this Section for vehicles deemed by their owners to be race cars, parts cars, or collectible vehicles.
- (d) **Vehicle Repair Work - Limitations.** "Repair work" of vehicles may only be performed upon observance of the following conditions and restrictions:
- (1) **Residential Property Limitations.** "Repair work" upon residential private property cannot be performed for financial gain or profit obtained through fees, barter, charges or appreciation in the value of a motor vehicle purchased for the purpose of resale. "Repair work" upon other than residential property shall be in accordance with applicable state, county and Village ordinances, rules and regulations, licenses and permits.
  - (2) **Time Restrictions.** Except when a temporary time extension has been granted per Subsection (c)(2) above, "repair work" which renders a motor vehicle inoperable for a period of more than five (5) days shall only be performed inside a garage, shed or enclosed structure, or, in the case of a non-residential property, in a fenced area which fully screens repair work from the view of the owners, users and occupiers of abutting and neighboring properties and from the view of passersby using public thoroughfares, streets and highways.
  - (3) **Street Repairs.** "Street repairs" may be performed only within the scope of the definition thereof.
- (e) **Enforcement.**
- (1) **Notice; Citation.**
    - a. Whenever a law enforcement officer or Zoning Administrator shall find any violation of this Section in the performance of duty, or upon complaint from any person, the law enforcement officer or Zoning Administrator may investigate the parcel. The law enforcement officer or Zoning Administrator shall provide written notice to the owner and/or occupant of the real estate upon which the violation is found to exist, and/or to the owner and/or occupant of such nuisance property causing the violation, to remove such violating property, either immediately in the case of any emergency, or within ten (10) days in the case of a non-emergency situation. Property ownership shall be determined as shown on the property tax assessment records.

- b. If the owner of record of the private property on which such junked, inoperable or abandoned motor vehicle or other offending materials or equipment are located and cannot be notified in person, the Village Clerk-Treasurer or Zoning Administrator shall send by certified mail to such person(s) a notice as set forth herein to remove the violating vehicle(s), equipment or debris within ten (10) days.
  - c. The enforcement official shall document the time, date and place of service of the notice. Such notice shall also contain the following information:
    - 1. Nature of the complaint.
    - 2. Description and location of the motor vehicle, motor vehicle accessories, or other debris or equipment in violation of this Section. If possible, the make, model, style, year and license or other identification number should be noted.
    - 3. Statement that the motor vehicle, motor vehicle accessories or other debris or equipment in violation of this Section be removed from the premises no later than ten (10) days from the date of notification.
    - 4. Statement that removal from the location specified in the notification to another location upon which storage is not permitted is prohibited and shall subject the person to additional penalties.
    - 5. Statement that if removal is made within the time limits specified, the property owner and/or occupant shall provide written notification of such removal to the Village office.
    - 6. Statement that failure to remove the vehicle, debris or materials within the specified time shall result in issuance of a citation, removal of the offending materials by the Village at the cost of the property owner, or both.
  - d. In the event there is not compliance at the expiration of the notice period set forth above by the enforcement official, the enforcement official shall cause to be issued a citation to the property owner and/or occupant of the property on which said violation exists and/or to the owner and/or occupant of such property causing the violation. Said citation shall provide that the violation shall be remedied:
  - e. In the case of an emergency immediately; or
  - f. In non-emergency situations, within one (10) days. Such citation shall provide for a forfeiture pursuant to Section 1-1-6.
- (2) **Removal of Violating Property.** If such violation is not remedied within the time set forth in the citation issued under Subsection (e)(1) above, the enforcement official may cause the vehicle, appliance, debris, or other property causing the violation to be removed and impounded, and it shall thereafter be disposed of as prescribed in Sections 10-5-3 through 10-5-6 by the Village, or its duly authorized representative. Any costs incurred in the removal and sale of said vehicle, appliance, or other violating property shall be recovered from the tenant of the property from upon which it was removed and/or the owner of the property upon which it was removed. However, if the owner of the vehicle, appliance or other property can not be readily

found, the cost of such removal shall be charged to the property from which it is removed, which charges shall be entered as a special charge on the tax roll pursuant to Sec. 66.0627, Wis. Stats.

- (3) ***Each Day a Separate Offense; Remedies Not Limited.*** Each day a violation exists after the expiration of time set forth in the citation above shall constitute a new and separate offense for which a forfeiture may be imposed. Use of the abatement procedures in this Subsection shall not preclude the Village's use of other enforcement measures, including, but not limited to, imposing a forfeiture under Section 1-1-6 pursuant to Subsection (f) below or enforcement of nuisance regulations per Section 11-6-6.
- (f) **Penalty.** In addition to Subsection (e) above, any person violating this Section or who shall interfere with the enforcement of any of the provisions of this Section and shall be found guilty thereof shall be subject to a penalty as provided in Section 1-1-6. Each motor vehicle, appliance or other violating property involved shall constitute a separate offense.

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

*Cross-Reference:* Title 11, Chapter 6, Public Nuisances.

Title 15, Chapter 4, Property Maintenance Code.

