

CHAPTER 7
TRAFFIC CODE

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

7.02 OFFICIAL TRAFFIC MAP AND CONTROL DEVICES; PROHIBITED SIGNS, SIGNALS AND MARKERS. (1) **DUTY OF THE TOWN MAINTENANCE PERSON TO ERECT AND INSTALL UNIFORM TRAFFIC CONTROL DEVICES.** Whenever traffic regulations created by this chapter, including a State traffic regulation, adopted by reference in sec. 7.01 of this chapter, require the erection of traffic control devices for enforcement, the Town Board, shall cause the procurement, installation and maintenance 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 Town Chairperson, will carry out the purposes of this chapter and give adequate warning to users of the streets and highways of the Town.

(2) **OFFICIAL TRAFFIC MAP.** (a) *Official Traffic Map Established.* There is hereby established for the Town of Kewaskum an Official Traffic Map dated February 1, 1996, on which is indicated as of said date all existing stop signs. All such restrictions and limitations set forth on said Official Traffic Map are hereby adopted by reference.

(b) *Additions to Map.* The Town Board may, from time to time, make additions to or deletions from the Official Traffic Map and the Town Clerk shall keep such Official Traffic Map current. Every addition to said Official Traffic Map made after February 1, 1996, shall indicate the number of the authorizing resolution and the date the appropriate official traffic control device was erected, and every deletion shall indicate the number of the authorizing resolution.

(c) *Map to Be Maintained.* The Official Traffic Map shall be maintained and displayed in the office of the Town Clerk. The Clerk shall make appropriate authorized changes on said Map within 3 working days after the appropriate official traffic control device is erected or removed, as the case may be.

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

(3) **PROHIBITED SIGNS AND MARKERS IN HIGHWAYS.** No person other than an officer authorized by this chapter to erect and maintain official traffic control devices, or his designee, shall place within the limits of any street or highway maintained by the Town

any sign, signal, marker, mark or monument unless permission is first obtained from the Town Board. Any

sign, signal, marker, mark or monument placed or maintained in violation of this subsection shall be subject to removal, as provided in sub. (4) below.

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

7.03 STOP AND YIELD SIGNS. In the interest of public safety, the Town Board, by resolution, has designated the location of stop and yield signs within the Town and has ordered the installation of such signs. In addition, the location of such signs is designated on the Official Traffic Map of the Town pursuant to sec. 7.02 of this chapter.

7.04 SPEED LIMITS DECREASED. The Town Board hereby determines that the statutory speed limits on the following streets and highways or portions thereof are unreasonable, unsafe and imprudent and decreases such speed limits as follows:

(1)25 MILES PER HOUR. (a) Old Fond du Lac Road, from the Kewaskum Village limits north to S.T.H. 45.

(b)Hillcrest Drive, from Prospect Road east to the dead end.

(c)(Cr. Ord. #3-09) Shagbark Road.

(2)30 MILES PER HOUR (Cr. Ord. #5-06). (a) Kettle Moraine Drive, from C.T.H. H south to Ridge Road.

(b)(Cr. Ord. #4-09) County Line Road, from Townline Road to dead end.

(3)35 MILES PER HOUR (Renum. Ord. #5-06). (a) Prospect Drive, from the Kewaskum Village limits south to the residence at 8476 Prospect Drive.

(b)(Cr. Ord. #6-06, Eff. 8-1-06) Salisbury Lane, from Salisbury Road east to the dead end.

(c)(Cr. Ord. #9-06) Salisbury Road, from C.T.H. H south to the Town line at Ridge Road.

(4)45 MILES PER HOUR (Renum. Ord. #5-06; Rep. & Recr. Ord. #9-07).

(a)Forest View Road

(b)North Mill Road

(c)Oak Drive

(d)West Moraine Drive

(e)Hillcrest Road

(f)Kettle Moraine Drive

(g)Prospect Drive

(h)Ridge Road

- (i)Kettle Moraine Drive
- (j)Salisbury Road
- (k)Hickory Drive
- (l)South Mill Road
- (m)County Line Road west, from Forest View Drive west to Kettle Moraine Drive
- (n)Badger Road, from S.T.H. 45 to Kettle View Drive
- (o)East Moraine Drive, from Forest View Road west to where East Moraine Drive continues on Kettle Moraine Drive and west of C.T.H. S
- (p)Town Line Road
- (q)County Line Road, from North Mill Road west to the dead-end
- (r)All of Sandy Ridge Road
- (s)Highland Drive, from C.T.H. H north to the dead-end
- (t)(Cr. Ord. #10-07) Highland Drive, from C.T.H. H south to Ridge Road

(5)(Rep. Ord. #3-09)

7.05 PARKING REGULATIONS. (1) PARKING DURING SNOW REMOVAL. No person shall park, place or leave standing any automobile, truck or other vehicle on any street or public way after one hour from the time such area has been designated and marked with signs or barriers by an agent of the Town indicating no parking due to snow removal. The Town Board hereby declares that an emergency exists during and following a snow storm until the snow from the storm has been removed; therefore this paragraph shall be controlling over any other ordinance which might in any way conflict.

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

(3)PARKING IN DRIVEWAYS. No person shall park or leave standing any motor vehicle in any private driveway without the permission of the owner or lessee of the property upon which such driveway is located, whether or not such driveway is posted to limit or restrict parking.

(4)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 5 minutes within 300 feet of any residence within the Town between the hours of 10:00 P.M. and 7:00 A.M.

(5)PARKING PROHIBITED AT CERTAIN TIMES (Rep. and Recr. Ord. #3-06). No person shall park or leave standing any vehicle on the following highways during the months of November through March of each year:

- (a)The east and west sides of Prospect Drive, between Badger Road and Kettleview Drive.

7.06 CLASSIFICATION OF AND WEIGHT LIMITATIONS ON TOWN HIGHWAYS. (1) CLASS “B” HIGHWAYS DESIGNATED. Pursuant to §348.16, Wis. Stats., the highways maintained by the Town are designated Class “B” highways, pursuant to §349.15,

Wis. Stats. No person shall operate any vehicle or combination of vehicles imposing wheel, axle,

group of axles or gross weight on any Town highway which exceeds 60% of the weight limitations for Class "A" highways as set forth in §348.15(3)(c), Wis. Stats.

(2)SPECIAL AND SEASONAL WEIGHT LIMITATIONS. (a) The Town Chairperson is empowered to exercise the authority granted by §349.16(1), Wis. Stats., to impose temporary seasonal special weight limitations on any Town road or portion thereof which, because of weakness of the roadbed due to deterioration or climatic conditions or other special or temporary condition, would likely be seriously damaged or destroyed in the absence of such special limitations.

(b)Imposition of the special weight limitations authorized by par. (a) above shall be done by erecting signs on or along the highway on which it is desired to impose the limitation sufficient to give reasonable notice that a special weight limit is in effect and the nature of that limitation.

(c)The Town Chairperson is further empowered to exercise the discretion authorized by §349.16(3), Wis. Stats., to exempt vehicles carrying certain commodities such as construction materials and fuel from the limitations imposed by par. (a) above or to set different weight limitations than those imposed by par. (a) above for vehicles carrying such commodities if, in the judgment of the Chairperson, the exemption or limitation is reasonable and necessary to promote the public health, safety and welfare.

(3)PENALTY. Any person violating this section may be penalized as follows:

(a)If the weight exceeds by 1,000 pounds or less the maximum set forth in sub. (1) above, a forfeiture of not less than \$50 nor more than \$100 upon the first conviction together with the costs of prosecution and, upon the second and each subsequent conviction within a 12 month period, a forfeiture of not less than \$100 nor more than \$200 plus the costs of prosecution.

(b)If the weight exceeds by more than 1,000 pounds, the maximum set forth in sub.(1) above, the forfeiture shall be computed according to the following schedule:

1.For the first conviction, a forfeiture of not less than \$50 nor more than \$200 plus an amount equal to the following:

- a. 1¢ per pound of total excess load not over 2,000 pounds.
- b. 2¢ per pound of total excess load over 2,000 pounds and not over 3,000 pounds.
- c. 3¢ per pound of total excess load over 3,000 pounds and not over 4,000 pounds.
- d. 5¢ per pound of total excess load over 4,000 pounds and not over 5,000 pounds.
- e. 7¢ per pound of total excess load over 5,000 pounds.

2.For the second and each subsequent conviction within a 12 month period, a forfeiture of not less that \$100 nor more than \$300 plus an amount equal to the following:

- a. 2¢ per pound of total excess load not over 2,000 pounds.
- b. 4¢ per pound of total excess load over 2,000 pounds and not over 3,000 pounds.
- c. 6¢ per pound of total excess load over 3,000 and not over 4,000 pounds.
- d. 8¢ per pound of total excess load over 4,000 pounds and not over 5,000 pounds.
- e. 10¢ per pound of total excess load over 5,000 pounds.

(c)In determining whether a second or subsequent conviction has occurred within a given 12 month period, either the original judgment of conviction in trial court of the

affirmance of the judgment by an appellate court, if judgment has been affirmed, may be counted. This method of counting is authorized to effectively reach the repetitious violator and to prevent misuse of the right of appeal for the purpose of forestalling imposition of the penalties provided by this section. Forfeiture of deposit or payment of a forfeiture is a conviction within the meaning of this section.

7.07 REMOVAL OF ILLEGALLY PARKED VEHICLES. Any vehicle parked or left standing upon a highway, street or alley or other public grounds in violation of any of the provisions of this chapter is declared to be a hazard to traffic and public safety. Such vehicle shall be removed by the operator, upon request of any peace officer, to a position where parking, stopping or standing is not prohibited. Any peace officer, after issuing a citation for illegal parking, stopping or standing of an unattended vehicle in violation of this chapter, is authorized to remove such vehicle to a position where parking is not prohibited. The officer may order a motor carrier holding a permit to perform vehicle towing services, a licensed motor vehicle salvage dealer or a licensed motor vehicle dealer who performs vehicle towing services to remove and store such vehicle in any storage garage or rental parking grounds or any facility of the person providing the towing services. In addition to other penalties provided by sec. 7.15 of this chapter, the owner or operator of a vehicle so removed shall pay the cost of towing and storage.

7.08 ABANDONED OR JUNKED MOTOR VEHICLES AND MOTOR VEHICLE ACCESSORIES (Rep. & Recr. Ord. #7-07). (1) DEFINITIONS. For the purpose of this section, the following definitions shall apply:

(a)*Motor Vehicle.* 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, semi-trailers, motorcycles, motor scooters, tractors, snowmobiles, mobile homes as defined under sec. 7.01 of this chapter, whether or not such vehicle is registered under Ch. 341, Wis. Stats.

(b)*Motor Vehicle Accessories.* Any part or parts of any motor vehicle.

(c)*Open.* Open shall mean any motor vehicles or motor vehicle accessories not stored within an enclosed building.

(d)*Owner.* Owner shall include any individual, firm, partnership or corporation.

(e)*Removal.* Removal shall mean the physical relocation of a motor vehicle or motor vehicle accessories to an authorized location.

(2)STORAGE PROHIBITED. No disassembled, dismantled, partially dismantled, junked, wrecked or non-operable or unlicensed motor vehicle, or motor vehicle accessories shall be stored or allowed to remain in the open upon any real property within the Town unless it is in connection with an automotive sales or repair business enterprise located within a property zoned for such purpose and properly licensed by the Town.

(3)REMOVAL AND IMPOUNDMENT OR SALE. Whenever the Town Board shall find any such motor vehicle, motor vehicle accessories placed or stored in the open upon any property in the Town, they shall notify, in writing, personally or by certified mail return receipt, the owner of such property and/or owner of such motor vehicle or motor vehicle accessories upon which such motor vehicle or motor vehicle accessories is placed or stored of the intention of the Town to remove such motor vehicle or motor vehicle accessories if

any such motor vehicle or motor vehicle accessories are not removed within 30 days after such notice, the Town Board shall cause such motor vehicle or motor vehicle accessories to be removed, the cost of such removal to be charged to the property from which it was removed, and such charges to be entered upon the tax roll as a special assessment. Upon removal the motor vehicle or motor vehicle accessories shall be stored in a junk or salvage yard or other suitable place for 30 days and notice shall be given to the owner, if readily ascertainable, and the County Sheriff in accordance with §342.40(3) Wis. Stats. At the end of such time, such motor vehicle or motor vehicle accessories shall be disposed of in accordance with §342.40(3) Wis. Stats., unless claimed by the owner. If such motor vehicle or motor vehicle accessories are claimed by the owner, then all reasonable charges for handling the storage shall be paid by the owner.

(4)PENALTY. Any person, firm, partnership, or corporation violating any of the provisions hereof shall, upon conviction, be subject to a forfeiture of not less than \$25 nor more than \$200 for each offense, together with the costs of such prosecution and, in default of payment of said forfeiture, shall be imprisoned in the County jail for a period not exceeding 30 days. Each day that such motor vehicle or motor vehicle accessories shall be stored contrary to the provisions hereof shall constitute a separate and distinct offense.

7.09 DISPLAY OF POWER PROHIBITED. No person shall make unnecessary and annoying noises with a motor vehicle by squealing tires, excessive acceleration of engine, or by emitting unnecessary and loud exhaust system noises.

7.10 SNOWMOBILES. (1) STATE SNOWMOBILE LAWS ADOPTED Except as otherwise specifically provided in this chapter, the statutory provisions describing and defining regulations with respect to snowmobiles in the following enumerated sections of the Wisconsin statutes are hereby adopted by reference and made part of this section as if fully set forth herein. Acts required to be performed or prohibited by such statutes are required or prohibited by this section, as follows:

- 350.01 Definitions
- 350.02 Operation of Snowmobiles on or in the Vicinity of a Highway
- 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
- 350.055 Safety Certification Program Established
- 350.06 Firearms and Bows and Arrows
- 350.07 Driving Animals
- 350.08 Owner Permitting Operation
- 350.09 Head Lamps, Tail Lamps and Brakes
- 350.10 Miscellaneous Provisions for Snowmobile Operation
- 350.101 Operating a Snowmobile While Intoxicated to Prohibited
to
- 350.107
- 350.12 Registration of Snowmobiles
- 350.13 Uniform Trail Signs and Standards
- 350.15 Accidents and Accident Reports
- 350.17 Enforcement
- 350.18 Local Ordinances
- 350.19 Liability of Landowners

(2)APPLICABILITY OF RULES OF THE ROAD TO SNOWMOBILES. The operator of a snowmobile upon a roadway shall, in addition to the provisions of Ch. 350, Wis. Stats., be subject to §§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.

(3)OPERATION OF SNOWMOBILES IN TOWN RESTRICTED. (a) *General.* It shall be unlawful to operate any snowmobile on the Town parks, parking lots, or on any public lands or parking lots held open to the public. The operator shall at all times have the consent of the owner before operation of a snowmobile on private lands unless the owner has agreed, in writing, with a snowmobile club to establish a snowmobile trail.

(b)*Operation on Town Roads and Streets.* Pursuant to §350.18(3)(a), Wis. Stats., a person may operate a snowmobile on the shoulders of all Town highways and County and State trunk highways from a residence within the Town for the shortest distance from such residence to a snowmobile route or trail.

(4)PERMITTING OPERATION BY IMPROPER PERSONS PROHIBITED. No owner or person having charge or control of a snowmobile shall authorize or permit any person to operate such snowmobile who is not permitted under State law to operate such snowmobile, or who is under the influence of an intoxicant or a dangerous or narcotic drug.

(5)SNOWMOBILE TRAIL GROOMING MACHINES REGULATED (Rep. & Recr. Ord. #1-10; Rep. & Recr. Ord. #4-10). (a) *Operation of Snowmobile Trail Grooming Machines Generally.* Except as set forth in par. (b) below, it shall be unlawful to operate any snowmobile trail grooming machines, tractors, machinery, or the like (hereinafter collectively “snowmobile trail grooming machines”) on any Town property, including, but not limited to, any Town roads, Town road rights-of-way, Town road shoulders, Town parks, Town parking lots, or any other Town property (hereinafter collectively “Town property”) which are not specifically designated and established snowmobile trails, pursuant to Ch. 350, Wis. Stats., and the Wisconsin Department of Natural Resources.

(b)*Operation of Snowmobile Grooming Machines on Town Roads and Crossing Town Roads.* Notwithstanding par. (a) above, it shall be unlawful to operate any snowmobile grooming machines on Town roads except to cross a Town road. When crossing a Town road, the operator of a snowmobile grooming machine shall:

- 1.Execute the crossing in the most direct manner practicable where the snowmobile trail crosses the Town road.
- 2.Execute the crossing at a place where no obstruction prevents a quick and safe crossing.
- 3.Stop the snowmobile grooming machine prior to the crossing and raise/lift the trail grooming apparatus and keep the trail grooming apparatus raised/lifted throughout the entire crossing of the Town road.
- 4.Yield the right-of-way to other vehicles, pedestrians, and electric personal assistive mobility devices using the roadway.
- 5.Not deposit any snow onto the Town road. Prior to the operation of any snowmobile trail grooming machines across Town roads, the individual operator of said machine, or any club, association, or entity, maintaining any said snowmobile trails located in the Town, as set forth above, shall notify the Town of all locations where the machine will cross Town roads.

(c)*Proof of Insurance.* Prior to operating any snowmobile trail grooming machine on any Town Property, the individual operator. club, association, or entity responsible for the maintenance of snowmobile trails located within the Town shall provide the Town with a certificate of insurance, or other proof of insurance which insures said operator, club, association and/or other entity against any and all damage to Town property caused by the operation of snowmobile trail grooming machines in the Town.

(d)*Costs of Repair and Costs of Additional Snow Plowing* In addition to the penalty provisions provided in sub. (7) below, in the event Town property is damaged as a result of a violation of this section, the Town shall be entitled to reimbursement of all of its costs to restore, repair, and remedy such damage to Town property from the individual causing such damage and/or the club, association, or entity maintaining said snowmobile

trails located in the Town. In addition to the penalty provisions provided in sub. (7) below, in the event snow accumulates where snowmobile trail grooming machines cross Town roads and said accumulation is due to the grooming machines depositing snow on Town roads, the Town shall be entitled to reimbursement of the costs of any additional or extra snow plowing caused by such accumulation from the individual causing such damage and/or the club, association, or entity maintaining said snowmobile trails located in the Town.

(e)*Notice and Circuit Court Action.* Within 10 days of restoring, repairing, or remedying any such damage, or performing additional or extra snow plowing, the Town shall send notice to the person, club, association, or entity causing such damage, directing said person, club, association, or entity to pay the costs of said snow plowing, or restoration and/or repair costs associated with such damage within 10 days, or provide a bond for the repairs if it is not practical to make the repairs within said ten 10 days due to weather or other circumstances. In the event said snow plowing or restoration and/or repair costs are not paid within 10 days of the date of the notice, the Town may commence an action in Circuit Court to collect said costs, including the Town's reasonable attorney fees in bringing said Circuit Court action. Notice shall be deemed given if sent via certified mail, return receipt requested.

(6)PENALTY (Renum. Ord. #1-10). Any person who shall violate any of the provisions of this section shall be subject to a forfeiture as provided in sec. 25.04 of this Code.

(7)TOWN CLERK TO FILE SECTION (Renum. Ord. #1-10). Pursuant to §350.047, Wis. Stats., the Town Clerk is hereby authorized and directed to send a copy of this section to the Department of Natural Resources and the County Sheriff Department.

7.11 OFF-HIGHWAY VEHICLES REGULATED. (1) DEFINITION (Am. Ord. #3-10). “Off-highway vehicle” means any motor driven vehicle which is designed for off-highway recreation, including dirt bikes, power driven cycles and mini-bikes, but excluding all-terrain vehicles, tractors, mopeds and licensed motorcycles operated on highways by a licensed operator.

(2) PROHIBITED. No person shall operate an off-highway vehicle as follows:

(a)Within any platted subdivision of the Town.

(b)On the property of another without his written consent.

(c)Between the hours of 9:00 P.M. and 8:00 A.M. within 300 feet of a dwelling.

(d)On the shoulders or in the drainage ditches of public streets and highways or within the boundary of any public right of way unless a trail or an area is specifically authorized and designated by the Town Board for the use of all-terrain vehicles.

(e)In excess of 30 miles per hour while it is being operated off of a public street or highway.

(f)With more than one passenger.

(g)(Am. Ord. #3-10) On a public street or highway.

(h) So as to race the engine or cause unnecessary or unusual noise which annoys, disturbs, injures or endangers the comfort, health, peace or safety of others.

7.12 ALL-TERRAIN VEHICLES (Cr. Ord. #2-10). (1) **PURPOSE.** The purpose of this section is to regulate the operation of all-terrain vehicles in the Town.

(2) **AUTHORITY.** The Town Board has the specific authority to adopt this section under §23.33(8)(b) and (11), Wis. Stats.

(3) **ADOPTION.** This section is adopted by the Town Board to provide the authority for the Town to designate all-terrain vehicle routes in the Town and to regulate the use of those routes and all-terrain vehicles in the Town.

(4) **REGULATION OF ALL-TERRAIN VEHICLES.** (a) Except as otherwise specifically provided in this section, the statutory provisions of §§340.01(2g) and 23.33, Wis Stats., and Wis. Adm. Code NR64, describing and defining regulations with respect to all-terrain vehicles, are adopted by reference and made part of this section as if fully set forth in this section.

(b) No person may operate an all-terrain vehicle on any highway, road, road right-of-way, or Town property within the Town. All Town roads, Town road rights-of-way and Town property is officially closed to all-terrain vehicle traffic and operation of all-terrain vehicles. There are no all-terrain vehicle trails or routes established in the Town or by the Town.

(c) The following additional regulations shall apply to the operation of all-terrain vehicles on private property:

1. No person may operate an all-terrain vehicle on the property of another without the property owner's and tenant-in-possession's written consent.

2. No person may operate an all-terrain vehicle on private property at any time within 150 feet of the property of another without the other property owner's consent. This provision does not apply if the operator of an all-terrain vehicle is operating the all-terrain vehicle on the operator's private property or is accompanied by the owner of the private property, and is in compliance with subpar. 4. below.

3. No person may operate an all-terrain vehicle with more than one passenger.

4. No person may operate an all-terrain vehicle on private property at any time in a manner so as to race the engine or in a manner which causes unnecessary or unusual noise or which annoys, disturbs, injures or endangers the comfort, health, peace or safety of others, their livestock or their animals.

5. No person may operate an all-terrain vehicle on private property in a manner which violates §23.33, Wis. Stats., or any rules promulgated by the Wisconsin Department of Natural Resources; including all registration and safety requirements set forth therein.

(d) This section shall not apply if the all-terrain vehicle is an implement of husbandry, if the all-terrain vehicle is used exclusively for agricultural purposes and if the all-terrain vehicle is registered for private use under §23.33, Wis Stats. Operation of an all-terrain vehicle which is an implement of husbandry on a roadway is authorized only when used

as an implement of husbandry and only on 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.

(e) This section shall not apply on roadways if the operator of the all-terrain vehicle is a person who holds a Class A or Class B permit under §29.193(2), Wis. Stats. and who is traveling for the purposes of hunting or is otherwise engaged in activity authorized by said permit.

(f) This section shall not apply to the crossing of a roadway; only if the crossing is done in the most direct manner practicable, if the crossing is made at a place where no obstruction prevents a quick and safe crossing, and if the operator stops the all-terrain vehicle prior to the crossing and yields the right-of-way to other vehicles, pedestrians, and electric personal assistive mobility devices using the roadway.

(g) This section shall not apply to the operator of an all-terrain vehicle owned by a municipality or State agency while the operator is engaged in an emergency or in the operation of an all-terrain vehicle directly related to the functions of the municipality or State agency if safety does not require strict adherence to §23.33(4)(d) and (e), Wis. Stats.

(h) This section shall not apply to the operator of an all-terrain vehicle who is engaged in land surveying operations if safety does not require strict adherence to the restrictions set forth in §23.33(4)(d) and (e) Wis. Stats.

(5) ENFORCEMENT. This section may be enforced by any law enforcement officer authorized to enforce the laws of the State.

(6) PENALTIES. The penalties under §23.33(13), Wis. Stats., are hereby adopted by reference.

7.15 PENALTY (Renum. Ord. 3-10). The penalty for violation of any provision of this chapter shall be a forfeiture as hereafter provided, together with statutory court costs and penalty assessment, if applicable.

(1) STATE FORFEITURE STATUTES. Forfeitures for violation of §§340.01 to 348.28 and 23.33(13), Wis. Stats., shall conform to the forfeiture permitted to be imposed for violation of the statutes adopted by reference, including any variations or increases for subsequent offenses.

(2) STATE FINE STATUTES. The forfeiture for violation of any statute adopted by reference hereunder for which the penalty is a fine shall not exceed the maximum fine permitted under such statute.

(3) LOCAL REGULATIONS. The penalty for violations of secs. 7.02 through 7.11 of this chapter shall be as provided in sec. 25.04 of this Code.

7.16 ENFORCEMENT (Renum. Ord. #3-10). (1) ENFORCEMENT PROCEDURE. This chapter shall be enforced in accordance with the provisions of §§345.20 to 345.53, Ch. 229 and §66.0114, Wis. Stats.

(2) DUTY OF TOWN BOARD TO ENFORCE. Town Board members shall enforce all the provisions of this chapter.

(3)UNIFORM CITATIONS. The uniform citation promulgated under §345.11, Wis. Stats., shall be used for all moving and non-moving traffic violations, except parking violations.

(4)NOTICE OF DEMERIT POINTS AND RECEIPTS. Every Town Board member accepting a forfeited penalty or money deposit under this chapter shall receipt therefor in triplicate as provided in §345.26(3)(b), Wis. Stats. Every Board member accepting a stipulation under the provisions of this chapter shall comply with the provisions of §§343.27, 343.28, 345.26(1)(a) and 345.27(2), Wis. Stats.

(5)PARKING CITATIONS. Citations for all parking violations under this chapter shall conform to §345.28, Wis. Stats., and shall permit direct mail payment of the applicable forfeiture to the Town Hall within 72 hours of the issuance of the citation in lieu of a court appearance. The citation shall specify thereon the amount of the applicable forfeiture as provided in this chapter.

(6)REGISTRATION RECORD OF VEHICLE AS EVIDENCE. When any vehicle is found upon a street, highway or other public right of way in violation of any provision of this Code 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 the enforcement of this section and shall be subject to the applicable forfeiture penalty; provided, however, that the defenses defined and described in §346.485(5), Wis. Stats., shall be a defense for an owner charged with such violation.

(7)DEPOSIT SCHEDULE. Every Town Board member issuing a citation for any violation of this chapter shall indicate on the citation the amount of the deposit that the alleged violator may make in lieu of court appearance. The amount of the deposit shall be determined in accordance with the Town Bond Schedule or the State Uniform Bond Schedule.

(8)DISPOSITION OF DEPOSITS; OFFICERS TO POST BOND, QUALIFY. Any Town Board member accepting deposits or forfeited penalties under this chapter shall deliver them to the County Clerk of Courts within 20 days after receipt, except for parking forfeitures which shall be turned over to the Town Clerk.