

**TITLE 10** Motor Vehicles and Traffic – Village of Gays Mills

**TITLE 10**

Motor Vehicles and Traffic

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**CHAPTER 1**

Traffic and Parking

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ARTICLE A

General Provisions

**SEC. 10-1-1 STATE TRAFFIC LAWS ADOPTED.**

- (a) **Statutes Adopted.** Except as otherwise specifically provided in this Code, all the statutory provisions in Chapters 341 through 348 of the Wisconsin Statutes, describing and defining regulations with respect to vehicles and traffic, for which the penalty is a forfeiture, including penalties to be imposed and procedure for prosecution, exclusive of any part of any statute for which the statutory penalty is a fine or term of imprisonment and exclusive of any penalty of suspension or revocation of motor vehicle operator's licenses in such statutes, are hereby adopted and by reference made a part of this Chapter as if fully set forth herein. The statutory sections listed shall be designated as part of this Code by adding the prefix "10-1-" to each statute section number. Any act required to be performed or prohibited by any statute incorporated herein by reference is required or prohibited by this Chapter. Any existing or future amendments, revisions or modifications of the statutory regulations in Chapters 341 through 348 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 Gays Mills, Wisconsin, violate any provisions of any statute incorporated herein by reference shall be deemed to have violated this Section.
- (b) **Statutes Specifically Incorporated by Reference.** Whenever this Chapter incorporates by reference specific sections of the Wisconsin Statutes, such reference shall mean the Wisconsin Statutes of 1995-96 as from time to time amended, repealed or modified by the Wisconsin Legislature.
- (c) **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.
- (d) **Definitions.** Unless a different definition is specifically provided in this Code or State law, the definitions contained in Section 340.01, *Wis. Stats.*, shall apply in this Title 10.

State Law Reference: Secs. 349.03 and 349.06, *Wis. Stats.*

**SEC. 10-1-2 OFFICIAL TRAFFIC SIGNS AND CONTROL DEVICES; PROHIBITED SIGNS, SIGNALS AND MARKINGS.**

- (a) **Duty of Director of Public Works to Erect and Install Uniform Traffic Control Devices.** Whenever State law or traffic regulations created by this Chapter, including a State of Wisconsin traffic statute adopted by reference in Section 10-1-1, require the erection of traffic control devices for enforcement, the Director of Public Works, with the cooperation of the Police Department, shall procure, place, and maintain uniform traffic control devices conforming to the Uniform Traffic Control Devices Manual promulgated by the Wisconsin Department of Transportation, giving notice of such traffic regulation to the users of the streets and highways on which such regulations apply. Whenever State law grants discretion to local authorities in erecting or placement of a uniform traffic control device, devices shall be erected in such locations and in such a manner as, in the judgment of the Director of Public Works, will carry out the purposes of this Chapter and give adequate warning to

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users of the streets and highways of the Village of Gays Mills.

- (b) **Matter to be Affixed to Official Traffic Control Devices.** The Director of Public Works shall cause to be placed on each official traffic control sign the matter required by the laws of the State of Wisconsin.
- (c) **Prohibited Signs and Markers in Highways.** No person other than an officer authorized by this Chapter to place and maintain official traffic control devices or his or her designee shall place, maintain, or display within the limits of any street or highway maintained by the Village any sign, signal, marking, or device in violation of Section 346.41 of the Wisconsin Statutes unless permission is first obtained from the Director of Public Works or, where applicable, the State Highway Commission. Any sign, signal, marking, or device placed or maintained in violation of this Subsection is a public nuisance and shall be subject to removal as provided in Subsection (d).
- (d) **Removal of Unofficial Signs, Marking, Signals and Devices.** The Director of Public Works may notify in writing the owner or occupant of the premises upon which a nuisance exists in violation of Subsection (c) of this Section or the person causing or maintaining the nuisance to remove the same. If such nuisance is not removed within thirty (30) days after such notice is given or if an unauthorized signal or device is found to be in operation at any time after such notice is given, the Director of Public Works may cause the nuisance to be removed and collect the expenses of removal from the person notified to remove it. The expense of removal may be charged against the premises and, upon certificate of the highway authority causing the removal, assessed as are other special taxes.

State Law Reference: Secs. 346.41, 349.065, and 349.09, *Wis. Stats.*

### SEC. 10-1-3 SCHOOL BUS WARNING LIGHTS.

- (a) **Flashing Red Warning Lights.**
  - (1) Notwithstanding the provisions of Section 346.48(2)(b)2., *Wis. Stats.*, adopted by reference in Section 10-1-1, 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 traffic signals and such persons must cross the street or highway before being loaded or after being unloaded.
  - (2) Except as provided in Subsection (b) below and Section 346.48(b)(1), *Wis. Stats.*, the operator of a school bus equipped with flashing red warning lights as specified in Section 347.25(2), *Wis. Stats.*, 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, and the operator of a school bus shall further 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.
  - (3) 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 equipped according to Section 347.25(2), *Wis. Stats.*, and when it 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 flashing red warning lights, shall stop not less than twenty (20) feet from the other bus, display its flashing red warning lights and remain stopped with flashing red warning lights actuated until the other bus resumes motion or the other operator extinguishes the flashing red warning lights.

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(b) **Prohibition.** Pursuant to Section 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 Section 118.08(1), *Wis. Stats.*, in which a street or highway borders the school.

State Law Reference: Secs. 346.48 and 349.21, *Wis. Stats.*

### SEC. 10-1-4 ACCIDENT REPORTS.

The operator of every vehicle involved in an accident shall, immediately after such accident, file with the Police Department a copy of the report required by Section 346.70 of the Wisconsin Statutes, if any. If the operator is physically unable to make such report, the persons or entities specified in Section 346.70(3), *Wis. Stats.*, shall have the duty to comply with this Section. All such reports are for the confidential use of the Police Department and are otherwise subject to Section 346.73 of the Wisconsin Statutes.

State Law Reference: Secs. 346.70, 346.73, and 349.19, *Wis. Stats.*

ARTICLE B

Street Traffic Regulations

SEC. 10-1-5 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, other than motor buses, designed or used for transporting property of any nature and having a gross weight of more than six thousand (6,000) pounds.
- (b) **Prohibited Routes.** Heavy traffic is prohibited from using any Village of Gays Mills street or highway not designated as a heavy traffic route except as otherwise provided in Subsection (c) below.
- (c) **Exceptions.** This Section does not 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. Furthermore, this Section does not 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.
- (d) **Administration.** The Director of Public Works in cooperation with the Police Department 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 showing heavy traffic routes shall be prepared and shall be available upon request by heavy traffic operators and owners.
  - (3) Construction Equipment.
    - a. The Chief of Police may grant temporary permits to allow heavy construction equipment to use Village streets or highways not designated as heavy traffic routes. These permits may be granted only when use of a nondesignated route is necessary for the equipment to reach a construction site. No permit may be issued unless the person or corporation or other entity owning the equipment agrees to reimburse and hold the Village harmless for any damage done to the Village street by the equipment and/or any personal injury or property damage caused in part or in whole by the street damage.
    - b. Village-owned or operated equipment is specifically excluded from the provisions of this Section.
- (e) **Liability.** Any operator, corporation, owner or agent whose heavy traffic vehicle damages any Village 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.
- (f) **Streets Designated Class “B” Highways.** All streets within the Village, except those enumerated streets and alleys in Subsection (g) below, are designated Class “B” highways and shall be subject to the weight limitations imposed by Section 348.16, *Wis. Stats.*
- (g) **Heavy Traffic Routes.** The Village Board finds that the use of Village streets or highways by heavy traffic is resulting in damage to such streets or highways and is constituting a nuisance to Village residents who are attempting to use public or private property for lawful purposes. For the above reasons and pursuant to the authority granted in Section 349.17, *Wis. Stats.*, and any amendments there-

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to, the Village Board hereby designates the following highways or parts thereof within the jurisdiction of the Village as heavy traffic routes:

- (1) State Highway 131; and
- (2) State Highway 171.

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

ARTICLE C

Parking Regulations

SEC. 10-1-6 RESTRICTIONS ON PARKING; POSTED LIMITATIONS.

- (a) **Forty-eight (48) Hour Limitation.** Subject to the exceptions set forth in Section 346.50, *Wis. Stats.*, no person, firm, corporation or other entity shall park or leave standing any automobile, truck, tractor, trailer or vehicle of any description on any highway, including State trunk highways or connecting highways, within the corporate limits of the Village of Gays Mills for a period of forty-eight (48) or more consecutive hours in the same location at any time; provided, however, that where more restrictive parking limits have been established, the more restrictive limits shall apply. Official traffic signs shall be placed or erected at or reasonably near the corporate limits of the Village on all State and county trunk highways and connecting highways, as the latter are defined in Section 86.32, *Wis. Stats.*, informing motorists that this forty-eight (48) hour parking limitation is in effect in the Village and such action shall be necessary for such limitation to become effective. Further, a two-thirds (2/3's) vote of the Village Board approving the forty-eight (48) hour limitation through approving this Code is necessary for such limitation to become effective. When any law enforcement officer 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 either private or public parking or storage premises. The law enforcement officer may cause said vehicle to be removed to a proper impoundment and storage area within the Village where storage space is available and in such case the owner shall pay the costs of removing or towing said vehicle and the storage fees on said vehicle before he/she may recover the possession thereof.
- (b) **Posted Limitations.**
- (1) Subject to the exceptions set forth in Section 346.50, *Wis. Stats.*, 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 Section 349.13, *Wis. Stats.*
  - (2) Subject to the exceptions set forth in Section 346.50, *Wis. Stats.*, no person shall stop or park a vehicle in an established no stopping or standing zone when stopping or standing is prohibited and no vehicle shall be parked in a no parking zone during hours when parking is prohibited.
  - (3) Subject to the exceptions set forth in Section 346.50, *Wis. Stats.*, the Chief of Police is hereby granted the authority, within the reasonable exercise of police power to prohibit, limit the time or otherwise restrict the stopping, standing or parking of vehicles beyond the provisions of Chapter 346, *Wis. Stats.*, in compliance with Section 349.13, *Wis. Stats.*
  - (4) No prohibition, restriction or limitation on parking is effective unless the provisions of Section 349.13(1)(c), *Wis. Stats.*, are complied with.
  - (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.

State Law Reference: Secs. 346.50 and 349.13, *Wis. Stats.*

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### SEC. 10-1-7 PARKING RESTRICTIONS DURING SPECIAL EVENTS OR STREET MAINTENANCE.

- (a) **Street Maintenance.** Whenever it is necessary to clear or repair a Village roadway or any part thereof, the Public Works Department and/or Police Department shall post on such highways or parts thereof signs bearing the words “No Parking--Street Maintenance Work.” Subject to the exceptions set forth in Section 346.50, *Wis. Stats.*, no person shall park a motor vehicle in violation of such signs.
- (b) **Temporary Parking Restrictions for Special Events.** Subject to the exceptions set forth in Section 346.50, *Wis. Stats.*, pursuant to the provisions of Sections 349.13 and 349.185, *Wis. Stats.*, the Chief of Police is authorized to direct that temporary “No Parking” signs be erected by the Director of Public Works during parades, festivals and other authorized events that require the regulating of vehicle stopping, standing or parking on Village roadways. The temporary regulation shall be limited to the time the event exists or is likely to exist.

State Law Reference: Secs. 346.50, 349.13, and 349.185, *Wis. Stats.*

### SEC. 10-1-8 STOPPING OR PARKING PROHIBITED IN CERTAIN SPECIFIED PLACES.

- (a) **Parking Prohibited at All Times.** Subject to the exceptions set forth in Section 346.50, *Wis. Stats.*, and 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 within the Village corporate limits:
  - (1) Within an intersection.
  - (2) On a crosswalk.
  - (3) On a sidewalk or sidewalk area or boulevard, except when parking in such place is clearly indicated by official traffic signs or markers or parking meters.
  - (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 fifteen (15) feet of the driveway entrance to a fire station or directly across the highway from such entrance 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 on a highway, including State trunk highways or connecting highways, so as to obstruct, block or impede traffic.
  - (9) On a highway, including State trunk highways or connecting highways, 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 on any public way or thoroughfare.
  - (12) Upon any highway, including State trunk highways or connecting highways, 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) Within twenty-five (25) feet of the nearest rail at a railroad crossing.
  - (14) In a loading zoning.

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- (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.
  - (17) On private property without the consent of the owner or lessee of the property.
  - (18) In an alley in a business district.
  - (19) Closer than fifteen (15) feet to the near limits of a crosswalk.
- (b) **Parking Vehicle for Repair or to Display for Sale Prohibited.** Subject to the exceptions set forth in Section 346.50, *Wis. Stats.*, no person shall stand or park a vehicle on any highway, including State trunk highways or connecting highways, or municipal parking lot in the Village of Gays Mills for the purpose of repairing said vehicle or to display such vehicle for sale and no person shall park on any such highway any vehicles for the primary purpose of advertising.
- (c) **Vending From Parked Vehicles Restricted.** Subject to the exceptions set forth in Section 346.50, *Wis. Stats.*, there shall be no parking on any highway, including State trunk highways and connecting highways, within the corporate limits of the Village by any vehicle from which the operator or owner is engaged in vending goods, wares or merchandise, except for the sale of agricultural produce grown by the vendor.

State Law Reference: Secs. 346.50, 346.52, 346.53, 346.55, and 349.13, *Wis. Stats.*

### SEC. 10-1-9 LEAVING KEYS IN VEHICLE PROHIBITED; PARKING VEHICLES WITH MOTOR RUNNING.

- (a) **Leaving Keys in Vehicle.** No person or entity shall permit any motor vehicle in his/her custody 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.
- (b) **Parking Vehicles With Motor Running.** Subject to the exceptions set forth in Section 346.50, *Wis. Stats.*, no person shall park or leave standing any motor vehicle with the motor or refrigerator unit running for more than thirty (30) minutes in the case of a truck weighing over twelve thousand (12,000) pounds and ten (10) minutes in the case of any other motor vehicle within three hundred (300) feet of any residence within the Village of Gays Mills between the hours of 10:00 p.m. and 7:00 a.m.

### SEC. 10-1-10 PARKING OF CERTAIN VEHICLES RESTRICTED.

Subject to the exceptions set forth in Section 346.50, *Wis. Stats.*, no person owning or having control of any farm or construction equipment, trailer, truck power unit, tractor, or bus or recreation vehicle, or, in addition, any type of or truck weighing in excess of twelve thousand (12,000) pounds gross weight, or over twenty-two (22) feet in length (including accessories, racks, or other physical extension), or having a height of more than eight (8) feet from the roadway, shall park the same upon any highway, including State trunk highways or connecting highways, within the corporate limits of the Village of Gays Mills in areas zoned residential or primarily residential in nature. The provisions of this Section shall not be deemed to prohibit the lawful temporary parking of such equipment upon any street, avenue or public way in the Village 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. The Village Board may, however, designate specific truck parking zones. Daylight hours parking of such equipment is permitted for a period not exceeding two (2) hours.

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### SEC. 10-1-11 WINTER PARKING.

Subject to the exceptions set forth in Section 346.50, *Wis. Stats.*, between the dates of November 1 to May 1, inclusive, between the hours of 3:00 a.m. and 7:00 a.m., vehicles may not be parked on either side of Main Street located between Rebecca Street and West Orin Street

On all village streets within the platted portions of Gays Mills from November 1 through May 1 between 8:00 p.m. and 7:00 a.m., vehicles shall be parked only on the even numbered side of the street on even numbered calendar days, and on the odd numbered side of the street on odd numbered calendar days (i. e., after 8:00 p.m. on December 15<sup>th</sup>, a vehicle must be parked on the odd numbered side of the street; after 8:00 p.m. on December 16<sup>th</sup>, a vehicle must be parked on the even numbered side of the street, etc.). This section does not apply to any street for which more stringent or restrictive parking restrictions are in effect.” Streets include Appleland Drive, Bluebird Lane, Cedar Street, Empire Avenue, Evergreen Street, Gay Street, Grove Street, Hagar Hollow Road, Hemlock Street, McIntosh Court, Misty Valley Avenue, Mulberry Street, Orin Street, Park Street, Post Street, Railroad Street, Rebecca Street, Royal Avenue, Main Street (from Rebecca Street going North until Grove Street), Sandy Mound Street, School Street, Spruce Street, Sunset Ridge Avenue, Ten Hills Street, and Watermelon Way.

### SEC. 10-1-12 INOPERABLE, WRECKED OR DISCARDED VEHICLES.

- (a) **Storage Prohibited.** Subject to the exceptions set forth in Section 346.50, *Wis. Stats.*, 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. Notification of a violation shall be given by the Village through placing in a conspicuous place on the vehicle written notice setting forth briefly the applicable provisions of this Section, containing the date of the notice, and specifying the time during which such vehicle may be removed by its owner or operator and that in the event of failure to remove within the prescribed time the Village may remove the vehicle and assess the cost thereof and storage costs against the owner or operator. The time prescribed in the notice shall allow for adequate time for compliance with Subsection (b) if it applies. Any vehicle so tagged which is not removed within the time prescribed in the notice is declared to be a public nuisance.
- (b) **Pre-Towing Opportunity to be Heard.** Registered or certified mail notice shall be sent to the owner of a vehicle displaying current license plates within three (3) business days after the identity of the owner has been ascertained informing the owner that he/she may request a hearing before the Village Board on the issue of the violation of this Section and the consequent assessment of any costs of removal and storage. Such request must be made in writing to the Village Clerk-Treasurer and received prior to the expiration of the time during which the owner or operator may remove the vehicle under the notice specified in Subsection (a) of this Section and the Village shall not remove the vehicle or assess the costs prior to such hearing in the event of a request complying with this Subsection, provided, however, that no hearing need be held if the Village elects not to pursue removal. This Subsection shall not apply if the circumstances demand prompt removal, whether because the vehicle constitutes an impediment to traffic, a hazard to traffic or safety, or otherwise. In such circumstances, the provisions of Subsection (d) of Section 10-1-13 shall be followed as if they were explicitly set forth in this Subsection.
- (c) **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 reasonable charges of moving, towing and storage. Such payment shall be a precondition to the release of the vehicle, subject to the hearing rights specified in Subsection (b). Upon payment, a receipt shall be issued to the owner of the vehicle for the moving, towing, and/or storage charge.
- (d) **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 Gays Mills.

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Federal Law Reference: *Sutton v. City of Milwaukee*, 672 F.2d 644 (7th Cir. 1982); *Kness v. City of Kenosha*, 669 F.Supp. 1484 (E.D. Wis. 1987); *Graff v. Nicholl*, 370 F.Supp. 974 (N.D. Ill. 1974).

### SEC. 10-1-13 REMOVAL OF ILLEGALLY PARKED VEHICLES.

- (a) **Hazard to Public Safety.** Any vehicle parked, stopped or standing in violation of any of the provisions of this Chapter is declared to be a hazard to traffic and public safety.
- (b) **Removal.** Traffic officers are authorized to move such a vehicle or to require the operator in charge thereof to move such a vehicle to a position where parking is permitted or to a private or public parking or storage premises. The removal may be performed by or under the direction of the traffic officer or may be contracted for by the Village Board.
- (c) **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 reasonable charges of moving, towing and storage. Such payment shall be a precondition to the release of the vehicle, subject to the hearing rights specified in Subsection (d). Upon payment, a receipt shall be issued to the owner of the vehicle for the moving, towing, and/or storage charge.
- (d) **Post-Towing Opportunity to be Heard.** Registered or certified mail notice shall be sent after a towing to the owner of a vehicle displaying current license plates within three (3) business days after the identity of the owner has been ascertained informing the owner that he/she may request a hearing before the Village Board on the issue of whether he/she has committed a violation justifying the tow and the consequent assessment of towing and storage charges. Such request must be made in writing to the Village-Clerk Treasurer and must be received within three (3) business days of the date of the notice.
- (e) **Private Lot or Facility.** No vehicle involved in trespass parking on a private parking lot or facility shall be removed without the permission of the vehicle owner, except on the issuance of a repossession judgment or on formal complaint and a citation for illegal parking issued by a traffic or police officer.

Federal and State Law Reference: *Sutton v. City of Milwaukee*, 672 F.2d 644 (7th Cir. 1982); *Graff v. Nicholl*, 370 F.Supp. 974 (N.D. Ill. 1974); Sec. 349.13(3), *Wis. Stats.*

ARTICLE D

Enforcement and Penalties

SEC. 10-1-14 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, assessments, surcharges, fees and other costs prescribed by Sections 814.63 (including the statutes referenced therein), 814.634, and 814.635, *Wis. Stats.*, and the penalty assessment and the driver improvement surcharge imposed by Sections 165.87 and 346.655, *Wis. Stats.*, where applicable. Payment of the judgment and applicable court costs, fees, assessments, surcharges, and other costs may be suspended or deferred by the sentencing court for not more than sixty (60) days. Subject to Sections 345.28(6) and 800.095, *Wis. Stats.*, and other applicable law, any person eighteen (18) years of age or older who shall fail to pay the amount of the forfeiture, court costs, any penalty assessment, other assessment, driver surcharge, other surcharge, other costs 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 all such forfeiture, costs, surcharges 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 powers granted by the Wisconsin Statutes but not in this Code 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, except a dog or mobile home license, until the forfeiture imposed for such violation and any penalty assessment, court costs and fees or surcharge is paid.
- (c) **Forfeitures for Violation of Traffic Regulations.** Forfeitures for violations of any 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 349, *Wis. Stats.*, for which an imprisonment penalty or fine may be imposed upon the defendant. Each day a violation continues shall constitute a separate offense.
- (d) **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 Dollars (\$20.00) nor more than One Hundred Dollars (\$100.00).
- (e) **Deposits.** Deposits for violation of traffic regulations shall be determined pursuant to Section 345.26(2)(a), *Wis. Stats.*

State Law Reference: Secs. 345.26 and 345.47, *Wis. Stats.*

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### SEC. 10-1-15 ENFORCEMENT.

(a) **Enforcement Procedures.**

- (1) How Enforced. This Chapter shall be enforced in accordance with the applicable provisions of the Wisconsin Statutes and this Section.
- (2) Applicable Court Procedures. Except where otherwise specifically provided by the laws of the State of Wisconsin or this Code, the traffic regulations in this Code shall be enforced in accordance with the provisions of Section 345.20, *Wis. Stats.*

(b) **Citations.**

- (1) Uniform Citation. The Wisconsin Uniform Traffic Citation described and defined in Section 345.11 of the Wisconsin Statutes shall be used in case of moving traffic violations and may be used in the case of parking violations.
- (2) Parking Citations. The citation presently used by the Chief of Police for enforcing the non-moving traffic offenses in this Chapter may 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.

(c) **Traffic Violation and Registration Program.**

- (1) Participation. The Village shall participate in the Wisconsin Department of Transportation Traffic Violation and Registration Program as set forth in Section 345.28, *Wis. Stats.*, and Wis. Adm. Code Chapter Trans. 128 and all amendments or changes thereto.
- (2) Responsible Official. The Chief of Police is hereby designated as the Village official responsible for compliance with the Traffic Violation and Registration Program, Section 345.28, *Wis. Stats.*, and Wis. Adm. Code Chapter Trans. 128. The Chief of Police is authorized to perform, on behalf of the Village, all functions required of a local authority under said Statute and Code including, but not limited to:
  - a. Preparing and completing all forms and notices notifying the Wisconsin Department of Transportation of unpaid citations for non-moving traffic violations;
  - b. 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 or both;
  - c. Determining the method by which the Village will pay the Wisconsin Department of Transportation for administration of the program and establishing the effective date for participation; and
  - d. Taking such other action as is necessary to institute and continue participation in the Wisconsin Department of Transportation Traffic Violation and Registration Program.
- (3) Additional Assessment. In addition to all applicable forfeitures, court costs, other costs, assessments, fees, and surcharges, the cost of using the Wisconsin Department of Transportation Traffic Violation and Registration Program shall be assessed as permitted by Section 345.28(4)(d), *Wis. Stats.*
- (4) Scope. 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: Secs. 345.11 and 345.28, *Wis. Stats.*; Ch. Trans. 128, Wis. Adm. Code.

CHAPTER 2

Bicycles and In-Line Skates

10-2-1	Definitions
10-2-2	Lamps and Other Equipment
10-2-3	Rules of the Road
10-2-4	Additional Bicycle Regulations
10-2-5	Regulation of In-Line Skates
10-2-6	Penalties and Enforcement

**SEC. 10-2-1 DEFINITIONS.**

As used in this Chapter:

- (a) **Bicycle** means every vehicle (meaning every device in, on, or by which any person is or may be transported or drawn) that is propelled by the feet acting upon pedals and having wheels, any two (2) of which are not less than fourteen (14) inches in diameter.
- (b) **Carrier** means any device attached to a bicycle designed for carrying articles.
- (c) **In-Line Skates** means skates with wheels arranged singly in a tandem line rather than in pairs.
- (d) **Motor Bicycle** means a bicycle to which a power unit not an integral part of the vehicle has been added to permit the vehicle to travel at a speed of not more than thirty (30) miles per hour with a one hundred fifty (150) pound rider on a dry, level, hard surface with no wind and having a seat for the operator.
- (e) **Right-of-Way** means the privilege of the immediate use of the way, lane, or route.
- (f) **Play Vehicles** means any coaster, skateboard, roller skates, sled, toboggan, unicycle or toy vehicle upon which a person may ride, but does not include in-line skates.

State Law Reference: Sec. 340.01, *Wis. Stats.*

**SEC. 10-2-2 LAMPS AND OTHER EQUIPMENT.**

The terms and provisions of Section 347.489, *Wis. Stats.*, which concerns lamps and other equipment on bicycles and motor bicycles, shall apply as the law of the Village of Gays Mills by virtue of its incorporation by Section 10-1-1 of this Title 10.

**SEC. 10-2-3 RULES OF THE ROAD.**

The provisions of Chapter 346, *Wis. Stats.*, except as otherwise provided in this Chapter and to the extent provided in Section 346.02(4), *Wis. Stats.*, by virtue of its incorporation by Section 10-1-1 of this Title 10, and other applicable Village ordinances shall govern the operation of bicycles as the law of the Village of Gays Mills. Every person riding a bicycle upon a roadway or shoulder of a highway is granted all the rights and is subject to all the duties which Chapter 346, *Wis. Stats.*, grants or applies to the operator of a vehicle, except those provisions which by their very nature can have no application to bicycles and subject to the special provisions applicable to bicycles. Provisions which apply to bicycles also apply to motor bicycles except as otherwise expressly provided.

State Law Reference: Secs. 346.02(4) and 349.18(2), *Wis. Stats.*

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### SEC. 10-2-4 ADDITIONAL BICYCLE REGULATIONS.

- (a) **Operation on Sidewalks.**
  - (1) No person over the age of ten (10) shall ride or propel any bicycle upon any public sidewalk of the Village in the Business District set apart for pedestrians.
  - (2) Every person operating a bicycle on a sidewalk shall yield the right-of-way to any pedestrian and shall exercise due care and give an audible signal when passing a bicycle rider or pedestrian proceeding in the same direction.
- (b) **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.

State Law Reference: Secs. 346.804, 346.94(1), and 349.18(2), *Wis. Stats.*

### SEC. 10-2-5 REGULATION OF IN-LINE SKATES AND SKATEBOARDS.

- (a) **Regulations.** It shall be unlawful for any person to operate or ride in-line skates on any roadway in the Village of Gays Mills under its jurisdiction where the speed limit is in excess of twenty-five (25) miles per hour except while crossing a roadway at a crosswalk and on any public tennis or basketball court. No person riding in-line skates may go upon any roadway under the jurisdiction of the Wisconsin Department of Transportation except while crossing a roadway or crosswalk.
- (b) **In-Line Skates.**
  - (1) State Laws Applicable. Every person using in-line skates upon a public roadway shall be subject to the provision of all ordinances and State laws applicable to the operator of any vehicle, except those provisions with reference to equipment of a vehicle and except those provisions which by their nature would have no application.
  - (2) Sidewalks or Walkways. Every person using in-line skates upon a sidewalk or walkway shall yield the right-of-way to any pedestrian and shall exercise due care when passing any other persons proceeding in the same direction.
  - (3) In-Line Skaters to Stay on Right Side of Road. Every person using in-line skates on a public roadway shall keep as close to the right hand curb as possible.
  - (4) Clinging to Moving Vehicles Prohibited. It shall be unlawful for any person using in-line skates to attach the same or himself to any bicycle or other vehicle upon a roadway.
  - (5) Observance of Traffic Regulations. Every person using in-line skates upon a public roadway shall stop for all arterial and automatic traffic signals.
  - (6) One-Way Streets. Every person using in-line skates upon a one-way street shall proceed in the direction of the one-way traffic.
  - (7) Operating Two (2) Abreast Prohibited. Every person when using in-line skates upon a public roadway shall proceed in single file only.
  - (8) Yielding to Traffic. The operator of a vehicle shall yield the right-of-way to a user of in-line skates in the same manner as for bicyclists and pedestrians under Sections 346.23, 346.24, 346.37 and 346.38, *Wis. Stats.* Every person when using in-line skates shall, upon entering a public roadway, yield the right-of-way to motor vehicles, except that a person using in-line skates shall be subject to the same regulations as bicyclists and pedestrians under Sections 346.23, 346.24, 346.37 and 346.38, *Wis. Stats.*

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- (9) Careful and Prudent Manner. Any person riding on in-line skates on any roadway within the Village of Gays Mills shall ride in a careful and prudent manner and with due regard under the circumstances for the safety of all persons using the roadway.
- (10) Community Commerce Center. Any uses of in-line skates or skateboards are prohibited at the Community Commerce Center located at 16381 State Highway 131.

State Law Reference: Secs. 349.235 and 346.94(17), *Wis. Stats.*

### **SEC. 10-2-6 PENALTIES AND ENFORCEMENT.**

The penalty for violation of any provision of this Chapter shall be as provided in Section 10-1-15 of this Code of Ordinances. The enforcement procedure shall be as provided in Section 10-1-16 of this Code.

CHAPTER 3

Snowmobiles

- 10-3-1 State Snowmobile Laws Adopted
- 10-3-2 Snowmobile Trails
- 10-3-3 Penalty
- 10-3-4 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 for which the penalty is a forfeiture, including penalties to be imposed, exclusive of any part of any statute for which the statutory penalty is a fine or term of imprisonment, are hereby adopted by reference and made part of this Chapter as if fully set forth herein and are collectively referred to in this Chapter as the Adopted Snowmobile Statutes. The Adopted Snowmobile Statutes shall be designated as part of this Code by adding the prefix “10-3-” to each statute section number. Acts required to be performed or prohibited by the Adopted Snowmobile Statutes are required or prohibited by this Chapter. Any existing or future amendments, revisions or modifications of the Adopted Snowmobile Statutes are intended to be made part of this Code. Any person who shall, within the Village of Gays Mills, Wisconsin, violate any provisions of the Adopted Snowmobile Statutes shall be deemed to have violated this Section. The definitions contained in Section 350.01, *Wis. Stats.*, shall apply in this Chapter 3.

- 350.02 Operation of Snowmobiles on or in the Vicinity of Highways
- 350.03 Right-of-Way
- 350.04 Snowmobile Races, Derbies and Routes
- 350.045 Public Utility Exemption
- 350.047 Local Ordinance to be Filed
- 350.05 Operation by Youthful Operators Restricted
- 350.07 Driving Animals
- 350.08 Owner Permitting Operation
- 350.09 Head Lamps, Tail Lamps and Brakes, Etc.
- 350.10 Miscellaneous Provisions for Snowmobile Operation
- 350.101 Intoxicated Snowmobiling
- 350.102 Preliminary Breath Screening Test
- 350.1025 Application of Intoxicated Snowmobiling Law
- 350.103 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 Influence of Intoxicant
- 350.11 Penalties
- 350.12 Registration of Snowmobiles
- 350.13 Uniform Trail Signs and Standards
- 350.135 Interferences with Uniform Trail Signs and Standards Prohibited

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350.15	Accidents and Accident Reports
350.155	Coroners and Medical Examiners to Report; Require Blood Specimen
350.17	Enforcement
350.19	Liability of Landowners
350.99	Parties to a Violation

State Law Reference: Secs. 349.06 and 350.18, *Wis. Stats.*

### SEC. 10-3-2 SNOWMOBILE TRAILS.

- (a) **Routes Designated.** Snowmobile trails in the Village of Gays Mills shall be those areas described in the map appearing at the end of this Chapter, hereby incorporated herein as part of this Section. The Chief of Police or Village President shall have the power to declare the stated snowmobile trails either open or closed. No person shall operate a snowmobile on any public right-of-way, in any park, or on any other municipal property zoned residential, commercial, industrial, or conservancy II except on a designated snowmobile route approved by the Village Board.
- (b) **Trail Markers.** Snowmobile trails shall be marked. Area snowmobile clubs shall be responsible for procuring, erecting and maintaining all necessary signs on all approved trails by the Village Board as a condition of their use.
- (c) **Markers to be Obeyed.** No person shall fail to obey any trail sign or marker erected in accordance with this Section.
- (d) **Adopted Snowmobile Statutes to Apply.** The Adopted Snowmobile Statutes shall apply to operation of snowmobiles on approved trails to the extent they may be applicable.

State Law Reference: Secs. 350.01(17) and 350.18, *Wis. Stats.*

### SEC. 10-3-3 PENALTY.

Forfeitures for violation of this Chapter shall be as set forth for the Adopted Snowmobile Statutes in Section 350.11, *Wis. Stats.*, including any variations or increases for subsequent offenses, plus all court costs, assessments, surcharges, fees and other costs allowable under the Wisconsin Statutes; provided, however, that this Section shall not be construed to permit prosecution under this Chapter for any offense described in Chapter 350 of the Wisconsin Statutes for which an imprisonment penalty or fine may be imposed on the defendant. Each day a violation continues shall constitute a separate offense.

State Law Reference: Sec. 350.11, *Wis. Stats.*

### SEC. 10-3-4 ENFORCEMENT.

- (a) **Uniform Citation for Highway Violations.** The uniform traffic citation promulgated under Section 345.11, *Wis. Stats.*, shall be used for violations of this Chapter when committed on a highway.
- (b) **Parking Violations.** The parking 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 Sections 66.12 and 66.119 of the Wisconsin Statutes. Except as otherwise provided in Section 66.12(1)(b) or Sections 345.20 to 345.53, *Wis. Stats.*, stipulations of guilt or no contest may be made within five (5) days of issuance of the citation and the amount paid shall be in

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accordance with Section 66.12(1)(b), *Wis. Stats.* Such stipulations and payments shall be tendered to the Village Clerk-Treasurer.

- (d) **Forfeited Penalties and Deposits.** Pursuant to Section 345.26(2), *Wis. Stats.*, the deposit schedule adopted by the judicial conference shall govern deposits for violation of this Chapter.

State Law Reference: Secs. 345.11, 66.119, and 66.12, *Wis. Stats.*

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## “CHAPTER 4

### All-Terrain and Utility Terrain Vehicles

#### SEC. 10-4-1 PURPOSE

The purpose of this chapter is to establish all-terrain vehicle (ATV)/utility-terrain vehicle (UTV) routes and trails and to provide safe and enjoyable ATV/UTV recreation consistent with public rights and interests pursuant to §59.02 and §23.33, Wis. Stats.

#### SEC. 10-4-2 APPLICABILITY AND ENFORCEMENT.

- (a) The provisions of this section shall apply to the areas designated in subsection (4) below, including all roadways within the jurisdiction of the County. The provisions of this section shall be enforced by the Crawford County Sheriff's Department.
- (b) Adoption of this section shall not prohibit any law enforcement officer or DNR warden from proceeding under any other ordinance, regulation, statute, law or order that pertains to the subject matter addressed under this section.

#### SEC. 10-4-3 LIMITATIONS.

The following limitations apply on all areas designated in section 10-4-4:

- (a) Speed. No ATV/UTV shall be operated at a speed greater than 35 miles per hour on any County Trunk Highway, Town or Village road or street or the speed limit on such street, whichever is less.
- (b) Lights. No ATV/UTV may be operated on any designated route or trail without fully functional headlights, tail-lights, and brake lights. Every ATV/UTV being operated on any designated route or trail must display a lighted headlamp and tail lamp at all times.
- (c) Routes - Roadway Only. On any public roadway designated as an ATV/UTV route, all ATV/UTV operation is authorized only for the extreme right side of the roadway except that left turns may be made from any part of the roadway which is safe given prevailing conditions. All ATVs and UTVs must operate in single file. Operation on paved shoulders intended for bicycle or pedestrians, gravel shoulders, grassy in-slope, ditches or other highway right-of-way is prohibited.
- (d) Trails – Off-Road Right of Way Only. On any off-road public corridor designated as an ATV/UTV trail, all ATV/UTV operation is authorized only within the marked trail designated within the right of way adjacent to a state, county, town or village highway, road or street. All ATVs and UTVs must operate in single file. No operation is allowed on any

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trail within the right of way during inclement weather, if the trail material is unstable or is marked as closed.

- (e) Hours of Operation. No ATV/UTV may be operated on any designated route or trail between the hours of 1:00 a.m. to 5:00 a.m. daily.
- (f) Age, License and Protective Headgear . On any designated ATV/UTV route or trail, all operators must be 16 years of age or older and have a valid driver's license. No person under the age of 18 may operate or be a passenger of an ATV/UTV on any designated route or trail without wearing approved protective headgear.
- (g) Noise. No ATV/UTV may be operated on any designated route if that ATV/UTV does not meet all applicable Wisconsin State noise pollution standards.
- (h) Insurance. All ATV/UTVs operating on any designated ATV/UTV route or trail or on any County trunk highway must have proof of liability insurance for the ATV/UTV being operated.
- (i) Registration . All ATV/UTVs being operated on any designated route or trail shall meet the registration requirements of the State of Wisconsin and Wisconsin Department of Natural Resources.
- (j) Activities Prohibited. No competitive events or any other type of contest shall be held, conducted or performed on any ATV/UTV route or trail.
- (k) Operation. ATV/UTV operation on designated routes and trails shall be in accordance with the provisions of the Wisconsin State Statutes, the Wisconsin Department of Transportation Administrative Code, the Wisconsin Department of Natural Resources Administrative Code and all applicable municipal ordinances.

### SEC. 10-4-4 DESIGNATION OF ATV/UTV ROUTES AND TRAILS.

- (a) State and County Trunk Highways. ATV/UTV routes on State and County Trunk Highways and ATV/UTV trails on off-road public corridors adjacent to State and County Trunk Highways shall be authorized by the Village Board and designated and approved by the Crawford County Board, except that permits for existing routes or trails may be renewed without further action by the County Board. Any modifications to an ATV and UTV route or trail shall be approved by the Crawford County Board. A copy of those ATV and UTV routes and trails, along with a map showing their location(s), shall be kept on file at the Village Hall with a copy also filed at the Crawford County Sheriff's Office and at the Highway Department. The Crawford County Highway Department shall be responsible for signage and the establishment of speed limits regulating ATVs and UTVs. The Crawford County Highway Department shall retain the sole authority for the closure or termination of any ATV/UTV route on the State and County Trunk Highway System.

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- (1) Designated ATV/UTV routes or trails on or adjacent to County roadways may be closed at the discretion of the Crawford County Highway Commissioner or his/her designee.
  - (2) The Crawford County Highway Commissioner shall have the authority to suspend operation on any highway or right of way for up to 90 days due to hazard, construction, or emergency conditions in any highway segment designated as an ATV/UTV route or trail. The Crawford County Highway Commissioner shall also have the authority to designate for up to 90 days alternate routes or trails for any of the above authorized highway segments that might be so closed.
  - (3) Applications for the initiation of new routes and trails or alteration to existing routes, trails or crossings shall be submitted to the Crawford County Highway Department for processing and submission to the Crawford County Board.
  - (4) ATV/UTV routes on bridges 1,000 feet or less in length shall be authorized by the Village Board and by the Crawford County Board following §§23.33(4)(d)3.b. and 23.33(11)(am)3., Wis. Stats. All ATV/UTVs operated on bridges shall do all of the following:
    - a. Cross the bridge in the most direct manner practicable and at a place where no obstruction prevents a quick and safe crossing.
    - b. Stay as far to the right of the roadway or shoulder as practicable.
    - c. Stop the vehicle prior to the crossing.
    - d. Yield the right-of-way to other vehicles, pedestrians, electric scooters, and electric personal assistive mobility devices using the roadway or shoulder.
    - e. Exit the highway as quickly and safely as practicable after crossing the bridge.
- (b) Village Roads and Streets. ATV/UTV routes on Village roadways and ATV/UTV trails on off-road public corridors adjacent to Village roadways shall be designated, established and approved by the Village Board. Any modifications to a designated ATV and UTV route or trail shall be approved by the Village Board. A copy of those ATV and UTV routes or trails, along with a map showing their location, shall be kept on file at the Village Hall with a copy also filed at the Crawford County Sheriff's Department and Highway Office. The Village Board shall be responsible for overseeing signage on every route and trail designated within its jurisdiction and for the establishment of speed limits regulating ATVs and UTVs and may establish fewer allowed "Hours of Operation" within their jurisdiction. The Village

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Board shall retain the sole authority for the closure or termination of any ATV/UTV route or trail.

- (1) The Village Board shall have the authority to suspend operation on any road or street for up to 90 days due to hazard, construction, or emergency conditions in any highway segment listed above. The Village Board shall also have the authority to designate for up to 90 days alternate routes and trails for any of the above authorized road segments that might be so closed.

(c) Crossings. Crossings for approved trails established across any public roadway are required to be permitted by the governmental agency having jurisdiction over that roadway.

### SEC. 10-4-5 ROUTE AND TRAIL SIGNS.

(a) Route Signage: Every area authorized as an all-terrain vehicle/utility-terrain vehicle route shall be designated by an all-terrain vehicle/utility-terrain vehicle route sign having a reflectorized white all-terrain vehicle symbol, bordered and message on a reflectorized green background with a minimum size of 24 inches by 18 inches with directional arrow, where appropriate, placed at the beginning of an ATV/UTV route and at such locations and intervals as necessary to enable the ATV/UTV operators to follow the route. Existing 18-inch by 18-inch signs shall be allowed until replacement is required.

(b) Trail Signage: Every area authorized as an all-terrain vehicle/utility-terrain vehicle trail shall be designated by an all-terrain vehicle/utility-terrain vehicle trail sign having a reflectorized white all-terrain vehicle symbol, bordered and message on a reflectorized brown background with a minimum size of 18 inches by 18 inches with directional arrow, where appropriate, placed at the beginning of an ATV/UTV trail and at such locations and intervals as necessary to enable the ATV/UTV operators to follow the trail.

#### (c) Additional Sign Regulation

(1) State and County Trunk Highways. All required designated route or trail signs and posts shall be paid for by the ATV/UTV Club requesting the route. All signs and posts shall be installed by the Crawford County Highway Department at the direction of the Highway Commissioner or his or her designee.

(2) Town and Village Roads and Streets. All required designated route or trail signs and posts shall be paid for by the ATV/UTV Club requesting the route. Signs shall be erected by the club at locations approved by the Village Board.

(3) All routes or trails shall be signed and posted in accordance with the Manual on Uniform Traffic Control Devices, the Wisconsin Department of Transportation, the Wisconsin Department of Natural Resources and all other applicable local guidelines.

(4) No sign may be mounted on any existing County sign post, unless authorized by the Crawford County Highway Commissioner or designee.

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- (5) No person may erect, remove, obscure, or deface any official designated route or trail sign unless authorized by the Crawford County Highway Commissioner or respective Town Board of Supervisors or the Village Board of Trustees or their designee.
- (6) No person shall operate an ATV/UTV contrary to any authorized and official posted sign.

### **SEC. 10-4-6 PENALTIES**

The penalty for violating any subsection of this section shall be according to the following schedule, plus the cost of damages or restoration and plus court costs:

- (a) The penalty for a violation of sections 10-4-3(c) and (3)(d) shall be not more than \$200.
- (b) The penalty for a violation of sections 10-4-3(b), (e), (f), (g), (h), (i) and (j) shall be not more than \$100.
- (c) The penalty for a violation of any other provision of this section for which no specific penalty is specified shall be not more than \$50.

### **SEC. 10-4-7 JUVENILE PENALTIES.**

Any juvenile who violates this section shall be subject to the forfeitures prescribed in subsection (6) of this section except that the provisions for the incarceration in jail for the nonpayment of forfeiture shall not apply to juveniles.

- (a) Upon default of payment of any forfeiture imposed by this section, a court may order any license issued to a juvenile under Chapter 29 of the Wisconsin Statutes suspended or may order the child's operating privileges as defined in subsection §340.01(40) Wis. Stats., suspended for not less than 30 days or more than 90 days. Prior to suspension of licenses under this subsection, the court shall make a finding that the juvenile alone is financial able to pay the amount of the forfeiture and shall allow up to 12 months for the juvenile to make payment. The court shall immediately take possession of any suspended license and forward it to the department which issued the license together with the notice of suspension clearly stating that the suspension is for failure to pay a forfeiture imposed by the court. If the forfeiture is paid during the first 30 days after the license is suspended, the suspension shall be reduced to the minimum period of 30 days. If it is paid thereafter, the court shall immediately notify the appropriate department which will thereupon return the license to the person.

### **SEC. 10-4-8 VIOLATIONS, JUDGMENTS, RESTITUTION.**

A judgment obtained under this chapter may be enforced in the same manner as any civil judgment. Penalties imposed for violations of this section shall be made according to the schedule of forfeitures listed in subsections (6) and (7) of this section. The procedures and provisions set forth in Ch. 800, Wis. Stats., shall apply to all violations of the sections and subsections of this section.

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### SEC. 10-4-9 UNIFORM CITATION AND SUMMONS.

A uniform County ordinance violation citation shall be created and reproduced in such a fashion as to provide alleged violators with proper notice of the ordinance violation alleged and date, time and place of said violation along with a summons to appear before the circuit court for Crawford County at the courthouse in Prairie du Chien, Wisconsin, at a date and time specified in the citation and shall provide an option of posting a uniform forfeiture deposit in lieu of the defendant's appearance on that date. The form of such citation and summons shall be on file in the office of the Clerk of Court. Other uniform citations adopted by the State of Wisconsin for the use of counties and other municipalities may be used in the prosecution of violations under this section.”

### SEC. 10-4-10 ATV/UTV ROUTES AS AUTHORIZED BY THE VILLAGE BOARD ON VILLAGE ROADWAYS.

<u>Roadway</u>	<u>Section Description</u>
STH 171	from STH 171 Kickapoo River Bridge to STH E 171 (up Orchard Hill)
STH 131	STH 131 S Fairgrounds to STH 131 N at Grove Street Intersection
STH 171	West Point Rd to Old Gays Rd; per 7.08(4)(a)(4)
STH 171	Old Gays Rd to West River Rd
STH 171	West River Rd to W Orin Street; per 7.08(4)(a)(4)
Appleland Dr	In Its Entirety
Bluebird Ln	In Its Entirety
Brockway Dr	In Its Entirety
Cedar St	In Its Entirety
Cemetery Rd	In Its Entirety
Empire Ave	In Its Entirety
Evergreen St	In Its Entirety
Frank Orchard Rd	In Its Entirety
S Gay St	In Its Entirety
Grove St	In Its Entirety
Hagar Hollow Rd	In Its Entirety
Hemlock St	In Its Entirety
McIntosh Ct	In Its Entirety
Misty Valley Ave	In Its Entirety
Mulberry St	In Its Entirety
Old Gays Rd	In Its Entirety
O’Neil Rd	In Its Entirety
Opals Ln	In Its Entirety
Orin St	In Its Entirety
W Orin St	In Its Entirety
West Point Road	In Its Entirety
Park St	In Its Entirety
S Post St	In Its Entirety
N Railroad St	In Its Entirety
S Railroad St	In Its Entirety
N Rebeca St	In Its Entirety
S Rebeca St	In Its Entirety
W River Rd	In Its Entirety
Robb Park St	In Its Entirety
Royal Ave	In Its Entirety
Sandy Mount St	In Its Entirety
School St	In Its Entirety
Spruce St	In Its Entirety

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Stevenson Rd	In Its Entirety
Sunset Ridge Ave	In Its Entirety
Ten Hills St	In Its Entirety
Watermelon Way	In Its Entirety
STH 131	Del la Mater Rd to East Grove St to cross the bridge over the Del La Mater Hollow Creek; per 10-4-4(a)(4)

**SEC. 10-4-11** **ATV/UTV TRAILS AS AUTHORIZED BY THE VILLAGE BOARD ON VILLAGE ROADWAY RIGHT OF WAYS.**

<u>Roadway</u>	<u>Section Description</u>
None	

# TITLE 10 Motor Vehicles and Traffic – Village of Gays Mills

## CHAPTER 5

### Abandoned and Junked Vehicles

10-5-1	Abandoned Vehicles
10-5-2	Removal, Storage, and Reclaimer of Abandoned Vehicles
10-5-3	Disposal of Abandoned Vehicles
10-5-4	Report of Sale or Disposal
10-5-5	Forfeiture Action
10-5-6	Junked Vehicles and Other Junk
10-5-7	Conflict with Other Code Provisions

#### SEC. 10-5-1 ABANDONED VEHICLES.

**Abandonment of Vehicles Prohibited.** The terms and provisions of Section 342.40, *Wis. Stats.*, which concern abandoned vehicles, shall apply as the law of the Village of Gays Mills by virtue of its incorporation by Section 10-1-1 of this Title 10. Except as otherwise provided by Section 342.40, *Wis. Stats.*, whenever any such vehicle has been left unattended without the permission of the property owner for more than forty-eight (48) hours, the vehicle shall be deemed abandoned and constitutes a public nuisance.

#### SEC. 10-5-2 REMOVAL, STORAGE, AND RECLAIMER OF ABANDONED VEHICLES.

- (a) **Applicability.** The provisions of this Section shall apply to the removal, storage, notice, reclaimer or disposal of abandoned vehicles. Any vehicle in violation of this Section shall be impounded pursuant to this Section until lawfully claimed or disposed of pursuant to this Section, except that if it is deemed by the Authorized Officials that the cost of towing and storage charges for the impoundment would exceed the value of the vehicle then the vehicle may be junked or sold by the Village of Gays Mills prior to expiration of the impoundment period on determination by the Authorized Officials or Sheriff having jurisdiction that the vehicle is not stolen or otherwise wanted for evidence or other reason. All substantially complete vehicles in excess of nineteen (19) model years of age shall be disposed of in accordance with this Section.
- (b) **Removal.**
- (1) Any police officer who discovers any motor vehicle, trailer, semitrailer or mobile home on any public highway or private or public property in the Village of Gays Mills which has been abandoned shall give notice of the violation by placing in a conspicuous place on the vehicle a written notice setting forth the applicable provisions of this Section, containing the date of the notice, and specifying the time during which such vehicle may be removed by its owner or operator and that in the event of failure to so remove within the prescribed time the Village shall remove the vehicle and assess the costs thereof and the storage costs against the owner or operator. The time specified in the notice shall allow for adequate time for compliance with Subsection (e) if it applies. Subject to the provisions of Subsection (e), the Sheriff Department shall cause the vehicle to be removed to a suitable place of impoundment after the period prescribed in the notice has elapsed.
  - (2) Upon removal of the vehicle, the police officer shall notify the Authorized Officials or his designee of the abandonment and of the location of the impounded vehicle.

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- (3) The owner of any abandoned vehicle except a stolen vehicle is responsible for the abandonment and all cost of impounding and disposing of the vehicle, which may be recovered by the Village of Gays Mills in a civil action against the owner if not recovered from the sale of the vehicle; provided, however, that the Village shall be responsible to the towing service for requisitional towing service and reasonable charges for impoundment whether or not the Village recovers the cost of towing and enforcement.
- (c) **Storage and Reclaimer.** Any abandoned vehicle which is determined by the Authorized Official or his designee to be abandoned shall be retained in storage for a minimum period of ten (10) days after certified mail notice with a \$35 storage fee per day, as provided for in Subsection (d), has been sent to the Wisconsin titled owner and lienholders of record to permit reclamation of the vehicle after payment of accrued charges. 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 the Authorized Official or his designee 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 owner of record of the abandoned vehicle, if any, and the lienholders of record, if any, of the following:
- (1) That the vehicle has been abandoned and impounded by the Village of Gays Mills;
  - (2) That the vehicle may be reclaimed upon the payment of all accrued charges, including towing, storage and notice charges, within ten (10) days after mailing of the notice;
  - (3) That the failure of the owner or lienholders to exercise their rights to reclaim the vehicle under this Section shall be deemed a waiver of all right, title and interest in the vehicle and a consent to the sale of the vehicle; and
  - (4) The year, make, model, and serial number of the abandoned vehicle and the place where the vehicle is being held.
  - (5) If vehicle is not reclaimed within the ten (10) day period the Village of Gays Mills has the right to impound the vehicle up to thirty (30) days at \$35 per day and/or sell if vehicle is older than nineteen (19) years.
- (e) **Opportunity to be Heard.** Notwithstanding any contrary provision of this Section and/or this Chapter 5, where an abandoned vehicle displays current license plates and the circumstances do not demand prompt removal, registered or certified mail notice shall be sent to the owner of a vehicle within three (3) business days after the identity of the owner has been ascertained informing the owner that he/she may request a hearing before the Village Board on the issue of a violation of this Section and the consequent assessment of any costs of removal or storage. Such request must be made in writing to the Village Clerk-Treasurer and received prior to the expiration of the time during which the owner or operator may remove the vehicle under the notice specified in Subsection (b) of this Section and the Village shall not remove the vehicle or assess the costs prior to such hearing in the event of a request complying with this Subsection. If the circumstances demand prompt removal, whether because the vehicle constitutes an impediment to traffic, a hazard to traffic or safety, or otherwise, and the vehicle displays current license plates, registered or certified mail notice shall be sent after an impoundment within three (3) business days after the identity of the owner has been ascertained informing the owner that he/she may request a hearing before the Village Board on the issue of whether he/she has committed a violation justifying impoundment and the consequent assessment of charges. Such request must be made in writing to the Village Clerk-Treasurer and must be received within three (3) business days of the date of the notice.

Federal and State Law Reference: *Sutton v. City of Milwaukee*, 672 F.2d 644 (7th. Cir. 1982); *Kness v. City of Kenosha*, 669 F.Supp. 1484 (E.D. Wis. 1987); *Graff v. Nicholl*, 370 F.Supp. 974 (N.D. Ill. 1974); Sec. 342.40, *Wis. Stats.*

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### **SEC. 10-5-3 DISPOSAL OF ABANDONED VEHICLES.**

Any abandoned vehicle impounded by the Village which has not been reclaimed or junked or sold pursuant to the provisions of this Chapter may be sold by sealed bid or public auction sale. At such sale, the highest bid for any such motor vehicle shall be accepted unless the same is deemed inadequate by the representative of the Village in charge of the sale, in which event all bids may be rejected. If all bids are rejected or no bid is received, the Village may either readvertise the sale, adjourn the sale to a definite date, sell the motor vehicle at a private sale, or junk the vehicle. A Class 1 Notice, including the description of the vehicle, the name(s) and address(es) of the owner and lienholders of record, if known, and the time of the sale shall be published before the sale, or, in the alternative, a notice containing the information specified in Section 10-5-2(d) shall be posted at the office of the Village or the office of the Crawford County Sheriff.

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

### **SEC. 10-5-4 REPORT OF SALE OR DISPOSAL.**

On sale of an abandoned vehicle as provided for herein, the Village shall supply the purchaser with a completed form designed by the Division of Motor Vehicles of the Department of Transportation of the State of Wisconsin enabling the purchaser to obtain a regular certificate of title for the vehicle and within five (5) days after the sale or disposal of a vehicle as provided for herein, the Village shall advise such Department of the sale or disposition on a form supplied by that Department. The purchaser shall have ten (10) days to remove the vehicle from the storage area but shall pay \$10 per day storage fee established by the Village for each day the vehicle remains in storage after the second business day subsequent to the sale date. If the purchaser does not remove the vehicle ten (10) days after the sale the purchaser shall forfeit all interest in the vehicle and the vehicle shall be deemed to be abandoned and may be sold again. Any listing of vehicles to be sold by the Village shall be made available to any interested person or organization which makes a written request for such list. The Village may charge a reasonable fee for such list.

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

### **SEC. 10-5-5 FORFEITURE ACTION.**

In addition to the remedies provided for in this Chapter concerning abandoned vehicles, the Village of Gays Mills may prosecute an action for a forfeiture for any violation of Section 10-5-1.

### **SEC. 10-5-6 JUNKED VEHICLES AND OTHER JUNK.**

#### **(a) Definitions.**

- (1) The term “junked motor vehicle or parts thereof” as used in this Section is defined as follows: motor vehicles, recreational vehicles, truck bodies, tractors, farm machinery, or trailers in such state of physical or mechanical ruin as to be incapable of propulsion, being operated upon the public streets or highways or which is otherwise not in safe or legal condition for operation on public streets or highways due to missing or inoperative parts, flat or removed tires, expired or missing license plates, or other defects, and parts thereof.
- (2) The term “unlicensed motor vehicle” as used in this Section is defined as follows: motor vehicles, truck bodies, tractors, recreational vehicles, or trailers which do not bear lawful current license plates and stickers.

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- (3) The term “motor vehicle” is as defined in Section 340.01(35), *Wis. Stats.*
- (4) The term “other junk or discarded property” is defined as follows: appliances and machinery, appliance and machinery parts, wood, bricks, cement blocks, scrap iron or steel, debris, or other unsightly personal property.
- (b) **Storage Restricted.** No junked motor vehicle or parts thereof or unlicensed motor vehicle or other junk or discarded property shall be stored or accumulated outside any building upon any real property within the Village of Gays Mills except on a permit issued by the Village Board.
- (c) **Limitation.** This Section applies to motor vehicles registered pursuant to Sections 341.265 and 341.266, *Wis. Stats.*, to the extent permitted by those statutes.
- (d) **Permits.** The permit issued by the Village Board shall be signed by the Village President and the Village Clerk-Treasurer and shall specify the quantity and manner of storing such junked motor vehicle or parts thereof, unlicensed motor vehicle, or other junk or discarded property, as determined by the Village Board. Permit fee is \$25 for three (3) months with funds to be returned after vehicle is repaired and licensed. Such permit shall be revocable at any time by the Village Board after a hearing at which it has been found that the permit holder has failed or refused to comply with this Section or the permit. Such hearing may be held by the Village Board on its own motion or on complaint in writing, duly signed and verified by the complainant. The complainant shall state the nature of the alleged failure or refusal to comply with this Section or the permit and be signed and verified by the complainant. A copy of the complaint together with a notice of the hearing shall be served upon the permit holder not less than ten (10) days before the date of hearing.
- (e) **Enforcement.**
  - (1) Whenever an authorized official shall find any junked motor vehicle or parts thereof, unlicensed motor vehicle, or other junk or discarded property not properly housed within the Village for which a permit has not been issued, he or she may issue a citation to the owner of said property on which the same is stored for violation of this Section.
  - (2) If a junked motor vehicle or parts thereof or unlicensed motor vehicle is not removed within twenty (20) days after issuance of a citation, any law enforcement officer may cause the same to be removed as hereinafter provided. Removal and disposal of junked motor vehicles shall be as prescribed in Sections 10-5-2 through 10-5-4 by the Sheriff’s Department or his duly authorized representative. Any cost incurred in the removal and sale of a junked motor vehicle or parts thereof or unlicensed motor vehicle may be recovered from the owner. If the owner, however, cannot readily be found, the cost of such removal may be charged to the property from which it is removed and entered as a special charge on the tax roll.
  - (3) The storage or accumulation of any junked motor vehicle or parts thereof, unlicensed motor vehicle, or other junk or discarded property outside any building upon any real property within the Village of Gays Mills without a permit issued under sec. 10-5-6(d) is declared to be a public nuisance. As such, as an alternative or in addition to the citation provided for in Section 10-5-6(e)(1), said public nuisance may be proceeded against and abated and the costs thereof assessed as provided in Sections 11-5-7 and 11-5-8 of this Code.”
- (f) **Penalty.** Any person or entity who violates this Section and shall be found guilty thereof shall be subject to a penalty as provided in Section 1-1-6. Each day that a junked motor vehicle or parts thereof, unlicensed motor vehicle, or other junk or discarded property is stored in violation of this Section shall constitute a separate offense.

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State Law Reference: Secs. 175.25 and 342.40, *Wis. Stats.*

**SEC. 10-5-7 CONFLICT WITH OTHER CODE PROVISIONS.**

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