

## Village of Boyceville Municipal Code – Title 10

### TITLE 10 - MOTOR VEHICLES AND TRAFFIC

#### CHAPTER 1: TRAFFIC

##### **Sec. 10-1-1 State traffic laws adopted.**

(a) *Statutes adopted.* Wis. Stats. §§ 110 (motor vehicles), 194 (motor vehicle transportation), and 340 (vehicle provisions) through 349 are adopted and incorporated into this chapter. The statutory sections listed are designated as part of this Code by listing 10-1-1 as the ordinance violated. Any future amendments, revisions, or modifications of the Wisconsin Statutes adopted by this section are made part of this chapter.

(b) *Other state laws adopted.* The following Wisconsin Statutes are adopted by reference: 941.01 (negligent operation of vehicle off highway) and 947.04 (drinking in common carriers). The prosecution of such offenses under this chapter is provided in Wis. Stats. §§ 340 through 349, and the penalty for violation thereof will be limited to a forfeiture as provided in this chapter.

(c) *General references.* General references refer to the most recent enactments of the state legislature.

(d) *Forfeiture penalty.* The penalty for violations of any provision of this chapter shall be a forfeiture plus court costs and fees prescribed by Wis. Stat. § 814.63(1) and (2). The penalty assessment for moving traffic violations and the driver improvement surcharge imposed by Wis. Stats. §§ 757.05 and 346.655 shall also be added, where applicable. Any person 17 years of age or older who fails to timely pay the amount of the forfeiture, court costs, any penalty assessment or driver surcharge or other penalty imposed for violation of any provision of this chapter may, upon order of the court entering judgment therefor and having jurisdiction of the case, be imprisoned until the forfeiture, costs and assessment are paid, except that the period of imprisonment shall not exceed 90 days.

(e) *Other sanctions.*

- (1) *By court.* Nothing in this section precludes or affects the sentencing court to exercise additional authorities granted by the state statutes to suspend or revoke the operating privileges of the defendant, order the defendant to submit to assessment and rehabilitation programs or to attend traffic safety school in addition to payment of a monetary penalty or in lieu of imprisonment.
- (2) *By municipality.* Driver licenses and permits may not be issued to persons who have outstanding forfeitures under this section.

(f) *Forfeitures for violation of uniform moving traffic regulations.* Forfeitures for violations of any moving traffic regulation set forth in the state statutes adopted shall conform to the forfeiture penalty permitted by comparable state statute, including any variations or increases for subsequent offenses.

(g) *Penalties.* For violations of this Code, the penalties shall be as set in the Fine and Fee Schedule established in Sec. 1-1-6.

##### **Sec. 10-1-2 State administrative code provisions adopted.**

(a) *Administrative regulations adopted.* Wis. Admin. Code ch. Trans 305 (standards for motor vehicle equipment), 304 (slow moving vehicle emblem), 326 (motor carrier safety requirements for transportation of hazardous materials), and 150 (leasing of vehicles by private carriers) are hereby adopted by reference.

(b) *Noncompliance prohibited.* To operate within the Village, motor vehicle operators must be in conformity with this section, Wis. Stat. § 110.075 (motor vehicle inspection), and Wis. Stat. § 347 (equipment of vehicles).

##### **Sec. 10-1-3 Official traffic signs and control devices; prohibited signs, signals, and markers.**

(a) *Duty of director of public works to erect and install uniform traffic control devices.* The Director of Public works with the cooperation of the police department, will procure, erect, and maintain uniform traffic control devices conforming to the Uniform Traffic Control Device Manual. The Director of Public Works will carry out the purposes of this chapter and give adequate warning to motor vehicle operations within the Village. The Village Board has the authority to establish traffic devices at specific locations pursuant to Wis. Stat. § 349.06.

(b) *Prohibited signs and markers in highways.* Anyone placing a sign must have the authority from an officer authorized by this chapter, the director of public works, or the state highway commission. Any sign in violation of this subsection will be removed as provided in subsection (c) of this section.

(c) *Removal of unofficial signs, markers, signals, and traffic control devices.* The director of public works may remove any sign in violation of this chapter or state law. The Director of Public Works will report any charge imposed to the

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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 will be placed upon the tax roll for collection as other special municipal taxes.

### **Sec. 10-1-4 Heavy traffic routes.**

(a) *Definition.* For purposes of this section, the term "heavy traffic" means:

- (1) All vehicles not operating completely on pneumatic tires; and
- (2) All vehicles or combination of vehicles, other than motor buses, designed or used for transporting property of any nature and having a gross weight of more than 12,000 pounds.

(b) *Prohibited routes.* Heavy traffic is prohibited from using any Village street or highway not designated as a heavy traffic route with the following exceptions: obtaining orders for supplies; moving or delivering supplies to or from any place of business, residence, or agricultural purpose; routed state trunk highways; driving to construction sites; repairing or maintaining electric, gas, or water services; or public utility vehicles.

(c) *Administration.* The Director of Public Works in cooperation with the police department will administer this section. Administration must include:

- (1) *Posting of signs.* Appropriate signs must be posted giving notice of this section and of the heavy traffic routes established. Yellow signposts may also be used to designate heavy traffic routes.
- (2) *Maps.* Maps of the Village showing heavy traffic routes must be prepared and available upon request.
- (3) *Construction equipment.* The Chief of Police and the Director of Public Works may grant temporary permits to allow heavy construction equipment to use Village streets or highways not designated as heavy traffic routes. These permits may be granted only when use of a non-designated route is necessary for the equipment to reach a construction site. No permit may be issued unless the equipment owner agrees to reimburse and hold the Village harmless for any damage done to the Village street by the equipment and/or any personal injury or property damage caused in part or in whole by the street damage.
- (4) Village-owned or operated equipment is excluded from the provisions of this section.

(d) *Liability.* Any operator, corporation, owner or agent whose heavy traffic vehicle damages any Village streets or highways in violating this section will be liable and required to pay the Village the cost of repair or replacement of the damaged street or highway.

(e) *Streets designated Class "B" highways.* All streets and highways within the Village are designated Class "B" highways subject to the weight limitations imposed on Class "B" highways by the state statutes adopted by reference in section 10-1-1 except the highways or parts of highways designated as follows:

- (1) State Highway 170
- (2) State Highway 79

### **Secs. 10-1-5 Speed restrictions.**

Speed limits may be established by resolution of the Village Board or by other authority as determined by statute.

### **Sec. 10-1-6 Through streets.**

(a) *Through streets designated.* State Highways 170 and 79 are declared through streets.

(b) *Crosswalks on through streets.* Crosswalks must be in accordance with the Wisconsin Department of Transportation will be established by resolution of the Village Board.

### **Sec. 10-1-7 Disorderly Conduct with a Motor Vehicle.**

(a) *Unnecessary noise prohibited.* No person may operate a motor vehicle in a manner that makes or causes any loud, disturbing, or unnecessary sounds or noises that may tend to annoy or disturb another in or about any public or private area in the Village.

(b) *Unnecessary smoke prohibited.* No person may operate a motor vehicle in a manner that makes or causes any smoke, gases, or odors that are disagreeable, foul, or otherwise offensive and 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.* No person may operate any vehicle, including motorcycles, all-terrain vehicles, and bicycles, in a manner to cause, by excessive and unnecessary acceleration, the tires of such vehicle or cycle to spin or emit loud noises or to unnecessarily throw stones or gravel; nor cause any loud noise that may disturb the peace.

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(d) *Conduct prohibited.* No person may use any motor vehicle, including but not limited to, an automobile, truck, motorcycle, minibike, or snowmobile, to 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) *Definition.* The term "disorderly conduct with a motor vehicle" means the engaging in violent, abusive, unreasonably loud conduct, or disturbing or endangering the property or the safety of another's person or property, or otherwise disorderly conduct, including but not limited to, unnecessary, deliberate or intentional spinning of wheels, squealing of tires, revving of engine, blowing the horn, causing the engine to backfire or causing the vehicle, while commencing to move or in motion, to raise one or more wheels off the ground.

(f) *Avoidance of traffic control device prohibited.* No person may operate a motor vehicle in a manner as to leave the roadway and travel across private property to avoid an official traffic control device, sign, or signal.

(g) *Operation in restricted area prohibited.* No person may operate a motor vehicle in such a manner as to leave the roadway and park, stop, or travel upon or across any public or private property, parking lot, driveway, or business service area for any purpose except the official conduct of business located on the property without the property owner/lessee's consent. This section specifically includes, but is not 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.

(h) *Stopping and parking prohibited.* No person may stop or park a motor vehicle in any manner on any public or private property or parking lot contrary to a regulatory sign posted, which may permit parking by certain persons and limits, restricts, or prohibits parking as to other persons without the property owner/lessee's consent. Any vehicle parked in violation of this section may be removed or towed by the property owner at the vehicle owner's expense.

### **Sec. 10-1-8 Motor vehicles on pedestrian ways and overpasses.**

No person may operate or park any motor vehicle on any pedestrian way or pedestrian overpass within the Village except authorized maintenance or emergency vehicles.

### **Sec. 10-1-9 Driving over curbing or safety islands prohibited.**

(a) *Driving over curbing prohibited.* No motor vehicles may be driven over any curbing in the Village. This section shall not apply to Village maintenance or emergency vehicles or to residents driving over the curb in front of their own property to park trailers, recreational vehicles, or other vehicles.

(b) *Driving over safety zones or islands prohibited.* Motor vehicle operators may not drive through or over a safety zone or safety island that is marked in accordance with the Wisconsin Uniform Traffic Control Device Manual

### **Sec. 10-1-10 Airport vehicle regulations.**

(a) *Definition.* In this section the following words have the following meaning unless context clearly indicates otherwise:

- (1) *Pedestrian.* A person afoot or any person in a wheelchair, either manually or mechanically propelled, or other low-powered, mechanically propelled vehicle designed specifically for use by a physically disabled person but does not include any person using an electric scooter or an electric personal assistive mobility device per Wis. Stat. § 340.01(43).
- (1) *Vehicle.* Every device in, upon, or by which any person or property is or may be transported or drawn excepting aircraft.
- (2) *Emergency Equipment.* Crash, fire and rescue, or police motor vehicles and such other equipment as the airport manager may designate as necessary to safeguard airport runways, taxiways, designate as necessary to safeguard airport runways, taxiways, ramps, buildings, and other property.
- (3) *Service, Maintenance and Construction Equipment.* Approved equipment normally operated by the airport owner, its agents or under contract, fixed base operator(s), or other governmental agencies performing official duties on landing areas, runways, taxiways, and peripheral roads for the servicing, maintenance, and construction of airport

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facilities and services or for the servicing of aircraft. This definition will include equipment owned and operated by a contractor performing work on the airport under a contractual agreement with the Village.

**(b) *Operation of Vehicles on Runways, Taxiways and Ramps.***

- (1) Vehicles are not permitted on the airport runway, taxiway, ramp, tie down area, or any area posted by signs prohibiting the entrance thereon.
- (2) The provisions of this Section do not apply to emergency equipment or service, maintenance, and construction equipment when engaged in performing normal duties.
- (3) Hangar leasees and aircraft owners are authorized to operate a vehicle to reach their own aircraft at a hangar or tie down area. Aircraft owners must not exceed a speed of fifteen (15) miles per hour while en route to their aircraft. They must not at any time park a vehicle on any area used for the movement of aircraft, except for that area leased and under the control of the hangar tenant.

**(c) *Speed of Vehicles.*** Vehicle operators must abide by all traffic signs posted within the perimeter of the airport or upon other airport areas and not operate a vehicle at a speed more than fifteen (15) miles per hour.

**(d) *Pedestrian Traffic on Airport.*** Pedestrians are not permitted in any areas of the airport where signs are posted prohibiting pedestrians, which the exception of maintenance and emergency services personnel.

**(e) *Vehicle Parking.*** All vehicles parked at the airport must be parked in designated areas and in accordance with posted signs or other markings. Parking at the airport is only for airport use unless otherwise authorized. A law enforcement officer may order the removal of any vehicle improperly parked at the owner's expense.

### **Sec. 10-1-11 School crossing guards.**

Pursuant to Wis. Stat. § 349.215, crossing guards may stop traffic, if necessary, at their respective school crossings for the purpose of permitting persons to cross the street in the vicinity of a school. The Chief of Police may authorize crossing guards to control traffic to allow for the safe passage of school buses. No person may disregard traffic control directions from a crossing guard.

### **Sec. 10-1-12 Traffic and parking regulations on school district grounds.**

Pursuant to the provisions of Wis. Stat. § 118.105, the following regulations apply to the grounds of the public-school district located within the Village:

**(a) *Parking.*** Parking must be in conformity with posted parking regulations.

**(b) *Speed limits.*** The maximum speed limit on any school district grounds is fifteen (15) miles per hour during school hours or when children are present and twenty (20) miles per hour at any other time.

**(c) *Vehicles prohibited at specified times.*** No person may operate a motor vehicle other than a school bus or emergency vehicle, in or upon any drive designated for buses, in violation of warning signs and/or staff directions on school days when school is in session, at times when children are present or during school functions.

**(d) *Use of a Cellular or Wireless Device.*** No person may operate a motor vehicle while using cellular or wireless communications device on school grounds or school zone, except to report an emergency.

(1) This subsection does not apply to:

- a. The operator of a vehicle that is lawfully parked;
- b. The use of a voice-operated or hands-free device if the driver of the motor vehicle does not use his or her hands to operate the device, except to activate or deactivate a feature or function of the device;
- c. The operator of an authorized emergency vehicle while acting in an official capacity;
- d. The operator of a school bus using a two-way radio.

**(e) *Miscellaneous rules.***

- (1) Operating a motor vehicle on school grounds at a rapid or sudden acceleration with the intent of squealing tires, throwing rocks or gravel, or leaving tire marks is prohibited.
- (2) Operating a motor vehicle on school grounds across parking lot islands or parking lot dividers is prohibited.

### **Sec. 10-1-13 Towing after Specific Statute Violations.**

**(a) *Unlawful Activity.*** It is unlawful for any person to operate a motor vehicle in the Village of Boyceville in violation of any of the following statutes:

- (1) Wisc. Stat. § 343.44 Operating While Suspended, Revoked, Ordered Out-Of-Service, or Disqualified.



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- (2) Wisc. Stat. § 346.62 Reckless Driving.
- (3) Wisc. Stat. § 344.62(1) Operating a Motor Vehicle without Insurance.
- (4) Wisc. Stat. § 343.05 Operators to be licensed, except for violations punished under Wisc. Stat. § 343.05(5)(b)(2).

(b) *Towing Authority.* Pursuant to any law enforcement officer determining a violation of one of the above listed statutes, a law enforcement officer may order the vehicle to be towed by a motor carrier with a valid permit to perform towing services to a public or private storage facility, in addition to any other penalties connected to charges of violating any of the statutes. The owner or operator of the removed vehicle will be responsible for the actual costs of removing, towing, and storing the vehicle. Nothing in this section will interfere with enforcement of any other towing authorized by ordinance or removal of wrecked or prisoner vehicles.

### **Sec. 10-1-14 Enforcement.**

(a) *Enforcement procedures.* Except where otherwise specifically provided by the laws of the state or this Code, the traffic regulations in this Code will be enforced in accordance with the provisions of Wis. Stat. § 345.20.

(b) *Citations.* The Wisconsin Uniform Traffic Citation and Complaint described and defined in the state statutes will be used for enforcement of adopted State traffic violations. The Non-Traffic Citation will be used for violations of local ordinance.

(c) *Deposits and stipulations.* Persons arrested or cited for violations of moving traffic offenses created by this chapter are permitted to make deposits and stipulations of no contest or released by the arresting officer in accordance with the applicable provisions of the state statutes.

(d) *Registration suspension program.* The Village may participate in the state department of transportation traffic violation and registration program as set forth in Wis. Stat. § 345.28 and Wis. Admin. Code ch. Trans 128 and all amendments or changes thereto.

- (1) The Chief of Police is hereby designated as a delegated authority for purposes of Wis. Stats. §§ 85.13 and 345.28 and Wis. Admin. Code ch. Trans 128. The chief of police is authorized to perform, on behalf of the Village, all functions required of a local authority under the statutes and code including, but not limited to:
  - a. Preparing and completing all forms and notices, notifying the state department of transportation of unpaid citations for non-moving traffic violations;
  - b. Specifying whether the registration of vehicles involved in unpaid citations for non-moving traffic violations should be suspended and/or whether registration should be refused for any vehicle owned by persons with unpaid citations for non-moving traffic violations;
  - c. Determining the method by which the Village will pay the state department of transportation for administration of the program; establishing the effective date for participation;
  - d. And taking such other action as is necessary to institute and continue participation in the state department of transportation traffic violation and registration program.
- (2) The Chief of Police is hereby authorized to assign a member of the police department to perform such acts as are necessary to effectuate this subsection.
- (3) In addition to all applicable fines and court costs, the cost of using the state department of transportation traffic violation and registration program will be assessed as permitted by Wis. Stat. § 345.28(4)(d). The police department may refuse to notify the state department of transportation of payment on a citation until all applicable fines and costs, including costs assessed under the preceding sentence, are paid.

This subsection should not be interpreted as requiring that all unpaid citations for non-moving traffic violations be processed through the state department of transportation traffic violation and registration program. The Village's participation in such program is in addition to any other means legally available to enforce such citations.

## **CHAPTER 2: PARKING**

### **Sec. 10-2-1 Restrictions on parking; posted limitations.**

(a) *48-hour limitation.* No automobile, truck, tractor, trailer, or vehicle of any description may be parked on any public streets or parking lots in the Village for a period of 48 or more consecutive hours in the same location at any time, except that where more restrictive parking limits have been established, the more restrictive limits apply. If any law enforcement officer finds a vehicle in violation of this section, the officer may require the operator to move the vehicle to a permitted position under this chapter or have the parked vehicle removed by a tow service to a storage facility. The vehicle owner must pay the costs of removing the vehicle and the storage fees before recovering the vehicle.

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This section does not apply to a vehicle with a valid motor vehicle registration that is parked along the curb line in front of a residence that belongs to the owner or occupant of that residence or is a guest of the owner or occupant of that residence provided that the vehicle is parked safely for a period under five (5) days.

### (b) *Posted limitations.*

- (1) The Village Board may designate certain streets or portions of streets as no parking, stopping, or standing zones or as zones for physical disabled persons parking and may limit the hours in which the restrictions apply. The Village must mark each zone in accordance with the provisions of Wis. Stat. § 349.13.
- (2) No vehicle may stop or park in a no parking zone during hours when parking is prohibited except for the following: when directed to by a law enforcement officer, to avoid conflict with other traffic, abiding by a traffic control device, physicians on emergency calls, or as permitted by state law.
- (3) The Chief of Police has authority to prohibit, limit, or otherwise restrict the stopping, standing, or parking of vehicles beyond the provisions of Wis. Stats. Ch. 346.
- (4) Unless official traffic control devices are erected and special weight limits are in position, there will be no prohibition, restriction, or limitation on parking, moving, or turning of heavy traffic.
- (5) After the parking limitations have expired, any change of location of not more than one stall following expiration of the parking period allowed will be and constitute a violation of this chapter.

### (c) *Prohibited Parking.* No motor vehicle operator may park or leave a vehicle standing:

- (1) Within an intersection.
- (2) On a crosswalk.
- (3) On a sidewalk.
- (4) Alongside or opposite any excavation or obstruction if the vehicle obstructs traffic or pedestrian traffic.
- (5) Aside of any parked vehicle unless double parking is clearly indicated by official traffic signs.
- (6) Within a fire lane consisting of either the driveway between the front doors of a fire station and the public street or where marked as fire lanes ordered by the fire chief.
- (7) Where prohibited by official traffic signs.
- (8) In any place or manner that obstructs, blocks, or impedes traffic.
- (9) Within ten 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) In a way that limits any vehicle facing an opposite direction from the normal flow of traffic.
- (13) In a loading zoning.
- (14) Within six feet of the entrance to an alley, private road, or driveway.
- (15) In any municipal park when it is closed to the public.
- (16) In any private driveway without the permission of the property owner or lessee.
- (17) In any manner to restrict the normal access to any private drive, alley, or fire lane.
- (18) In a space designated for physically disabled parking without a special registration plate, identification card, or emblem issued by the state department of transportation or another authorized jurisdiction.
- (19) On the front yard of a residence other than on a driveway or paved or improved surface for a period longer than twelve (12) hours.
- (20) In front of or within ten feet a mailbox between the hours of 7:00am and 5:00pm on any date the United States Postal Service delivers mail.
- (21) Angle parking or parking diagonally is prohibited in the Village except as provided herein.
  - a. All vehicles must park parallel to, and within one foot of, the curb except where streets and parking lots are marked for angle parking.
    - i. In a parallel parking area, a motorcycle or moped may park at an angle. If parallel parking spaces are not indicated by pavement markings, no motorcycle or moped may be parked within 2 feet of another vehicle. Where a parallel parking space is indicated by pavement markings or where angle parking is authorized, up to 3 motorcycles or mopeds may park in the space.
  - b. No person may park any vehicle:
    - i. In any direction other than the designated parking angle.
    - ii. Backwards into angle parking spaces.
    - iii. With a trailer attached or any vehicle longer than 20 feet on any street where angle parking is permitted.

### (d) *Temporary parking restrictions.*

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- (1) *Street maintenance.* Whenever it is necessary to clear or repair a Village roadway, the public works department and/or police department must erect signs warning of the closure” at least two hours prior to commencing the street maintenance. No person may park a motor vehicle in violation of the signs.
- (2) *Temporary parking restrictions for special events.* Pursuant to the provisions of Wis. Stat. § 349.13, the Chief of Police is authorized to direct that temporary no parking signs be erected by Public Works before authorized events that regulate the parking of motor vehicles. The temporary regulation must be limited to the timeframe of the event exists, including preparation and post-event clean-up. No person may park a motor vehicle in violation of the signs.
- (3) *Winter parking restrictions.* The Village needs to clear snow and ice from streets and roadways to ensure that motorists may travel safely and Village owned parking lots to assist motorists and pedestrians as they traverse those parking areas. It is necessary to regulate the parking of motor vehicles to facilitate that streets, roadways, and parking lots are clear for Public Works staff to plow them. No person may park a motor vehicle on any public street or roadway in the Village nor on Village owned parking lot, except Village parking lots regulated by parking permits, when there has been an accumulation of snow and/or ice of two (2) inches or more until the entire roadway or parking lot has been cleared by Public Works. Notice of this restriction shall be with the placement of warning signs consistent with DOT regulations on public roadways entering the Village. Vehicle owners or operators are responsible for compliance with this subsection without any additional notice from the Village. This subsection shall not apply to:
  - a. Emergency vehicles
  - b. Physicians responding to an emergency
  - c. Vehicles of patrons of Main Street businesses during operating hours
  - d. Vehicles of patrons attending community events
  - e. Village owned or operated vehicles
  - f. Vehicles engaged in loading or unloading for less than 30 minutes
  - g. Vehicles parked on the 500 block of Race Street provided that:
    - i. On odd numbered days they shall be parked on the west side of the roadway.
    - ii. On even numbered days they shall be parked on the east side of the roadway.

### **Sec. 10-2-2 Additional Parked Vehicle Restrictions.**

#### **(a) *Parking vehicle for repair or to display for sale prohibited.***

- (1) No person may park on a public road or parking lot in the Village for the purpose of repairing the vehicle, displaying the vehicle for sale, or for advertising.
- (2) Only a business owner/operator located on business-zoned property engaged in the regular business of selling vehicles may display a vehicle for sale on private premises unless the following conditions are met:
  - a. The owner or lessee of the premises consents to display the vehicle;
  - b. The owner of the vehicle is on the premises or resides there;
  - c. The vehicle displayed for sale is parked entirely on the premises;
  - d. The premises contains no more than two vehicles displayed for sale; and
  - e. The advertisement or sign for sale of the vehicle is not larger than the window it is displayed on.

(b) *Parking vehicles with motor running.* No person may park a vehicle with the motor or refrigerator unit running, for more than 30 minutes within 300 feet of any residence within the Village between the hours of 10:00 p.m. and 7:00 a.m. Authorized emergency vehicles are exempt from this section.

(c) *Unattended motorized machinery.* No farm machine operator may leave unattended machinery standing for any period without locking the ignition system or otherwise rendering the machinery inoperable, so other people are prevented from starting or controlling the machinery.

(d) *Sleeping in a vehicle restrictions.* No person may park a vehicle on a Village owned parking lot for the purpose of sleeping or habitation.

### **Sec. 10-2-3 Unlawful removal of parking citations.**

Only the vehicle owner or operator may remove a Village parking ticket from a motor vehicle.

### **Sec. 10-2-4 Operation of motor vehicle in public parking lots.**

(a) *Unlicensed operators prohibited.* Only operators with valid driver's licenses may operate a vehicle in any parking lot within the Village.

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(b) *Traffic regulations applicable.* All provisions of section 10-1-1 and of the state statutes and laws are applicable on any public or private parking lot held out for public parking or vehicular traffic.

### **Sec. 10-2-5 Removal of illegally parked vehicles.**

(a) *Hazard to public safety.* Vehicles in violation of any of the provisions of this chapter are a hazard to traffic and public safety.

(b) *Removal by operator.* Upon request of any law enforcement officer, a vehicle operator or owner must remove the vehicle to a position where parking is permitted within 12 hours of the order. If a vehicle is parked blocking a public roadway, private drive, or in a manner that the officers determines to be unsafe, it shall be removed immediately.

(c) *Removal by tow truck.* Any law enforcement 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.

(d) *Towing authority and charges.* A police officer may order an illegally parked vehicle towed at the risk and expense of the vehicle owner. 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 must be paid. If the vehicle is stored in a public storage garage or rental facility, customary charges for such storage must be paid. Upon payment, a receipt must be issued to the owner of the vehicle.

### **Sec. 10-2-6 Inoperable, wrecked, or discarded vehicles.**

(a) *Storage prohibited.* No person owning or having custody of any partially dismantled, non-operable, wrecked, junked, or discarded motor vehicle may allow a vehicle to remain on any public street or highway, parking lot or ramp longer than 48 hours.

(b) *Exemptions.* Motor vehicles authorized by the Village in an appropriate storage place are exempt from this section.

### **Sec. 10-2-7 Commercial Motor Vehicles.**

(a) *Parking of commercial motor vehicle.* No person owning or having control of any commercial motor vehicle or trailer, may park on any street, avenue, or public way in the Village in areas zoned residential or primarily residential in nature except by special permit. Special permits for overweight/length vehicle parking at residence may be issued for April 1<sup>st</sup> through November 1<sup>st</sup>. The provisions of this subsection do not prohibit lawful temporary parking (not to exceed four hours) for the actual loading or unloading of goods, wares, or merchandise; provided, however, the terms "loading" and "unloading," as used in this section, are limited to the actual time consumed in such operation. The Village may, however, designate specific commercial vehicle parking zones.

(b) *Truck Parking Lot.* A parking permit must be obtained from the Village upon payment pursuant to the Village fee schedule to park any vehicle at the Village Truck Parking Lot located at 1305 Charlotte Street. Vehicles may only be parked in their assigned parking stall and must display a valid parking permit.

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

(a) *Forfeitures for uniform statewide parking, stopping, and standing offenses.* Minimum and maximum forfeitures for violation of non-moving traffic violations adopted by reference in section 10-1-1 as described in Wis. Stats. chs. 341 to 349 are in the current edition of the Revised Uniform State Traffic Deposit Schedule.

(b) *Penalty for Sec. 10-2-1.* The forfeiture for violations of Sec. 10-2-1 or elsewhere in this code that refer to this section for penalty, will be set in the Village fine and fee schedule with penalties for the first, second, and third violation within six months of a previous violation.

(c) *Other violations.* Any person who violates any provision of this chapter for which a penalty is not otherwise established by this section is subject the penalties of Village fine and fee schedule referenced in section 1-1-6.

### **Sec. 10-2-9 Enforcement.**

(a) *Citations.*

- (1) *Form.* The Wisconsin Uniform Traffic Citation and Complaint described and defined in the state statutes will be used for enforcement of all provisions adopted State traffic violations. The Non-Traffic Citation will be used for all other violations.



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- (2) *Parking citations.* The Chief of Police will develop a citation for use in enforcing the parking offenses in this Chapter. Parking citations may be issued by law enforcement officers or by civilian employees of the police department.
- a. *Direct payment of penalty permitted.* Persons cited for parking violations described and defined in Sec. 10-2-1 may discharge the penalty thereof and avoid court prosecution by mailing or forwarding within five business days to the Boyceville Police Department.
  - b. *Registration suspension.* If the alleged violator does not pay the forfeiture by the designated date, the Village may suspend the owner of the vehicle's registration as set for in 10-1-21(c)(3).

### CHAPTER 3. SNOWMOBILES AND OFF-ROAD VEHICLES

#### **Sec. 10-3-1 State snowmobile and all-terrain vehicles laws adopted.**

Wis. Stats. Chapter 350 (Snowmobiles) and Wis. Stat. § 23.33 (All-terrain vehicles and utility terrain vehicles) are adopted and incorporated herein by reference.

#### **Sec. 10-3-2 Applicability and Enforcement of traffic regulations to snowmobiles.**

Snowmobiles must be operated in accordance with Wis. Stats. Chapter 346 (Rules of the Road).

#### **Sec. 10-3-3 Unattended Snowmobiles.**

No person may leave or allow a snowmobile unattended on any public highway while the motor is running or with the starting key left in the ignition.

#### **Sec. 10-3-4 Operation on sidewalks prohibited.**

Snowmobiles must not be operated on any sidewalk, pedestrian way or upon the area between the sidewalk and the curb line of any street in the Village, except for the purpose of crossing to obtain immediate access to an authorized area of operation.

#### **Sec. 10-3-5 Speed.**

Snowmobiles and ATV/UTVs must not be operated upon any public highway within the Village at a speed more than the posted speed limit.

#### **Sec. 10-3-6 Restrictions on operators.**

Persons under the age of 12 years may not operate snowmobiles. Persons between the ages of 12 and 16 years may not operate a snowmobile unless: with a valid snowmobile safety certificate; accompanied by a person over 18 years of age; or accompanied by a person over 14 years of age who has a snowmobile safety certificate issued by the DNR.

#### **Sec. 10-3-7 Snowmobile routes and trails designated.**

(a) *Authority.* The Village may regulate snowmobile operation on snowmobile trails maintained by or on designated snowmobile routes per Wis. Stat. § 350.18.

(b) *Routes designated.* Except as provided in Wis. Stats. §§ 350.02 and 350.03, snowmobile operators may only operate snowmobiles on official snowmobile trails designated by resolution of the Village Board.

(c) *Trail markers.*

- (1) Area snowmobile clubs are responsible for procuring, erecting, and maintaining all necessary signs on all approved routes by the Village Board.
- (2) The Chief of Police has the power to declare the stated snowmobile routes and trails either open or closed.

#### **Sec. 10-3-8 Unauthorized off-road vehicle operation on public or private property.**

(a) *Purpose.* 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; permanent scarring of land and an increase in both erosion and air pollution; collisions and near collisions threatening the life and safety of the operators of such vehicles as well as of other persons; and a loss of the privacy, quietude and serenity to which the owners and users of land are rightfully entitled.

(b) *Definitions.* The following words, terms, and phrases, when used in this section, have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

- (1) *Motor vehicle* A vehicle which is self-propelled including, 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, but does not include railroad trains, boats, wheelchairs, or bicycles.
- (2) *Motor vehicle exemptions.* Motor vehicles are exempt from subsection (1) if one or more of the following apply:

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- a. It is used 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 operated by or at the direction of public employees or utility company employees as part of their employment duties.
  - c. It is 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.
- (3) *Off-road*. The term "off-road" means any of the following locations that are:
- a. not paved or maintained public street or alley;
  - b. not used or maintained by the owner or lessee of land as a driveway, parking lot or other way for motor vehicles; or
  - c. private trails for use only by the owner or his permittees for recreational or other vehicular use.
- (4) *Off-road exemptions*. Locations exempt from subsection (3) include creek beds, riverbeds, or lakes. Note: this subsection does not apply to snowmobiles or other vehicles being operated on the ice covering a creek bed, riverbed, or lake.

(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 is unlawful to operate any minibike, go-kart, 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 must have the written consent of the owner before operation of such craft or vehicle on private lands.

### **Sec. 10-3-9 Operation of All-Terrain-Vehicles or Utility Terrain Vehicles on Public Roadways**

Pursuant to Wis. Stat. § 23.33(11)(am)(4), the Village authorizes the operation of ATV/UTV on public roadways with a posted speed limit of thirty-five (35) miles per hour or less.

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

(a) *Forfeitures*. Violations of this chapter are subject to penalties under Section 1-1-6.

(b) *Uniform citation for highway violations*. Violators are subject to the penalties per the uniform traffic citation in Wis. Stat. § 345.11.

(c) *Other violations*. All violations of this chapter not described in subsection (a) or (b) of this section will be enforced in accordance with Wis. Stats. §§ 66.0114 and 66.0111.

## **CHAPTER 4: ABANDONED AND JUNKED VEHICLES**

### **Sec. 10-4-1 Abandoned vehicles.**

Wis. Stat. § 342.40 (Removal and disposal of abandoned vehicles) is hereby adopted and incorporated by reference herein.

### **Sec. 10-4-2 - Junked vehicles on private property.**

(a) *Statutory Authority*. Wis. Stat. § 175.25 (Storage of junked vehicles) is hereby adopted and incorporated by reference herein.

(b) *Definitions*. The following words, when used in this section, have the following meanings, except where the context clearly indicates a different meaning:

- (1) *Disassembled, inoperable, junked or wrecked motor vehicles, truck bodies, tractors, and trailers* means motor vehicles, recreational vehicles, truck bodies, tractors, farm machinery or trailers in such state of physical or mechanical ruin as to be incapable of propulsion, being operated upon the public streets or highways or which is otherwise not in safe or legal condition for operation on public streets or highways due to missing or inoperative parts, flat or removed tires, expired or missing license plates or other defects.
- (2) *Motor vehicle* is defined in Wis. Stats. § 340.01(35).
- (3) *Unlicensed motor vehicles, truck bodies, tractors or trailers* means motor vehicles, truck bodies, tractors, recreational vehicles, or trailers which do not bear lawful current license plates.

(c) *Storage of automobiles restricted*. No disassembled, inoperable, unlicensed, junked or wrecked motor vehicles, truck bodies, tractors, trailers, farm machinery, vehicle parts or tires, or appliances be stored upon private residential property or unenclosed within a building upon nonresidential property within the Village for a period exceeding ten

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days unless it is in connection with an authorized business enterprise located in a properly zoned area maintained in a manner that does not constitute a public nuisance.

(c) *Exceptions.* This section does not apply to any motor vehicle or motor vehicle accessories stored within an enclosed building or on the premises of a business enterprise operated in a properly zoned and lawful place and in an approved manner consistent with Title 13. Also excepted are motor vehicles registered pursuant to Wis. Stats. §§ 341.265 and 341.266. In other situations, the Village may issue temporary permits permitting an extension of not to exceed an additional 30 days' time to comply with this section where exceptional facts and circumstances warrant an extension.

(d) *Enforcement.*

- (1) Upon finding any violation of this section, law enforcement must notify the premises owner or occupant and if the property in violation is not removed within five days, a citation may be issued to the property owner or occupant.
- (2) If the owner or occupant fails to comply within 20 days after issuance of a citation, the chief of police may have the vehicle removed and impounded pursuant Wis. Stats. § 342.40 at the expense of the owner or occupant and may be entered as a special charge on the tax roll.

(e) *Penalty.* Any person who interferes with the enforcement of any of the provisions of this section is subject to a penalty as provided in section 1-1-6. Each motor vehicle involved constitutes a separate offense.

### CHAPTER 5: GOLF CART OPERATION

#### Sec. 10-5-1 Purpose

This chapter is to provide for the safe and convenient operation of golf carts on certain Village highways under the authority given to the Village pursuant to Wisc. Stat. 349.18. However, to ensure public safety and welfare, the operation of golf carts must not only comply with normal regulations regarding vehicles but must comply with special safety regulations intended to protect the operator and passengers in a vehicle that is primarily designed for operation on a golf course or for recreational purposes. This chapter establishes the basic, minimum standards of care to be used by the operators of golf carts on public roads, streets and highways. Likewise, public safety requires that golf carts, used as a means of transportation, must also meet certain minimum safety standards that can only be assured through a system of registration and inspection. The registration and inspection of golf carts is required to protect public health, safety and welfare.

For purposes of this chapter, golf cart has the same meaning as Wisc. Stat. 23.33(1)(fm).

#### Sec. 10-5-2 Operation of golf carts allowed

Golf carts may be operated on public streets within the Village in compliance with the provisions of this chapter. This chapter shall not apply to the operation of golf carts on private property with the consent of the property owner. This chapter shall not apply to the operation of golf carts in connection with any public event in which a Street Use Permit has been issued.

#### Sec. 10-5-3 License required

No person who does not have a valid driver's license issued by the State of Wisconsin or another state may operate a golf cart on any public street within the Village. For purposes of this chapter, a learner's permit shall not be considered as a valid driver's license nor shall any license that is expired or has been suspended or revoked for any reason, temporarily or otherwise, be considered as a valid driver's license during the period of suspension or revocation.

#### Sec. 10-5-4 Registration.

(a) *Required.* No golf cart may be operated on any public street within the Village unless the golf cart has first been registered with the Police Department. The registration shall be renewed in accordance with the provisions of this section. Registered golf carts shall display a permit. The permit may contain a registration number assigned for the golf cart and may contain an expiration date.

(b) *Registration process.* An application for registration shall be submitted to the Police Department on the form provided. The application may, among other things, require the owner's name, street and mailing address, phone number, golf cart information including the make, model and identification or serial number of the golf cart, proof of liability insurance and such other information as may be reasonably required as well as a release or disclaimer of liability by the Village for accidents involving the registered golf cart. The applicant shall pay a bi-annual fee to the Village as set in the Fine and Fee Schedule.

(c) *Inspection.* Prior to issuing the initial registration permit, the golf cart shall either be inspected to determine that:

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- (1) The golf cart is equipped with at least two red rear reflectors to the rear of the golf cart, and those reflectors are at least three inches in height and width;
  - (2) The golf cart is equipped with a reflective slow-moving sign or flag on the rear of the golf cart;
  - (3) The brakes provided by the manufacturer of the golf cart are in proper working order;
  - (4) The golf cart has all the standard safety features provided by the manufacturer and has not been modified to exceed a speed of 20 miles per hour nor otherwise modified in any way that creates a hazard;
  - (5) The golf cart is equipped with a rearview mirror; and
  - (6) The golf cart is equipped with at least one white, forward-facing light and at least one red, rear-facing light. Every light shall be in proper working condition and shall be properly aimed so that glaring light rays from the lights are not directed into the eyes of the driver of any oncoming vehicle. All lighting must not be covered or obscured by any object or material and must be capable of being observed from a distance of at least 500 feet.
- (d) *Liability insurance required.* The owner of a golf cart registered with the Village for use on approved public streets in the Village shall maintain a motor vehicle policy consistent with Wisc. Stat. 344.33 throughout any period of registration.
- (e) *Denial and revocation.* The initial registration of a golf cart may be denied or subsequently revoked by the Police Department if it is determined that:
- (1) The application contains any material misrepresentation;
  - (2) The liability insurance requirements of subsection (d) have not been met or the owner fails to provide proof of valid liability insurance;
  - (3) The golf cart is not in compliance with the requirements set out subsection (c);
  - (4) The golf cart has been altered or customized and no longer meets the definition of a golf cart;
  - (5) The equipment supplied by the manufacturer, especially safety equipment, has been removed from the golf cart or the vehicle identification or serial number removed; or
  - (6) There are other good causes including repeated violations of this chapter.
- (f) *Disqualified vehicles.* ATVs, UTVs, and other similar utility vehicles which are not manufactured for operation on a golf course and golf carts which have been modified so that they no longer meet the definition of a golf cart may not be registered as a golf cart, nor shall such vehicles be operated on the public roads within the Village unless such vehicles are otherwise registered with and allowed under the motor vehicle laws of the State of Wisconsin.

### **Sec. 10-5-5 Manner of operation.**

Golf carts shall not be operated on the public streets of the Village, except in full compliance with the provisions of this section.

- (a) *Inclement Weather.* Golf carts may not be operated on public streets during inclement weather to include rain, ice/sleet, or snow or when weather conditions reduce visibility so that the golf cart is not visible for 250 feet.
- (b) *Streets.* Golf carts may be operated only on Village streets within the Village limits with a posted speed limit of 25 mph or less except for any portion of State Highway 79 or State Highway 170.
- (c) *Motor Vehicle Laws.* All laws regarding the use of motor vehicles in the State of Wisconsin, including possession of a valid driver's license, and all ordinances regarding the use of motor vehicles in the Village not inconsistent therewith shall be observed, except that no golf cart may operate at a speed in excess of 20 miles per hour or the top speed set by the manufacturer, whichever is lesser. Operators shall have proof of insurance/financial responsibility and display it for any law enforcement officer upon request.
- (d) *Right-of-Way.* The operator of a golf cart shall yield the right-of-way to overtaking motor vehicles.
- (e) *Village Property and Sidewalks.* Golf carts shall not be operated on any sidewalk, pedestrian walkway, bicycle path or trail, jogging path, greenway, park, beach, or trail, except for official police business or by Village personnel while on Village business. Golf carts shall not be operated on property owned or leased by the Village except with the express written consent of the Village and upon the terms and conditions as may be set forth in such written permission.
- (f) *Golf Cart Capacity.* The manufacturer's recommended seating capacity shall not be exceeded. Passengers shall not be seated in the lap of another passenger, and passengers shall not be permitted to stand while the golf cart is in operation.
- (g) *Commercial Purposes.* Golf carts may not be used as a taxicab or bus or for the commercial carrying of passengers or the hauling of freight.

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(h) *Parking*. Golf carts may only be parked in the same manner and at the same places designated for the parking of motor vehicles. The stopping, standing, or parking of golf carts in an area where parking is not allowed or in any place that impedes the flow of traffic, pedestrian walkways, or a passageway is prohibited.

(i) *Unattended Vehicles*. No person shall leave or allow any golf cart owned or operated by them to remain unattended on any public highway or public property while the motor is running or with the starting key left in the ignition.

(j) *Towing*. Golf carts may not be used for the purpose of towing another cart, trailer, or vehicle of any kind, nor may golf carts be used to pull a person on roller skates, skateboards, bicycles, or similar objects.

(k) *Crossing State Highways*. Operators of golf carts may only cross State Highway 79 or State Highway 170 where crossings are marked with appropriate signage. At each crossing point, the operator must stop and yield the right-of-way to all vehicles approaching on the highway before crossing the highway.

(l) *Intoxicants*. The provisions of Wisc. Stat. 346.93 and 346.935 are adopted and apply to the operation of a golf cart.

### **Sec. 10-5-6 Disclaimer and liability.**

(a) *Disclaimer*. Golf carts are not designed for nor manufactured to be used on public streets and the Village neither advocates nor endorses the golf cart as a safe means of travel on public streets, roads and highways. The Village in no way shall be liable for accidents, injuries or death involving the operation of a golf cart.

(b) *Assumption of risk*. Any person who owns, operates or rides upon a golf cart on a public street, road or highway within the Village does so at his or her own risk and peril and assumes all liability resulting from the operation of the golf cart.

### **Sec. 10-5-7 Penalties.**

Any person who shall violate any Wisconsin traffic law or ordinance in a golf cart may be cited under that law or ordinance and be subject to the penalties associated with that violation. Violations of this chapter are subject to the penalties under Sec. 1-1-6.