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CHAPTER 10 VEHICLES AND TRAFFIC

SECTION 10.01 State Traffic Laws Adopted.

(a) **Statutes Adopted.** Except as otherwise specifically provided in this Chapter, the statutory provisions in Chapters 110, 194, and 340 through 349 of the Wisconsin Statutes, describing and defining regulations with respect to motor vehicles and traffic, for which the penalty is a forfeiture only, exclusive of any regulations for which the statutory penalty is a fine or term of imprisonment or exclusively state charges, are hereby adopted and by reference made a part of this Chapter as if fully set forth herein. Any act required to be performed or prohibited by any regulation incorporated herein by reference is required or prohibited by this Chapter.

(b) **Other State Laws Adopted.** There are also hereby adopted by reference the following Sections of the Wisconsin Statutes, but the penalty for violation thereof shall be limited to a forfeiture as hereinafter provided in this Chapter:

941.01 Negligent Operation of Vehicle
943.11 Entry into Locked Vehicle
943.23 Operating Vehicle Without Owner's Consent

(c) **Statutes Specifically Incorporated by Reference.** Whenever this Chapter incorporates by reference specific sections of the Wisconsin Statutes, such references shall mean the most recent version of the Wisconsin Statutes as from time to time further amended, repealed or modified by the Wisconsin Legislature.

(d) **General References.** General references in this Chapter to Wisconsin statutory sections or chapters describing or defining procedures or authority for enactment or enforcement of local traffic regulations shall be deemed to refer to the most recent enactments of the Wisconsin Legislature describing or defining such procedures or authorities.

SECTION 10.02 State Administrative Code Provisions Adopted.

(a) **Administrative Regulations Adopted.** The following administrative rules and regulations adopted by the Secretary of the Wisconsin Department of Transportation and published in the Wisconsin Administrative Code, exclusive of any provisions therein relating to the penalties to be imposed, are hereby adopted by reference and made part of this Chapter as if fully set forth herein.

TRANS 305 - Standards for Vehicle Equipment
TRANS 325-327 - Transportation of Explosives
TRANS 150 - Leasing of Vehicles by Private Carriers
TRANS 304 - Slow Moving Vehicle Emblem

(b) **Non-Compliance Prohibited.** No person shall operate or allow to be operated on any, street or alley within the Village a vehicle that is not in conformity with the requirements of Subsection (a) or the provisions of Sec. 110.075 and Chapter 347, Wis. Stats.

(c) **Safety Checks.**

(1) **Operators to Submit to Inspection.** When directed to do so by any law enforcement officer, the operator of any vehicle shall stop and submit such vehicle to an inspection and such tests as are necessary to determine whether the vehicle meets the requirements of this Section or that the vehicle's equipment is in proper adjustment or repair.

(2) **Authority of Office.** Any law enforcement officer is hereby empowered whenever he or she shall have reason to believe that any provision of this Section is being violated to order the operator of the vehicle to stop and to submit such vehicle to an inspection with respect to brakes, lights, turn signals, steering, horns and warning devices, glass, mirrors, exhaust systems, windshield wipers, tires and other items of equipment.

(3) **Vehicle to be Removed From Highway.** Whenever, after inspection as provided by this Section, any law enforcement officer determines that a vehicle is unsafe for operation, he or she may order it removed from the highway and not operated, except for purposes of removal and repair until the vehicle has been repaired as directed in a repair order. Repair orders may be in the form prescribed by the Secretary of the Department of Transportation under Sec. 110.075(5), Wis. Stats., and shall require the vehicle owner or operator to cause the repairs to be made and return evidence of compliance with the repair order to the department of the issuing officer within the time specified in the order.

(d) **Penalty.** The Penalty for violation of any provision of this Section, including the provisions of the Wisconsin Administrative Code, incorporated herein by reference, shall be as provided in Section 10.21, together with the costs of prosecution and applicable penalty assessment.

SECTION 10.03 Official Traffic Signs and Control Devices; Prohibited Signs, Signals and Markers.

(a) **Duty of Superintendent of Public Works to Erect and Install Uniform Traffic Control Devices.** Whenever traffic regulations created by this Chapter require the erection of traffic control devices for enforcement, the Superintendent of Public Works shall procure, erect and maintain uniform traffic control devices conforming to the Uniform Traffic Control Device Manual promulgated by the Wisconsin Department of Transportation, giving notice of such traffic regulation to the users of the streets and alleys to 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 Superintendent of Public Works, will carry out the purposes of this Chapter and give adequate warning to users of the streets and alleys of the Village of Arlington.

(b) **Code Numbers to be Affixed to Official Traffic Control Devices.** The Superintendent of Public Works shall cause to be placed on each official traffic control sign a guide board, mile post, signal or marker erected under Subsection (a), a code number assigned by the Wisconsin Department of Transportation, and shall also place or direct the placing of code numbers on all existing official traffic control devices as required by the laws of the State of Wisconsin.

(c) **Prohibited Signs and Markers on Highways.** No person, other than an officer authorized by this Chapter to erect and maintain official traffic control devices or his or her designee shall place within the limits on any public roadway or highway maintained by the Village of Arlington any sign, signal, marker, mark or monument unless permission is first obtained from the Superintendent of Public Works or, where applicable, the State Highway Commission. Any sign, signal, marker, mark or monument placed or maintained in violation of this Subsection shall be subject to removal as provided in Subsection (d).

(d) **Removal of Unofficial Signs, Markers, Signals and Traffic Control Devices.** The Superintendent of Public Works may remove any sign, signal, marking or other device which is placed, maintained or displayed in violation of this Chapter or state law. Any cost of removing a prohibited or illegal sign, signal, marking or device shall be imposed against the premises by use of a special charge pursuant to Section 66.0627, and shall be reported by the Superintendent of Public Works to the Village Board for review and certification at its next regular meeting following the imposition of the charge. Any charge not paid on or before the next succeeding November 15 shall be placed upon the tax roll for collection as other special municipal taxes.

SECTION 10.04 Registration Record of Vehicle as Evidence.

When any vehicle is found upon a street or alley in violation of any provision of this Chapter regulating the stopping, standing or parking of vehicles and the identity of the operator cannot be determined, the owner, as shown by the ownership registration of the vehicle supplied by the Wisconsin Department of Transportation, or a comparable authority of any other state, shall be deemed to have committed the violation for purposes of enforcement of this Chapter and shall be subject to the applicable forfeiture penalty; provided the defenses defined and described in Sec. 346.195(5)(b), Wis. Stats., shall be a defense for an owner charged with such violation.

SECTION 10.05 School Bus Warning Lights.

(a) Except as provided in Subsection (f) below, the operator of a school bus shall use the flashing red warning lights when loading or unloading pupils or other passengers in a residential or business district when the pupils or other passengers are to be loaded or unloaded at a location at which there are:

1. No traffic signals;
2. Sidewalk and curb are laid on one side of the street;
3. Sidewalk and curb are laid on both sides of the street; and
4. Such persons must cross the street before being loaded or after being unloaded.

(b) The operator of a school bus equipped with flashing red warning lights shall activate 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 are safely across.

(c) The operator of a vehicle which approaches from the front or rear of any school bus which has stopped on a street when the bus is displaying flashing red warning lights shall stop the vehicle not less than twenty (20) feet from the bus and shall remain stopped until the bus resumes motion or the operator extinguishes the flashing red warning lights. The operator of a school bus, which approaches the front or rear of another school bus that has stopped and is displaying red warning lights, shall stop not less than twenty (20) feet from the other bus, display its red warning lights and remain stopped with red warning lights actuated until the other bus resumes motion or the other operator extinguishes the flashing red warning lights.

(d) The use of flashing red warning lights by school bus operators is prohibited when pupils or other authorized passengers are loaded or unloaded directly from or onto the school grounds or that portion of a right-of-way between the roadway and the school grounds designated by "school" warning signs as provided in Sec. 118.08(1), Wis. Stats.

SECTION 10.06 Operators to Obey Traffic Control Devices.

Every operator of a vehicle approaching an intersection at which an Official Traffic Control Device is erected in accordance with this Chapter shall obey the direction of such Official Traffic Control Device. Operators of vehicles approaching a stop sign shall stop before entering a highway as required by Sec. 346.46, Wis. Stats. Operators approaching intersections at which a yield sign has been installed shall yield the right-of-way to other vehicles as required by Sec. 346.18(6), Wis. Stats.

PARKING REGULATIONS

SECTION 10.07 Restrictions on Parking; Posted Limitations.

(a) **Seventy-two (72) Hour Limitation.** No person shall park or leave standing any vehicle of any description on any public street or public parking lot in the Village of Arlington for a period of seventy-two (72) or more consecutive hours in the same location at any time. Where more restrictive parking limits have been established, the more restrictive limits shall apply. 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.

(b) **Posted Limitations.**

(1) The Village Board may designate certain streets or portions of streets as no parking or no stopping or standing zones or as zones for parking by physically handicapped persons and may limit the hours in which the restrictions apply. The Village shall mark, by appropriate signs, each zone

so designated in accordance with the provisions of Sec. 349.13, Wis. Stats.

(2) Except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic control device, no person shall stop or park a vehicle in an established no stopping or standing zone when stopping or standing is prohibited. No vehicle shall be parked in a no parking zone during hours when parking is prohibited except physicians on emergency calls or as permitted by state law or elsewhere by this Code of Ordinances.

(3) The Village Board shall have the authority to restrict the turning or movement of heavy traffic and to impose special weight limitations on any street or alley or portions thereof which, because of the weakness of the roadbed due to deterioration or climatic conditions or other special or temporary conditions, would likely be seriously damaged or destroyed in the absence of any restrictions on heavy traffic movement or special weight limitations.

(4) No prohibition, restriction or limitation on parking or restriction on movement or turning of heavy traffic and imposition of special weight limits is effective unless official traffic control devices have been placed or erected indicating the particular prohibition, restriction or limitation.

SECTION 10.08 Parking Restrictions During Snow Removal or Street Maintenance.

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

(b) **Temporary Parking Restrictions for Special Events.** Pursuant to the provisions of Subsection 349.13, Wis. Stats., the Director of Public Works is authorized to erect temporary “No Parking” signs during parades, festivals and other authorized events that require the regulating of vehicle stopping, standing or parking on Village highways. The temporary regulation shall be limited to the time the event exists or is likely to exist.

(c) **Parking During Snow Emergencies.** No person shall park, place or leave standing any unattended vehicle on any street or alley when a snow emergency has been declared by the Village Clerk. This prohibition shall remain in effect until such time as the snow is either removed or plowed back to the curb line or unless permission is granted by the Village Clerk for such vehicle to remain parked on the street during said emergency.

SECTION 10.09 Stopping or Parking Prohibited in Certain Specified Places.

(a) **Parking Prohibited at All Times.** Except 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 motor vehicle:

(1) Within an intersection.

(2) On a crosswalk.

(3) On a sidewalk or terrace area, except when parking in such place is clearly indicated by official traffic signs or markers or parking meters. "Terrace or Sidewalk Area" means that area between the sidewalk and the nearest curb line running parallel or generally parallel thereto or in the absence of a sidewalk ten (10) feet beyond the curb line.

(4) Alongside or opposite any highway excavation or obstruction when such stopping or standing would obstruct traffic or when pedestrian traffic would be required to travel in the roadway.

(5) On the roadway side of any parked vehicle unless double parking is clearly indicated by official traffic signs or markers.

(6) Within a fire lane consisting of either the driveway between the front doors of a Fire Station and the public street or in such places properly designated and marked as fire lanes ordered by the Fire Chief.

(7) Upon any portion of a highway where and at the time when stopping or standing is prohibited by official traffic signs indicating the prohibition of any stopping or standing.

(8) In any place or manner so as to obstruct, block or impede traffic.

(9) Within ten (10) feet of a fire hydrant, unless a greater distance is indicated by an official traffic sign.

(10) Upon any portion of a highway where and at the time when parking is prohibited, limited or restricted by official traffic signs.

(11) Upon any bridge.

(12) Upon any street or alley within the Village limits 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) In a loading zone.

(14) In any municipal park when said park is closed to the public.

(b) **Parking in Driveways.** No person shall park or leave standing any vehicle in any private driveway without the permission of the owner or lessee of the property upon which such driveway is located, whether or not such driveway is posted to limit or restrict parking.

(c) **Vehicles Not to Block Private Drive, Alley or Fire Lane.** No vehicle shall, at any time, be parked so as to unreasonably restrict the normal access to any driveway, private drive, alley or fire lane. Said access shall be deemed to be unreasonably restricted if any vehicle is parked within four (4) feet of either side of said access. Upon complaint by the owner of any such blocked drive, alley or

fire lane, a law enforcement officer may order said vehicle towed from such position at the expense of the owner of said vehicle.

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

(1) No person shall park a vehicle on any street, alley, public right-of-way or municipal parking lot in the Village for the purpose of repairing said vehicle or to display such vehicle for sale. No person shall park on any street or alley any vehicles for the primary purpose of advertising.

(2) No person other than an owner and/or operator of a business located on business zoned property engaged in the regular business of selling vehicles may display a vehicle for sale upon private premises unless the following conditions are met:

a. Consent to display the vehicle has been given by the owner or lessee of the premises; and

b. The owner of the vehicle is on the premises or resides there; and

c. The vehicle displayed for sale is parked entirely on the premises; and

d. The premises contains only one (1) vehicle displayed for sale; and

e. The advertisement or sign for sale of the vehicle is not larger than two (2) square feet.

(e) **Vending From Parked Vehicles Restricted.** There shall be no parking on any street or portion thereof by any vehicle from which the operator or owner is engaged in vending goods, wares or merchandise, unless licensed to do so by the Village.

SECTION 10.10 Parking Reserved for Vehicles of Disabled.

(a) Except for a motor vehicle used by a physically disabled person as defined under Sec. 346.503(1), Wis. Stats., no person may park, stop or leave standing any vehicle for any amount of time, whether attended or unattended, upon any portion of a street, alley or parking facility reserved, by official traffic signs indicating the restriction, for vehicles displaying special registration plates issued under Sec. 341.14(1), (1a), (1m) or (1q), Wis. Stats., or a special identification card issued under Sec. 343.51, Wis. Stats., or vehicles registered in another jurisdiction and displaying a registration plate card or emblem issued by the other jurisdiction which designates the vehicle as a vehicle used by a physically disabled person.

(b) The penalty for violation under this Section shall be that which is imposed in the Uniform State Traffic Deposit Schedule for violation of Sec. 346.505, Wis. Stats.

SECTION 10.11 Truck and Other Vehicle Parking Restricted.

(a) **Parking of Vehicles Over 15,000 Pounds or 20 Feet Restricted.**

(1) **On Public Ways.** No person owning or having control of any truck, trailer, boat, snowmobile trailer, truck power unit, tractor, bus, recreational vehicle or trailer (including trailers for boats, snowmobiles and recreational vehicles) with a weight in excess of fifteen thousand (15,000) pounds, or

over twenty (20) feet in length, or having a height of more than eight (8) feet measured from the roadway shall park the same upon any street, alley, or public way in the Village which is zoned residential for a period longer than one (1) hour. The provisions of this Section shall not be deemed to prohibit the lawful parking of such equipment upon any street, alley, or public way in the Village for the actual loading or unloading of goods, wares, 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.

(2) **On Private Property.** No person owning or having control of any truck, trailer, bus, truck power unit or recreational vehicle (excluding boats) over twenty-four (24) feet in length shall park the same on any property which is zoned residential except while actually engaged in loading activity. Such vehicles that may be lawfully parked on residential properties may not be parked in the public right-of-way and shall at all times also comply with Section 13.48.

(b) **Parking Vehicles with Motor Running.** No person shall park or leave standing any vehicle with the motor or refrigerator unit running for more than fifteen (15) minutes every three (3) hours within six hundred (600) feet of any residence or in any area which is zoned residential between the hours of 10:00 p.m. and 6:00 a.m.

SECTION 10.12 Angle Parking.

(a) Angle parking or parking diagonally is prohibited on all streets and alleys of the Village except as provided herein. All vehicles shall park parallel to, and within one (1) foot of, the curb except where streets and parking lots are so marked for angle parking.

(b) No person shall at any time park any vehicle:

(1) In any direction other than the designated parking angle, where angle parking spaces are so designated and provided by appropriate markings.

(2) Backwards into angle parking spaces so designated and provided by appropriate markings.

(3) With a trailer attached or any vehicle longer than twenty (20) feet on any street where angle parking is so provided and allowed.

SECTION 10.13 Unlawful Removal of Parking Citations.

No person other than the owner or operator thereof shall remove a Village parking ticket from a vehicle.

SECTION 10.14 Operation of Vehicles in Public Parking Lots.

(a) **Unlicensed Operators Prohibited.** No person who does not hold a valid operator's license shall operate a vehicle in any public parking lot or in any private parking lot held out for the use of parking for the general public.

(b) **Traffic Regulations Applicable.** All provisions of this Chapter shall be applicable to any public or private parking lot or road held out for use for the general public for parking or vehicular traffic.

SECTION 10.15 Removal of Illegally Parked Vehicles.

(a) **Hazard to Public Safety.** Any vehicle parked, stopped or standing upon a highway, public parking lot, public street or alley in violation of any of the provisions of this Chapter is declared to be a hazard to traffic and public safety.

(b) **Removal by Operator.** Such vehicle shall be removed by the operator in charge, upon request of any law enforcement officer, to a position where parking is permitted or to a private or public parking or storage premises.

(c) **Removal by Traffic Officer.** Any law enforcement officer or Village employee authorized to issue parking citations, 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 permitted.

(d) **Removal by Private Service.** 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 public storage garage or rental parking grounds or any facility of the person providing the towing services.

(e) **Towing and Storage Charges.** In addition to other penalties provided in this Chapter, the owner or operator of a vehicle so removed shall pay the actual cost of moving, towing and storage. If the vehicle is towed or stored by a private motor carrier, motor vehicle salvage dealer or licensed motor vehicle dealer, actual charges regularly paid for such services shall be paid. If the vehicle is stored in a public storage garage or rental facility, customary charges for such storage shall be paid. Upon payment, a receipt shall be issued to the owner of the vehicle for the towing or storage charge.

SECTION 10.16 Inoperable, Wrecked or Discarded Vehicles.

(a) **Storage Prohibited.** No person owning or having custody of any partially dismantled, inoperable, wrecked, junked or discarded vehicle shall allow such vehicle to remain on any public street, alley or parking lot longer than forty-eight (48) hours after notification thereof by a law enforcement officer. Notification shall be accomplished by placing in a conspicuous place on the vehicle and by mailing or serving upon the owner or occupant in charge of the premises a written notice setting forth briefly the applicable provisions of this Section and the date of the notice. Any vehicle so tagged which is not removed within forty-eight (48) hours

after notice is declared to be a public nuisance and may be removed as provided in Section 10.15.

(b) **Exemptions.** This Section shall not apply to a vehicle in an appropriate storage place or depository maintained in a lawful place and manner authorized by the Village.

SECTION 10.17 Traffic and Parking Regulations on School District Grounds.

Pursuant to the provisions of Sec. 118.105, Wis. Stats., the following regulations shall apply to the grounds of the Poynette School District located within the Village.

(a) **Parking.** No person shall park any vehicle in any vehicular traveling area or parking area of the School District, except in conformity with posted parking regulations set forth for such vehicular travel and parking areas.

(b) **Speed Limits.** No person shall, at any time, operate a motor vehicle upon any School District grounds at a speed in excess of ten (10) miles per hour.

(c) **Vehicles Prohibited at Specified Times.** No person shall, at any time, operate a motor vehicle other than a school bus or emergency vehicle, in or upon any drive designated for buses only during the hours of 7:00 a.m. to 9:00 a.m., and during the hours of 3:00 p.m. to 4:30 p.m. on any weekday during the months school is in session.

(d) **Miscellaneous Rules.**

(1) No person shall operate a vehicle on such school premises at a rapid or sudden acceleration with the intent of squealing tires or leaving tire marks.

(2) No person shall operate a vehicle on such premises across parking lot islands or parking lot dividers.

MISCELLANEOUS PROVISIONS

SECTION 10.18 Disturbing the Peace with a Vehicle.

(a) **Compression (Jake) Brakes Prohibited.**

(1) No person shall use motor vehicle brakes within the Village of Arlington which are in any way activated or operated by the compression of the engine or any motor vehicle or any unit or any part thereof.

(2) It shall be an affirmative defense to prosecution under sub. (1) that the compression brakes were applied in an emergency and were necessary to prevent immediate danger to life or property.

(3) Any person violating the provisions of sub. (1) shall be punished by a fine of not less than fifty dollars ($50.00) nor more than two hundred dollars ($200.00). Each occurrence of a violation of sub. (1) shall constitute a separate violation and shall be punishable as provided herein.

(4) The Superintendent of Public Works in hereby authorized and directed, pursuant to Section 10.03 of the Ordinances of the Village of Arlington, to erect appropriate traffic control devices consistent with the provisions of

this Chapter at any and all highways which convey vehicular traffic into the Village of Arlington.

(b) **Unnecessary Smoke Prohibited.** It shall be unlawful for any person to operate a vehicle in such a manner which shall make or cause to be made any smoke, gases, or odors which are foul or otherwise offensive which may tend to annoy or disturb another in or about any public or private area in the Village.

(c) **Unnecessary Acceleration and Display of Power Prohibited.** It shall be unlawful for any person to operate any motor vehicle, in such a manner as to cause, by excessive and unnecessary acceleration, the tires of such vehicle to spin or emit loud noises or to unnecessarily throw stones or gravel; nor shall such driver cause to be made by excessive and unnecessary acceleration any loud noise as would disturb the peace.

(d) **Disorderly Conduct with a Motor Vehicle.**

(l) **Definition.** "Disorderly conduct with a motor vehicle" shall mean the engaging in violent, abusive or unreasonably loud conduct, disturbing or endangering the property or the safety of another's person or property, or otherwise disorderly conduct, including but not limited to, unnecessary, deliberate or intentional spinning of wheels, squealing of tires, revving of engine, blowing the horn, causing the engine to backfire or causing the vehicle, while commencing to move or in motion, to raise one or more wheels off the ground.

(2) **Conduct Prohibited.** No person shall, within the Village, by or through the use of any motor vehicle, including but not limited to, an automobile, truck, motorcycle, minibike, all-terrain vehicle or snowmobile, cause or provoke disorderly conduct with a motor vehicle, cause a disturbance or annoy one or more persons, or disturb or endanger the property or the safety of another's person or property.

(e) **Avoidance of Traffic Control Device Prohibited.** It shall be unlawful for any person to operate a motor vehicle in such a manner as to leave the highway and travel across private property to avoid an official traffic control device, sign, or signal.

(f) **Operation in Restricted Area Prohibited.** It shall be unlawful for any person to operate a motor vehicle in such a manner as to leave the highway and park, stop, or travel upon or across any public or private property, parking lot, driveway, or business service area for any purpose except the official conduct of business located on said property without the consent of the owner or lessee of the property. This Section shall specifically include, but not be limited to:

(1) Public park property;
(2) Cemetery properties;
(3) School District property;
(4) Medical facilities;
(5) Funeral homes;
(6) Service stations;
(7) Grocery stores;
(8) Restaurants;
(9) Financial institutions; and

(10) Other similar-type businesses with service driveways or drive-up or drive-through facilities.

(g) **Stopping and Parking Prohibited.** It shall be unlawful for any person to stop or park a vehicle in any manner on any public or private property or parking lot contrary to a regulatory sign posted thereon which may permit parking by certain persons and limits, restricts, or prohibits parking as to other persons without the consent of the owner or lessee of the property. Any vehicle parked in violation of this Section may be removed or towed by the property owner at the vehicle owner's expense.

SECTION 10.19 Vehicles on Pedestrian Ways and Overpasses.

It shall be unlawful for any person to operate or park any vehicle on any pedestrian way or pedestrian overpass within the Village of Arlington except municipal or county maintenance vehicles.

SECTION 10.20 Driving Over Curbing or Safety Islands Prohibited.

(a) **Driving Over Curbing Prohibited.** It shall be unlawful for any vehicle to be driven or backed over any curbing in the Village.

(b) **Driving Over Safety Zones or Islands Prohibited.** Whenever safety zones or safety islands are marked in accordance with the Wisconsin Uniform Traffic Control Device Manual, no operator of a vehicle shall at any time drive through or over a safety zone or safety island.

SECTION 10.21 Portable Basketball Hoops Prohibited.

No owner or occupant of a lot shall, between November 15 and April 15, permit a portable basketball hoop to be placed in the street or in the terrace area of any lot as that term is defined in Section 6.01(a) of this Code of Ordinances.

ENFORCEMENT AND PENALTIES

SECTION 10.22 Enforcement.

(a) **Enforcement 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 Sec. 345.20(2)(b) and Chapter 800, Wis. Stats.

(b) **Citations.**

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

(2) **Parking Citations.** The Village Attorney shall recommend to the Village Board a citation for use in enforcing the non-moving traffic offenses in this

Chapter. Such citation shall be used for enforcement of non-moving traffic regulations created or adopted by this Chapter, including violations of non-moving traffic regulations defined and described in the Wisconsin Statutes, and all provisions regarding non-moving traffic violations in this Chapter. The citation for non-moving traffic violations shall contain a notice that the person cited may discharge the forfeiture for violation of a non-moving traffic regulation and penalty thereof by complying with Subsection (c)(2) of this Section. Non-moving traffic citations may be issued by law enforcement officers or by designated civilian employees of the Village of Arlington.

(c) **Deposits and Stipulations.**

(1) **Uniform Traffic Offenses.**

a. **Who May Make.** Persons arrested or cited for violation of moving traffic offenses created by this Chapter shall be permitted to make deposits and stipulations of no contest or released by the arresting officer in accordance with the applicable provisions of the Wisconsin Statutes. Stipulations of guilt or no contest may be made by persons arrested for violations of this Chapter in accordance with Sec. 66.0114(1)(b) of the Wisconsin Statutes whenever the provisions of Sec. 345.27 of the Wisconsin Statutes are inapplicable to such violations. Stipulations shall conform to the form contained in the uniform traffic citation and complaint under Sec. 345.11 of the Wisconsin Statutes.

b. **Deposit.** Any person arrested for a violation of this Chapter may make a deposit of money as directed by the arresting officer at the office of the County Clerk of Court or by mailing the deposit to such place. The arresting officer or the person receiving the deposit shall comply with Sec. 345.26(1)(a) or 345.28(5)(b) Wis. Stats. The arresting officer or the person receiving the deposit shall notify the arrested person, orally or in writing, that:

1. If he fails to appear in court at the time fixed in the citation, he will be deemed to have tendered a plea of no contest and submitted to a forfeiture plus costs not to exceed the amount of the deposit; or
2. If he fails to appear in court at the time fixed in the citation, and if the court does not accept the deposit as a forfeiture, he will be summoned into court to answer the complaint.

c. **Amount of Deposit.** The amount of the deposit shall be determined in accordance with the deposit schedule established by the Judicial Conference and shall include the penalty assessment, court costs, fees and surcharges imposed by Chapter 814 of the Wisconsin Statutes. If a deposit schedule has not been established, the arresting officer shall require the alleged offender to deposit the forfeiture established by the law enforcement agency. Deposits for non-moving violations shall not include the penalty assessment.

d. **Receipt.** The arresting officer or the person receiving the deposit shall issue the arrested person a receipt as required by Sec. 345.26(3)(b), Wis. Stats.

(2) **Non-moving Traffic Offenses.**

a. **Direct Payment of Penalty Permitted.** Persons cited (summons not issued) for violation of non-moving traffic offenses described and defined in this Chapter may discharge the penalty thereof and avoid court prosecution by mailing or forwarding within five (5) days of the issuance of the citation to the County Clerk of Court the minimum forfeiture specified for the violation.

b. **Court Prosecution.** If the alleged violator does not deliver or mail a deposit as provided in Subsection a. within fifteen (15) days of the date of the citation, the law enforcement officer shall forward a copy of the citation for prosecution.

c. **Registration Suspension.** If the alleged violator does not pay the forfeiture or appear in court in response to the citation for a non-moving traffic violation on the date specified in the citation or, if no date is specified on the citation, within twenty-eight (28) days after the citation is issued, the Village may ask the Wisconsin Department of Transportation to suspend the registration of the vehicle involved or refuse registration of any vehicle owned by the person pursuant to the provisions of Sec. 345.28(4), Wis. Stats., and Subsection (5) below.

d. **Bond.** Any official authorized to accept deposits under Sec. 345.26, Wis. Stats., or this Section, shall qualify by taking the oath prescribed by Sec. 19.01, Wis. Stats.

(3) **Receipt for Deposit.** Every officer accepting a forfeited penalty or money deposit under this Section shall receipt therefore in triplicate as provided in Sec. 345.26(3)(b),Wis. Stats.

(4) **Stipulation of No Contest.** Any person charged with a violation of this Chapter except Sec. 346.62(a) and 346.61(l). Wis. Stats., and their local equivalents, may make a stipulation of no contest pursuant to Sec. 345.27, Wis. Stats., which shall be received at the office of the Clerk of Court within ten (10) days of the date of the alleged violation. Such person shall, at the time of entering into the stipulation, make the deposit required if he has not already done so.

(5) **Registration Suspension Program.**

a. The Village shall participate in the Wisconsin Department of Transportation Traffic Violation and Registration Program as set forth in Sec. 345.28, Wis. Stats., and Wis. Adm. Code Trans. 128 and all amendments or changes thereto.

b. The Village Clerk-Treasurer is hereby designated as a delegated authority for purposes of Sections 85.13 and 345.28, Wis. Stats., and Wis. Adm. Code Trans. 128. The Village Clerk-Treasurer is authorized to perform, on behalf of the Village, all functions

required of a local authority under said Statutes and Code including, but not limited to:

1. Preparing and completing all forms and notices, notifying the Wisconsin Department of Transportation of unpaid citations for non-moving traffic violations;
2. Specifying whether the registration of vehicles involved in unpaid citations for non-moving traffic violations should be suspended and/or whether registration should be refused for any vehicle owned by persons with unpaid citations for non-moving traffic violations;
3. Determining the method by which the Village will pay the Wisconsin Department of Transportation for administration of the program; establishing the effective date for participation; and
4. Taking such other action as is necessary to institute and continue participation in the Wisconsin Department of Transportation Traffic Violation and Registration Program.

c. In addition to all applicable fines and court costs, the cost of using the Wisconsin Department of Transportation Traffic Violation and Registration Program shall be assessed as permitted by Sec. 345.28(4)(d), Wis. Stats. The Village of Arlington may refuse to notify the Wisconsin Department of Transportation of payment on a citation until all applicable fines and costs, including costs assessed under the preceding sentence, are paid.

d. 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.

SECTION 10.23 Penalties.

(a) **Forfeiture Penalty.** The penalty for violation of any provision of Sections 10.01 through 10.20 of this Chapter shall be a forfeiture as hereafter provided together with court costs and fees prescribed by Sections 814.63(1) and (2) or 814.65(1), Wis. Stats., the penalty assessment for moving traffic violations and the driver improvement surcharge imposed by Sections 757.05 and 346.655,Wis. Stats., where applicable. Payment of the judgment and applicable court costs, fees, assessments and surcharges may be suspended by the sentencing court for not more than sixty (60) days. Any person eighteen (18) years of age or older who shall fail to pay the amount of the forfeiture, court costs, any penalty assessment or driver surcharge or other penalty imposed for violation of any provision of this Chapter may, upon order of the court entering judgment therefore and having jurisdiction of the case, be imprisoned until such forfeiture, costs and assessment are paid, but not exceeding ninety (90) days.

(b) **Other Sanctions.**

(1) **By Court.** Nothing herein shall preclude or affect the power of the sentencing court to exercise additional authorities granted by the Wisconsin Statutes to suspend or revoke the operating privileges of the defendant, order the defendant to submit to assessment and rehabilitation programs or to attend traffic safety school in addition to payment of a monetary penalty or in lieu or 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 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 Uniform Moving Traffic Regulations.** Forfeitures for violations of any moving traffic regulation set forth in the Wisconsin Statutes 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.

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

(1) **Forfeitures for Uniform Statewide Parking, Stopping and Standing Offenses.** Minimum and maximum forfeitures for violation of non-moving traffic violations as described in Chapter 341 to 349, Wis. Stats., shall be as found in the current edition of the Revised Uniform State Traffic Deposit Schedule.

(2) **Penalty for Other Parking Violations.** The forfeiture for violation of parking regulations in Sections 10.07 through 10.17 shall be:

a. A forfeiture of five dollars ($5.00) if paid within seventy-two (72) hours of the issuance of the citation.

b. After seventy-two (72) hours and before one hundred forty-four (144) hours an overdue fee of five dollars ($5.00) will be assessed.

c. Thereafter legal process shall be issued, and the forfeiture shall be twenty dollars ($20.00) plus the costs of the action.

(e) **Other Violations.** Any person who shall violate any provision of this Chapter for which a penalty is not otherwise established by this Section shall be subject to a forfeiture of not less than twenty dollars ($20.00) nor more than one hundred dollars ($100.00).

BICYCLES AND PLAY VEHICLES

SECTION 10.24 Definitions. As used in Sections 10.24 through 10.29:

(a) **Bicycle.** Every device propelled by the feet acting upon pedals and having wheels, any two (2) of which are not less than twenty (20) inches in diameter.

(b) **Bicycle Lane.** That portion of a roadway set aside for exclusive use of bicycles and so designated by appropriate signs and markings by the responsible governing body.

(c) **Bike Route.** Any bicycle lane, bicycle way or highway which has been duly designated by the responsible governing body and identified by appropriate signs and markings.

(d) **Bicycle Way.** Any path or sidewalk, or portion thereof, designated for the use of bicycles by the responsible governing body.

(e) **Carrier.** Any device attached to a bicycle designed for carrying articles.

(f) **Right-of-Way.** The right of one vehicle or pedestrian to proceed in a lawful manner in preference to another vehicle or pedestrian approaching under such circumstances of direction, speed and proximity as to give rise to danger of collision unless one grants precedence to the other.

(g) **Play Vehicles.** Any coaster, scooter, skateboard, roller skates, rollerblades, sled, toboggan, unicycle, wagon or toy vehicle upon which a person may ride.

SECTION 10.25 Lighting and Other Equipment.

No person shall operate a bicycle upon a highway unless equipped as required in Sec. 347.489, Wis. Stats.

SECTION 10.26 Rules of the Road.

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

SECTION 10.27 Regulation of Bicycles and Play Vehicles.

(a) **Regulations.** It shall be unlawful for any person in the Village of Arlington to operate or ride any bicycle or play vehicle in any of the following places:
   (1) On the sidewalk in a business district.
   (2) In any public parking lot.
   (3) On private property, unless permission has been received from the owner, lessee or person in charge of that property.

(b) **Where Allowed.** Skateboarding on sidewalks is permitted, except as prohibited in this Section and otherwise regulated.

(c) **Yield to Pedestrians.** Operators or riders of any bicycle or play vehicle shall yield the right-of-way to pedestrians and shall not otherwise endanger or interfere with normal pedestrian traffic on sidewalks and other public areas.

(d) **Not To Be Pulled By Moving Vehicles.** No person riding upon any play vehicle shall attach the same or himself to any motor vehicle or bicycle upon a roadway.

SECTION 10.28 General Bicycle Regulations.

(a) **Parental Responsibility.** No parent or guardian of any child shall authorize or knowingly permit such child to violate any of the provisions of Sections 10.26 through 10.28 of this Section.

(b) **Street Operation.**

(1) Unless preparing to make a left turn, every person operating a bicycle upon a roadway carrying two-way traffic shall ride as near as possible to the right edge of the unobstructed traveled roadway. On one-way roadways, the operator of the bicycle shall ride as near as possible to the right edge or left edge of the unobstructed traveled roadway. Every person operating a bicycle upon a roadway shall exercise due care when passing a standing vehicle or one proceeding in the same direction, allowing a minimum of three (3) feet between his bicycle and the vehicle.

(2) Every person when operating a bicycle upon a roadway shall ride such bicycle in single file.

(3) No bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped. Infant seats are permitted if securely attached to the frame at the top mount and to the axle and frame at the rear bottom mount and if provided with hand holds, foot rests, foot guards and safety belt. The use of a backpack for carrying an infant is permitted. Persons are not permitted to be located on a bicycle in front of the operator of the bicycle.

(4) No person operating a bicycle shall carry any package, bundle or article which prevents the safe operation of the bicycle with at least one hand on the handlebars at all times.

(5) No rider of a bicycle shall remove both hands from the handlebars or feet from the pedals, or practice any acrobatic or fancy riding on any street or alley.

(6) Whenever a usable path for bicycles has been provided adjacent to a roadway, bicycle riders shall use such path and shall not use the roadway.

(7) No person may operate a bicycle or moped upon a roadway where a sign is erected indicating that bicycle riding is prohibited.

(c) **Bicycle Parking.** No bicycle shall be parked in front of or adjacent to any commercial establishment unless the bicycle is parked on the sidewalk parallel to the street and as close as possible to the curb. No person shall leave a bicycle at such a place or in such a way as to create a hazard to pedestrians, automobile operators or to anyone else.

(d) **Required Equipment.** Every bicycle, when operated upon a highway, shall be equipped with a brake adequate to control the movement of and to stop such vehicle whenever necessary. Such brake shall be maintained in good working order at all times.

(e) **Bicycles Not to be Pulled by Moving Vehicles.** No person riding upon a bicycle shall cling or attach himself or his bicycle to any other moving vehicle upon a street or alley, nor shall the operator of any such bicycle tow or draw any play vehicle or person on roller skates on such street or alley.

(f) **Speed.** No person shall operate a bicycle at a speed greater than is reasonable and prudent under existing conditions or in excess of any posted speed limit.

(g) **Operation on Sidewalks.**

(1) No person over the age of ten (10) shall ride or propel any bicycle upon any public sidewalk or thoroughfare of the Village set apart for pedestrians, except bicycles having wheels sized twenty (20) inches or under. This exception shall not apply to twenty (20) inch or under bicycles designed or modified to BMX specifications.

(2) No person shall ride or propel any bicycle upon any public street, alley, boulevard or sidewalk of the Village in such manner as to interfere with the rights of other persons using such street, alley, boulevard, or sidewalk.

(h) **Bicycle Operation While Hearing Obstructed.** No person may operate a bicycle upon a street or alley while such operator is using any audio device attached directly to ear or ears of such operator that materially impairs the ability of such operator to hear traffic signals or warnings.

(i) **Mopeds Prohibited on Bicycle Ways.** No person may ride a moped or motor bicycle with the power unit in operation upon a bicycle lane.

(j) **Riding Bicycle on Bicycle Lane.**

(1) Unless two-way traffic is authorized by the Village Board on any portion of a roadway which it has set aside as a bicycle land and appropriate traffic signs are installed, every person operating a bicycle upon a bicycle lane shall ride in the same direction in which vehicular traffic on the lane of the roadway nearest the bicycle lane is traveling.

(2) A person operating a bicycle may enter or leave a bicycle lane only at intersections or at driveways adjoining the bicycle lane. A person may leave a bicycle at any point by dismounting from the bicycle and walking it out of the lane. A person may enter a bicycle lane at any point by walking his bicycle into the lane and then mounting it.

(3) Every person operating a bicycle upon a bicycle lane shall exercise due care and give an audible signal when passing a bicycle rider proceeding in the same direction.

(4) Every operator of a bicycle entering a bicycle lane shall yield the right-of-way to all bicycles in the bicycle lane. Upon leaving a bicycle lane, the operator of a bicycle shall yield the right-of-way to all vehicles and pedestrians.

(k) **Riding Bicycle on Bicycle Way.**

(1) Every person operating a bicycle upon a bicycle way shall:

a. Exercise due care and give an audible signal when passing a bicycle rider or a pedestrian proceeding in the same direction.

b. Obey each traffic signal or sign facing a roadway which runs parallel and adjacent to a bicycle.

(2) Every person operating a bicycle upon a bicycle way open to two-way traffic shall ride on the right side of the bicycle way.

(3) Every operator of a bicycle entering a bicycle way shall yield the right-of-way to all bicycles and pedestrians in the bicycle way.

SECTION 10.29 Penalties.

(a) Any person sixteen (16) years of age or older who violates any provision of Sections 10.24 through 10.28 may be issued a Uniform Traffic Citation and be subject to the penalties provided by the Uniform State Traffic Deposit Schedule.

(b) Any person fourteen (14) years of age through fifteen (15) years of age who violates any provisions of this Chapter may be issued a citation and be subject to the penalties provided by the Deposit Schedule and, upon conviction thereof, may be required to forfeit not more than twenty-five dollars ($25.00), together with the cost of the prosecution and, in default of such payment, the Court may suspend the child's operating privileges, as defined in Sec. 340.01, Wis. Stats., for not less than thirty (30) days nor more than ninety (90) days.

(c) Any person under fourteen (14) years of age who violates any provision of Sections 10.24 through 10.28 may be issued a special Bicycle Violation Warning Notice along with the following additional actions:

(1) First offense in one (1) year: A warning letter sent to the parent or guardian.

(2) Second offense in the same year: Vehicle license stickers shall be invalidated for a period of not longer than fifteen (15) days. The owner of said vehicle shall neither use this vehicle nor any other vehicle during said suspension.

(3) Third offense in the same year. Vehicle license stickers shall be invalidated for a period of not less than fifteen (15) days nor more than thirty (30) days. The owner of said vehicle shall neither use this vehicle nor any other vehicle during said suspension.

(4) Fourth and subsequent offense in the same year: Mandatory referral to Columbia County Juvenile Court.

(d) All violations shall be determined based on the preceding twelve (12) month period to establish which violation has occurred.

(e) Any parent or guardian of any child who authorizes or knowingly permits such child to violate any of the provisions of Sections 10.24 through 10.28 may be subject to the provisions of Sections 346.77 and 346.82(1), Wis. Stats.

SNOMOBILES

SECTION 10.30 State Snowmobile and All - Terrain Vehicles Laws Adopted.

Except as otherwise specifically provided in this Chapter, the statutory provisions describing and defining regulations with respect to snowmobiles in Chapter 350 of the Wisconsin Statutes are hereby adopted by reference and made part of this Chapter as if fully set forth herein. Acts required to be performed or prohibited by such statutes are required or prohibited by this Chapter. Any future amendments, revisions or modifications of the Statutes incorporated herein by reference are intended to be made part of this Code.

SECTION 10.31 Applicability of Traffic Regulations to Snowmobiles.

No person shall operate a snowmobile upon any street or alley within the Village of Arlington in violation of the traffic regulation provisions of Sections 346.04, 346.06, 346.11, 346.14(1), 346.18, 346.19, 346.20, 346.21, 346.26, 346.27, 346.33, 346.35, 346.37, 346.39, 346.40, 346.44, 346.46, 346.47, 346.48, 346.50(1)(b), 346.51, 346.52, 346.53, 346.54, 346.55, 346.87, 346.88, 348.89, 346.90, 346.91, 346.915, 346.92(1) and 346.94(1) and (9), Wis. Stats.

SECTION 10.32 Unattended Snowmobile.

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

SECTION 10.33 Operation Regulated.

(a) **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 this Section or State law to operate such snowmobile or who is under the influence of an intoxicant or a dangerous or narcotic drug.

(b) **Operation While Under Influence Prohibited.** Sec. 346.63, Wis. Stats., shall apply to the operation of a snowmobile anywhere within the Village of Arlington.

(c) **Written Consent of Owner Required.** The consent required under Sec. 350.10(1)(f), (k), (l), (m), Wis. Stats., shall be written consent dated and limited to the year in which the consent is given. If the property is owned or leased by more than one (1) person, the consent of each shall be obtained. Private property includes church yards, school playground areas and areas and hills where children are at play.

(d) **Hours.** Snowmobiles may operate at any and all hours on roads or streets within the Village.

(e) **Traffic Requirements.** All snowmobiles operated on streets or alleys within the Village of Arlington shall conform to all directional traffic requirements of the Wisconsin Statutes.

(f) **Mufflers.** All snowmobiles operated on streets or alleys within the Village of Arlington shall while in operation be equipped with a muffler of the type installed by the original manufacturer of the snowmobile.

(g) **Right-of-Way.** Any person operating a snowmobile on streets or alleys within the Village of Arlington, shall yield the right-of-way to all pedestrians and vehicular traffic.

(h) **Sidewalks.** Snowmobiles shall not be operated upon any sidewalk within the Village of Arlington.

SECTION 10.34 Speed.

No person shall operate a snowmobile upon any street or alley within the Village of Arlington at a speed in excess of fifteen (15) miles per hour. No person shall operate a snowmobile on any trail designated in Section 10.37 of this Chapter or in any public park or recreation area at a speed in excess of the posted limit.

SECTION 10.35 Restrictions on Operators.

(a) No person under the age of twelve (12) years may operate a snowmobile in the Village of Arlington. No person over the age of twelve (12) years but under the age of sixteen (16) years may operate a snowmobile unless he holds a valid snowmobile safety certificate or is accompanied by a person over eighteen (18) years of age or by a person over fourteen (14) years of age having a snowmobile safety certificate issued by the Department of Natural Resources.

(b) No person shall operate any snowmobile upon any street, alley or other public right-of-way in the Village of Arlington unless such person shall have a valid motor vehicle operator's license or unless such operator is accompanied by a person who has a valid motor vehicle operator's license and who is occupying a seat on the vehicle.

SECTION 10.36 Accidents and Accident Reports.

(a) If he can do so without serious danger to his own snowmobile or to persons on board, the operator of a snowmobile involved in a snowmobile accident within the Village of Arlington shall stop his snowmobile and shall render to other persons affected thereby such assistance as may be practicable and necessary to save them from or minimize any danger caused by the accident and shall give his name and address and identification of his snowmobile to any person injured and to the owner of any property damaged in the accident.

(b) If the snowmobile accident results in death or injury to any person or total property damage in excess of two hundred fifty dollars ($250.00), every operator of a snowmobile involved in such accident shall, as soon as possible, but no later than forty-eight (48) hours after the accident, notify a law enforcement officer and file a written report thereof with the officer on forms prescribed by him.

(c) If the operator of a snowmobile is physically incapable of making the report required by this Section and there was another occupant on the snowmobile at the time of the accident capable of making the report, he shall make such report.

(d) "Snowmobile Accident" means a collision between a snowmobile and another vehicle, movable or immovable structure or tree. It also means an event that results in death or bodily injury or property damage in excess of two hundred fifty dollars ($250.00).

SECTION 10.37 Snowmobile Routes and Trails Designated.

(a) **Routes and Trails Designated.** Except as provided in Sections 350.02 and 350.03, Wis. Stats., no person shall operate a snowmobile on any street, alley or public grounds, except upon snowmobile routes and trails designated by Village Board resolution. For purposes of this Section, the definitions of Section 350.01 of the Wisconsin Statutes shall apply.

(b) **Trail Markers.**

(1) Area snowmobile clubs shall be responsible for procuring, erecting and maintaining all necessary signs on all routes approved by the Village Board.

(2) The Village Clerk shall have the power to declare the stated snowmobile routes and trails either open or closed.

(c) **Markers to be Obeyed.** No person shall fail to obey any route or trail sign, marker or limit erected in accordance with this Section.

SECTION 10.38 Penalty.

Except as otherwise provided, any person who violates any provision of Section 10.30 - 10.43 shall, upon conviction thereof, forfeit not less than twenty dollars ($20.00) and not more than five hundred dollars ($500.00), together with the costs of prosecution, provided no person shall forfeit an amount in excess of the maximum fine or forfeiture allowed in the Wisconsin Statutes for the same offense and further provided that the penalty and forfeiture for parking violations on highways shall be the amount applicable to such violations by owners or operators of motor vehicles under this Code of Ordinances.

SECTION 10.39 Enforcement.

(a) **Uniform Citation for Highway Violations.** The uniform traffic citation promulgated under Sec. 345.11, Wis. Stats., shall be used for violations of this Chapter relating to highway use except as herein provided.

(b) **Parking Violations.** The special traffic citation described in this Chapter shall be used for enforcement of violations of rules of the road relating to parking of vehicles.

(c) **Other Violations.** All violations of Sections 10.30 - 10.37 not described in Subsections (a) or (b) shall be enforced in accordance with Sections 66.0114 and 66.0111 of the Wisconsin Statutes. Stipulations of guilt or no contest may be made as provided in Sec. 66.0114(1)(b), Wis. Stats., in substantially the form provided in the uniform traffic citation within five (5) days of the date of the citation for such violation. Bail deposits may also be made under Sec. 66.0114, Wis. Stats.

(d) **Forfeited Penalties and Deposits.** Except as otherwise provided in Sec. 345.26 Wis. Stats., and the deposit schedule adopted by the judicial conference thereunder, required penalties and deposits or bail not including costs or fees for

violation of this Chapter shall be as established by the schedule adopted by the Columbia County Sheriff's Department.

ALL-TERRAIN VEHICLES AND OFF-ROAD MOTOR VEHICLE OPERATION

SECION 10.40 State All-Terrain Vehicle Laws Adopted.

The provisions describing and defining regulations with respect to all-terrain vehicles in Section 23.33, Wis. Stats., NR64 of the Wisconsin Administrative Code and any future amendments or revisions, are hereby adopted by reference and made part of this Section as if fully set forth herein.

SECTION 10.41 Unauthorized Operation of Motor Vehicles on Public or Private Property.

(a) **Purpose.**

(1) The unauthorized off-road operation of motor vehicles has resulted in serious damage to public and private lands including damage or destruction of vegetation, animal life and improvement to the lands; and

(2) The unauthorized off-road operation of motor vehicles has resulted in the permanent scarring of land and an increase in both erosion and air pollution; and

(3) The unauthorized off-road operation of motor vehicles has resulted in collisions and near collisions threatening the life and safety of the operators of such vehicles as well as of other persons; and

(4) The unauthorized off-road operation of motor vehicles has resulted in a loss of the privacy, quietude and serenity to which the owners and users of land are rightfully entitled.

(b) **Definitions.** For purposes of this Section, the terms below shall be defined as follows:

(1) **Unauthorized** shall mean without the express prior consent of the owner, lessee, manager or other person authorized to give consent by the owner or lessee of land. Authorization shall not be implied from a failure to post private or public land.

(2) **Off-Road** shall mean any location which:

a. Is not a paved or maintained public street or alley; or

b. Is not used or maintained by the owner or lessee of land as a driveway, parking lot or other way for motor vehicles; or

c. Is a private trail for use only by the owner or his permittees for recreational or other vehicular use. Off-road shall not include any creek bed, riverbed or lake provided, however, that this Subsection shall not apply to snowmobiles or other vehicles being operated on the ice covering such creek bed, riverbed or lake.

(3) **Operation** shall mean the physical manipulation or activation of any of the controls of a motor vehicle necessary to put it in motion.

(4) **Motor Vehicle** shall mean, for purposes of this Section, any vehicle which is self- propelled and shall include but not be limited to automobiles, trucks, jeeps, vans, motorcycles, motorbikes, go-karts, motorized three-wheeled vehicles, all-terrain vehicles, mopeds, snowmobiles, dune buggies and tractors. Motor vehicle shall not mean any airplane, railroad train, boat, wheelchair or bicycle. A vehicle which would otherwise be defined as a motor vehicle under this Section shall not be so defined while:

a. It is being operated solely for the purpose of construction or maintenance of an improvement to land or solely for access to construction or maintenance sites provided such operation is by persons having legitimate business on such lands or sites;

b. It is being operated by or at the direction of public employees or utility company employees as part of their employment duties.

c. It is being operated by the holder of an easement or right of access on or over the land on which operation is occurring or the holder's employees or agents.

(c) **Unauthorized Off-road Operation Prohibited.**

(1) The unauthorized off-road operation of a motor vehicle is prohibited.

(2) Except for authorized maintenance vehicles and snowmobiles or all-terrain vehicles operating in areas authorized by the Village Board, it shall be unlawful to operate any all-terrain vehicle or any other motor-driven craft or vehicle principally manufactured for off-highway use on the Village streets, alleys, parks, sidewalks, bikeways, parking lots or on any public lands or private lands or parking lots held open to the public. The operator shall at all times have the written consent of the owner before operation of such craft or vehicle on private lands.

SECTION 10.42 All-terrain Vehicles.

(a) **Definitions.** For purposes of this Section:

(1) "All-terrain Vehicle" means an engine driven device which has a net weight of 900 lbs or less which has a width of fifty (50) inches or less which is equipped with a seat designed to be straddled by the operator and which is designed to travel on three or more low pressure tires. A "low pressure tire" is a tire which has a minimum width of six (6) inches which is designed to be inflated with an operating pressure not to exceed ten (10) pounds per square inch as recommended by the manufacturer.

(2) "Highway" means all public ways and thoroughfares and bridges on the same. It includes the entire width between the boundary lines of every way open to the use of the public as a matter of right for the purposes of vehicular travel. It includes roads, driveways and municipal parks which have been opened to the use of the public for the purpose of vehicular travel and roads or driveways upon the grounds of public schools. This definition does not include private roads or driveways.

(3) "Roadway" means that portion of a highway between the regularly established curb lines or that portion which is improved, designed or ordinarily used for vehicular travel, excluding the berm or shoulder. On a divided highway, the term "roadway" refers to each roadway separately but not to all such roadways collectively.

(4) "Snow Removal Device" means an attachment designed and installed for the purpose of removing snow. An attachment under this definition may be a plow blade, blower, bucket or brush.

(b) **Operation on or Near Roadways.**

(1) The provisions of Section 23.33(4) of the Wisconsin Statutes as amended from time to time are adopted as the law of the Village of Arlington and incorporated herein by reference.

(2) A person may operate an all-terrain vehicle with a snow removal device attached on a roadway or adjacent to a roadway or on a public sidewalk during the period beginning on October 1 and ending on April 30 of each year for the purpose of removing snow if such operation is necessary to travel to or from a site where the snow removal device will be used. The travel necessary to or from the site may not exceed two (2) miles.

(3) Operation of an all-terrain vehicle with a snow removal device on a roadway or adjacent to a roadway is authorized only if the applicable roadway speed limit is forty-five (45) miles per hour or less. The speed limit for operation of an all-terrain vehicle with a snow removal device adjacent to a roadway shall be fifteen (15) miles per hour; however, if the vehicle is being operated within one hundred fifty (150) feet of a dwelling, the speed shall not exceed ten (10) miles per hour.

(4) Operation of an all-terrain vehicle on a roadway is authorized only on the extreme right side of the roadway except that left turns may be made from any part of the roadway where it is safe to do so, given prevailing conditions.

(5) The operator of an all-terrain vehicle with a snow removal device is permitted to drive upon a sidewalk for the purpose of snow removal. The operator shall access the sidewalk from a permanently or temporarily established driveway. If an operator is driving an all-terrain vehicle with a snow removal device on a sidewalk, the speed may not exceed five (5) miles per hour.

(c) **Authorized Operation.** No person who is under sixteen (16) years of age may operate an all-terrain vehicle for purposes of snow removal under any circumstances.

(b) **Display Lights.** The person who operates an all-terrain vehicle with a snow removal device attached is required to display at least one or more flashing or rotating amber or yellow lights, and at least one of the lights shall be visible from every direction.