TITLE 10

Motor Vehicles and Traffic

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Title 10 ▸ Chapter 1

Traffic and Parking

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Article A: General Provisions

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

(a) **Statutes Adopted.** Except as otherwise specifically provided in this Code, the statutory provisions in Chapters 110, 194, and 340 through 349 of the Wisconsin Statutes, describing and defining regulations with respect to vehicles and traffic, for which the penalty is a forfeiture only, exclusive of any regulations for which the statutory penalty is a fine or term of imprisonment or exclusively state charges, are hereby adopted and by reference made a part of this Chapter as if fully set forth herein. The statutory sections listed shall be designated as part of this Code by adding the prefix "10-1-" to each statute section number. Any act required to be performed or prohibited by any regulation incorporated herein by reference is required or prohibited by this Chapter. Any future amendments, revisions or modifications of the statutory regulations in Chapters 340 through 349 incorporated herein are intended to be made part of this Chapter in order to secure to the extent legally practicable uniform statewide regulation of vehicle traffic on the highways, streets and alleys of the State of Wisconsin. Any person who shall, within the Town of Big Bend, Rusk County, Wisconsin, violate any provisions of any Statute incorporated herein by reference shall be deemed guilty of an offense under this Section.

(b) **Other State Laws Adopted.** There are also hereby adopted by reference the following sections of the Wisconsin Statutes, but the prosecution of such offenses under this Chapter shall be as provided in Chapters 340 through 349 of the Wisconsin Statutes and the penalty for violation thereof shall be limited to a forfeiture as hereinafter provided in this Chapter:

941.01	Negligent Operation of Vehicle Off Highway
941.03	Highway Obstruction
943.11	Entry into Locked Vehicle
943.23	Operating Motor Vehicles Without Owners Consent
947.045	Drinking in Motor Vehicle on Highway

(c) **Statutes Specifically Incorporated by Reference.** Whenever this Chapter incorporates by reference specific sections of the Wisconsin Statutes, such references shall mean the Wisconsin Statutes of 1999-2000 as from time to time amended, repealed or modified by the Wisconsin Legislature.

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

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

(a) **Administrative Regulations Adopted.** The following administrative rules and regulations adopted by the Secretary of the Wisconsin Department of Transportation and published in the Wisconsin Administrative Code, exclusive of any provisions therein relating to the

penalties to be imposed, are hereby adopted by reference and made part of this Chapter as if fully set forth herein.

Wis. Adm. Code – MVD 5	Standards for Motor Vehicle Equipment
Wis. Adm. Code – MVD 6	Transportation of Explosives by Motor Vehicle
Wis. Adm. Code – MVD 12	Leasing of Vehicles by Private Carriers
Wis. Adm. Code – MVD 18	Protective Headgear Standards and Specifications
Wis. Adm. Code – MVD 22	Standards and Specifications - Design and Mounting SMV Emblem

(b) **Non-Compliance Prohibited.** No person shall operate or allow to be operated on any highway, street or alley within the Town of Big Bend a vehicle that is not in conformity with the requirements of Subsection (a) or the provisions of Sec. 110.075 and Chapter 347, Wis. Stats., incorporated by reference in Section 10-1-1 of this Chapter.

(c) **Safety Checks.**

(1) ***Operators to Submit to Inspection.*** When directed to do so by any law enforcement officer, the operator of any motor vehicle shall stop and submit such vehicle to an inspection and such tests as are necessary to determine whether the vehicle meets the requirements of this Section or that the vehicle's equipment is in proper adjustment or repair. No person, when operating a motor vehicle, shall fail to stop and submit such vehicle to inspection when directed to do so by any law enforcement officer as herein provided.

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

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

(d) **Penalty.**

(1) Penalty for violation of any provision of this Section, including the provisions of the Wisconsin Administrative Code, incorporated herein by reference, shall be as provided

in Section 10-1-50, together with the costs of prosecution and applicable penalty assessment.

(2) The Administrative Code sections adopted by reference in Subsection (a) above shall be designated as part of this Code by adding the prefix "10-1-" to each statute or Administrative Code section number.

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

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

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

(c) **Prohibited Signs and Markers in Highways.** No person other than the Town Board or an official authorized by this Chapter to erect and maintain official traffic control devices or his or her designee shall place within the limits of any street or highway maintained by the Town any sign, signal, marker, mark or monument unless permission is first obtained from the Town Board 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 Town Board, or its designee, may remove any sign, signal, marking or other device which is placed, maintained or displayed in violation of this Chapter or state law. Any charge imposed against premises for removal of a prohibited or illegal sign, signal, marking or device shall be reported to the Town Board for review and certification at its next regular meeting following the imposition of the charge. Any charge not paid on or before the next

succeeding November 15 shall be placed upon the tax roll for collection as other special municipal taxes.

State Law Reference: Sections 346.41 and 349.09, Wis. Stats.

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

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

Sec. 10-1-5 Cost of Enforcement Towing.

Whenever a vehicle is found to be in violation of any provision of this Chapter and/or state law and must be towed, the cost thereof shall be the responsibility of the vehicle's owner.

Sec. 10-1-6 through Sec. 10-1-9 Reserved for Future Use.

Sec. 10-1-10 Operators to Obey Traffic Control Devices.

Every operator of a vehicle approaching an intersection at which an Official Traffic Control Device is erected in accordance with this Chapter shall obey the direction of such Official Traffic Control Device as required by the Wisconsin Statutes incorporated by reference in Section 10-1-1 of this Chapter. Operators of vehicles approaching a stop sign shall stop before entering a highway as required by Sec. 346.46, Wis. Stats. Operators approaching intersections at which a yield sign has been installed shall yield the right-of-way to other vehicles as required by Sec. 346.18(6), Wis. Stats.

Sec. 10-1-11 Vehicle Weight and Size Limitations.

(a) **Designation — Roads and Highways.** All roads and highways maintained by the Town of Big Bend, Rusk County, Wisconsin, are hereby designated as Class "B" highways for the purpose of putting into effect the weight limitations and other authorized controls set forth in Chapter 348, Wis. Stats.

(b) **Vehicles — Size, Weight and Load.**

(1) The Town of Big Bend hereby adopts the descriptions and phrases set forth in Chapter 348.01, Wis. Stats., as amended.

(2) The Town of Big Bend shall have the authority to impose special or seasonal weight limits on any highway, bridge or culvert maintained by the Town to prevent injury to the roadway or for the safety of the users of such bridge or culvert and shall be responsible for erecting Uniform Traffic Control Devices giving notice thereof.

(3) The owner of a vehicle who causes or permits such vehicle to be operated on a highway within the Town in violation of this Section is guilty of the violations the same as if he/she actually operated the vehicle himself/herself.

(4) Limitations on size, weight or load imposed by this Section do not apply to road machinery actually engaged in construction, repair, or maintenance of a highway within the limits of the project.

(5) The limitations on weight, length and number of vehicles and combination imposed by this Section shall not apply to a combination of vehicles in an emergency towing operation in which the towing vehicle is being used to remove a stalled or disabled vehicle or combination of vehicles from the highway to the nearest adequate place for repairs, or in which the towing vehicle is an emergency truck tractor temporarily substituted for a stalled or disabled truck tractor, provided that the limitation and the number of vehicles in combination imposed by this Section may be exceeded only if the vehicles comprising the towed combination of vehicles cannot reasonably be

separated as to be transported singly. The vehicle's owner or the owner's agent shall designate the nearest adequate place for repairs for vehicles or combination of vehicles exceeding the length limits or limits on the number of vehicles and combination.

(c) **Width of Vehicles.** No person shall cause or permit a vehicle to be operated on any town road which exceeds the size and load provisions set forth in Chapter 348.05, Wis. Stats., as amended (which is hereby incorporated herein by reference.)

(d) **Height of Vehicles.** No person, without a permit therefor, shall cause or permit a vehicle to be operated on Town roads, which exceeds the height requirements set forth in Chapter 348.06, Wis. Stats., as amended (which is incorporated herein by reference.)

(e) **Length of Vehicles.** No person, without a permit therefor, shall cause or permit a vehicle to be operated on Town roads with an overall length of that set forth in Chapter 348.07, Wis. Stats., as amended (which Chapter is incorporated herein by reference.)

(f) **Vehicle Trains.** No person, without a permit therefor, shall cause or permit a vehicle to be operated on Town roads any motor vehicle which is prohibited to be operated on highway as set forth in Chapter 348.08, Wis. Stats., as amended (which Chapter is incorporated herein by reference.)

(g) **Projecting Loads on Side of Vehicles.** No person, without a permit therefor, shall cause or permit a vehicle to be operated on Town roads any motor vehicle, trailer or semitrailer carrying any load extending beyond the fender line as set forth in Chapter 348.09, Wis. Stats., as amended (which Chapter is incorporated herein by reference.)

(h) **Special Limitations on Load.** No person, without a permit therefor, shall cause or permit to be operated on Town roads any motor vehicle or combination of vehicles with any load thereon extending more than three (3) feet beyond the front of the foremost vehicle as set forth in Chapter 348.10, Wis. Stats., as amended (which is incorporated herein by reference.)

(i) **Penalty for Violating Size and Load Limitations.**

(1) Any person violating this Section in conformity with Sec. 348.09 or 348.10, Wis. Stats., may be required to forfeit not less than Ten Dollars ($10.00) nor more than Two Hundred Dollars ($200.00).

(2) Any person violating this Section where it is in substantial conformity with Sections 348.05 through 348.08, Wis. Stats., may be required to forfeit not less than Fifty Dollars ($50.00) nor more than One Hundred Dollars ($100.00) for the first offense and may be required to forfeit not less than One Hundred Dollars ($100.00) nor more than Two Hundred Dollars ($200.00) for the second and each subsequent conviction within one (1) year.

(j) **Weight Limitations.**

(1) The Town hereby adopts the weight limitations set forth in Chapter 348.15 and 348.16, Wis. Stats., as amended, as those weight limits affect the permissible limits on Class B highways within the Town.

(2) No person without a permit shall operate or cause a vehicle to be operated on any Class B highway within the Town, any vehicle or combination of vehicles unless the vehicle or combination of vehicles comply with the weight limitation as set forth in Chapter 348.15 and 348.16, Wis. Stats., as amended.

(k) **Exceptions.**

(1) No person shall operate, whether operating under a permit or otherwise, shall operate a vehicle in violation of any special weight limitations imposed by the Town Board on particular highways, highway structures, or portions of highways, if signs have been erected as required by Chapter 349.16(2), Wis. Stats., as amended, except when the vehicle is being operated under a permit expressly authorizing such weight limitations to be exceeded.

(2) Whenever the operator of a vehicle is ordered by the officer or agency in charge of maintenance or by a traffic officer to suspend operation of such vehicle because of the damage such vehicle is causing or is likely to cause to the highway or the public investment herein, he/she shall forthwith comply with said order.

(3) Certain vehicles may operate in excess of the gross limitations above specified if said operation is in full compliance with Chapter 348.175 and 348.18, Wis. Stats., (which are hereby incorporated herein by reference.)

(l) **Weight Indication.** No person shall operate upon any Town road any motor truck, truck tractor, road tractor or motor bus, or a trailer or semitrailer used in connection therewith, unless there is attached to or lettered upon the left side thereof a sign giving its empty weight. A sign in conformity with any regulation or alternate rule which has been designated by the Wisconsin Department of Motor Vehicles would be deemed to be in conformity with this Section.

(m) **Forfeitures.** If convicted, violations of this Section shall be subjected to the same forfeitures as set forth in the corresponding sections of Chapter 348 and/or 349, Wis. Stats. Each day of violation shall be deemed to be a separate and distinct violation, and if an owner or operator operates more than own truck on Town roads in violation in each occurrence shall be a separate and distinct violation.

(n) **Compliance With State Statutes.** Nothing in this Section shall be construed, or is intended to be contrary to, or inconsistent with, Chapter 341 to 348, Wis. Stats., and any provision of this Section which may appear in conflict with said statutes, and which is not expressly authorized by Section 349.06 to 349.25, Wis. Stats., shall be, and hereby is modified and interpreted to conform to said statutes and the authority permitted therein for creation of this Section and each section thereof, and authorizing penalties for violation hereof.

(o) **Permits.** Applications for permits shall be made through the Town Clerk-Treasurer and the designated local official, now being the Town Chairperson, countersign, and all permits may be signed by the Town Chairperson or his/her designee and certified by the Town Clerk-Treasurer. Permits shall be generally subject to the provisions set forth for issuance of such permits as set forth in Chapter 348.25, Wis. Stats.

Sec. 10-1-12 Speed Limits.

(a) The Town of Big Bend designates the sections of Town roads listed below to have speed limits reduced to thirty-~~five (35)~~ 30 miles per hour, pursuant to Ch. 346, Wis. Stats.:
   (1) Plummer Road from fire number W14321 to W14493.
   (2) Roses Resort Road from fire number N1181 to N1011.
   (3) Indian Point Road: Entire road.
   (4) Eau Claire Avenue: Entire road.
   (5) S Right of Way from Hwy 40 to Willy Rd
   (6) Willy Rd from S Right of Way to W13670

(b) Chapter 346, Wis. Stats, allows towns to reduce speed to thirty-five (35) miles per hour on any town road where, on either side of the highway within any one thousand (1,000) feet along such highway, the buildings in use for business, industrial or residential purposes fronting thereon average less than one hundred fifty (150) feet apart.

(c) No person shall drive a vehicle at a speed in excess of thirty-five (35) miles per hour in the area posted with such speed limit signs.

(d) The Town Board will post signs as provided in the statutes so as to give adequate warning to users of roads with reduced speed limits.

Sec. 10-1-13 through Sec. 10-1-19 Reserved for Future Use.

Sec. 10-1-20 Restrictions on Parking; Posted Limitations.

(a) **Forty-eight (48) Hour Limitation.** No person, firm or corporation shall park or leave standing any automobile, truck, tractor, trailer or vehicle of any description on any public streets or public parking lots in the Town of Big Bend for a period of forty-eight (48) or more consecutive hours in the same location at any time, except that where more restrictive parking limits have been established, the more restrictive limits shall apply. When any law enforcement officer shall find a vehicle standing upon a public street or parking lot in violation of the provisions of this Section, he/she is authorized to move such a vehicle or to require the operator in charge thereof to move such vehicle to a position permitted under this Chapter. The law enforcement officer may cause said vehicle to be removed to a proper impoundment and storage area where storage space is available and in such case the owner shall pay the costs of removing said vehicle and the storage fees on said vehicle before he/she may recover the possession thereof.

(b) **Posted Limitations.**

(1) The Town 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 Town shall mark, by appropriate signs, each zone so designated in accordance with the provisions of Sec. 349.13, Wis. Stats.

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

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

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

Sec. 10-1-21 Stopping or Parking Prohibited in Certain Specified Places.

(a) **Parking Prohibited at All Times.** Except temporarily for the purpose of and while actually engaged in loading or unloading or in receiving or discharging passengers or property and while the vehicle is attended by a licensed operator so that it may be moved promptly in case of an emergency or to avoid obstruction of traffic, no person shall at any time park or leave standing any vehicle:

(1) Within an intersection.

(2) On a crosswalk.

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

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

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

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

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

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

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

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

(11) Upon any bridge.

(12) Upon any street or highway within the Town any vehicle which faces a direction different from the direction of normal traffic flow for the lane of traffic in which said vehicle is stopped or standing.

(13) Upon any terrace or sidewalk in the Town at any time.

(14) In a loading zoning.

(15) Within six (6) feet of the entrance to an alley, private road or driveway.

(16) In any municipal park when said park is closed to the public and if so posted.

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

(c) **Vehicles Not to Block Private Drive, Alley or Fire Lane.** No vehicle shall, at any time, be parked so as to unreasonably restrict the normal access to any private drive, alley or fire lane. Said access shall be deemed to be unreasonably restricted if any vehicle is parked within four (4) feet of either side of said access. Upon discovery by a law enforcement officer or upon complaint by the owner of any such blocked drive, alley or fire lane, the law enforcement officer may order said vehicle towed from such position at the risk and expense of the owner of said vehicle.

Sec. 10-1-22 Parking Reserved for Vehicles of Disabled.

When official traffic signs indicating such restriction have been erected in accordance with Section 10-1-3 of this Chapter, no person shall park, stop or leave standing any vehicle upon any portion of a street, highway or public or private parking facility reserved for vehicles displaying special registration plates or identification cards or emblems issued by the Wisconsin Department of Transportation or, for vehicles registered in another jurisdiction, by such other jurisdiction designating the vehicle as one used by a physically disabled person.

Sec. 10-1-23 through Sec. 10-1-39 Reserved for Future Use.

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

(a) **Unnecessary Noise Prohibited.** It shall be unlawful for any person to operate a motor vehicle in such a manner which shall make or cause to be made any loud, disturbing, or unnecessary sounds or noises such as may tend to annoy or disturb another in or about any public or private area in the Town of Big Bend.

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

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

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

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

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

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

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

(1) Public park property;
(2) Cemetery properties;
(3) School District property;
(4) Medical facilities;
(5) Funeral homes;
(6) Service stations;
(7) Grocery stores;
(8) Restaurants;
(9) Financial institutions; and
(10) Other similar-type businesses with service driveways or drive-up or drive-through facilities.

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

Sec. 10-1-41 through Sec. 10-1-49 Reserved for Future Use.

Sec. 10-1-50 Penalties.

(a) **Forfeiture Penalty.** The penalty for violation of any provision of this Chapter shall be a forfeiture as hereafter provided, together with court costs and fees prescribed by Sections 814.63(1) and (2) or 814.65(1), Wis. Stats., the penalty assessment for moving traffic violations and the driver improvement surcharge imposed by Sections 165.87 and 346.655, Wis. Stats., where applicable. Payment of the judgment and applicable court costs, fees, assessments and surcharges may be suspended by the sentencing court for not more than sixty (60) days. Any person eighteen (18) years of age or older who shall fail to pay the amount of the forfeiture, court costs, any penalty assessment or driver surcharge or other penalty imposed for violation of any provision of this Chapter may, upon order of the court entering judgment therefor and having jurisdiction of the case, be imprisoned until such forfeiture, costs and assessment are paid, but not exceeding ninety (90) days.

(b) **Other Sanctions.**

(1) ***By Court.*** Nothing herein shall preclude or affect the power of the sentencing court to exercise additional authorities granted by the Wisconsin Statutes to suspend or revoke the operating privileges of the defendant, order the defendant to submit to assessment and rehabilitation programs or to attend traffic safety school in addition to payment of a monetary penalty or in lieu 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 Town, 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 adopted by reference in Section 10-1-1 shall conform to the forfeiture penalty permitted to be imposed for violations of the comparable Wisconsin Statute, including any variations or increases for subsequent offenses; provided, however, that this Subsection shall not be construed to permit prosecution under this Chapter for any offense described in Chapters 341 to 349, Wis. Stats., for which an imprisonment penalty or fine may be imposed upon the defendant.

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

(1) ***Forfeitures for Uniform Statewide Parking, Stopping and Standing Offenses.*** Minimum and maximum forfeiture for violation of non-moving traffic violations adopted by reference in Section 10-1-1 as described in Chapter 341 to 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 local parking regulations shall be Ten Dollars ($10.00) to Two Hundred Dollars ($200.00).

(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).

Title 10 ▸ Chapter 2

All–Terrain Vehicles and Off–Road Motor Vehicle Operation

10-2-1 State All–Terrain Vehicle Laws Adopted; ATV Regulations
10-2-2 Unauthorized Operation of Motor Vehicles on Public or Private Property

Sec. 10-2-1 State All–Terrain Vehicle Laws Adopted; ATV Regulations.

(a) **Authority.**

(1) The Town Board of the Town of Big Bend has the specific authority, powers, and duties pursuant to the statutory provisions noted in this Chapter under Secs. 60.10 and 23.33., Wis. Stats., to regulate, control, prevent and enforce against in the Town of Big Bend certain uses, activities, and operations by persons that may affect all-terrain use and traffic in the Town of Big Bend, and has the power to designated all-terrain routes and trails by Sec. 23.33, Wis. Stats.

(2) The provisions of this Chapter shall apply to all of the roadways in the Town of Big Bend, Rusk County, within the jurisdiction of the Town Board. The provisions of this Chapter shall be enforced by the Rusk County Sheriff's Department and such other officers as may be authorized by law.

(b) **Statutes Adopted.** The provisions describing and defining regulations with respect to all-terrain vehicles in the following-enumerated Subsections of Sec. 23.33, Wis. Stats., and any future amendments or revisions, are hereby adopted by reference and made part of this Section as if fully set forth herein. The statutory sections adopted by reference herein shall be designated as part of this Code by adding the prefix "10-2-1-" to each statute section number. Any acts required to be performed by the following Statutory Subsections or which are prohibited by such Statutory Subsections are required to be performed by this Section or are prohibited by this Section:

23.33(2)	Registration
23.33(3)	Rules of operation [including Subsections (a) through (i)]
23.33(4)	Operation on or near highway [including Subsections (a) through (e)]

23.33(5)(a)(c)	Age restrictions
23.33(6)	Equipment requirements [including Subsections (a) through (e)]
23.33(7)	Accidents [including Subsections (a) and (b)]
23.33(1)	Definitions [including Subsections (a) through (n)]

(c) **Applicability of Rules of the Road to All-Terrain Vehicles.** The operator of an all-terrain vehicle upon a roadway shall, in addition to the provisions of Sec. 23.33, Wis. Stats., be subject o Secs. 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, 346.71, 346.87, 346.88, 346.89, 346.90, 346.91, 346.92(1), and 346.94(1) and (9), Wis. Stats.

(d) **Speed Restriction.**

(1) The Town of Big Bend has specifically adopted the Wisconsin Statutes, including the provisions set forth at Sec. 23.33(3)(i), which indicates that no person may operate an all-terrain vehicle in a manner which violates rules promulgated by the Department of Natural Resources. The Town of Big Bend specifically adopts NR 64.07, Wis. Adm. Code, as it may be amended from time to time, including the provisions of NR 64.07(c), Wis. Adm. Code, which provides that no person may operate an all-terrain vehicle at a rate that is unreasonable or improper under the circumstances.

(2) The Town Board further finds and determines that the all-terrain vehicle routes and trails as adopted in this Chapter are unsuitable for travel of all-terrain vehicles at speeds in excess of ~~forty~~ 30 ~~(40)~~ 30 miles per hour.

30 mph (2007)

(e) **Age Restrictions.** While the Town Board recognizes that restrictions with respect to operator's age in Wisconsin Statutes may not be varied by Town ordinance, the Town of Big Bend Town Board hereby determines and suggests to the public that Town all-terrain vehicle trails and all-terrain vehicle routes not be used by any individuals who do not hold a valid driver's license, unless such persons are accompanied by a parent or adult person.

(f) **All–Terrain Vehicle Routes.** All Town roadways, subject to the jurisdiction of the Town of Big Bend, are designated as all-terrain vehicle routes and are open to use when signed in accordance with Sec. 23.33, Wis. Stats., and NR 64.12, Wis. Adm. Code, except such roadways as are exempted by Town Board resolution or ordinance, and which may be revised form time to time.

(g) **Penalties.**

(1) Forfeitures for violation of this Chapter as set forth in Sec. 23.33(13), Wis. Stats., are adopted by reference, exclusive of any penalty for imprisonment.

(2) The State of Wisconsin Bond Schedule for the statutory counterparts are adopted herein, as it may be amended form time to time, is adopted as the Deposit Schedule for violations of this Chapter.

(3) Citation procedure as set forth in Secs. 23.53 and 23.54, Wis. Stats., is adopted as the enforcement procedure for this Chapter as expressed in Sec. 23.53, Wis. Stats.

(h) **Filing.** This Chapter and revisions thereof shall be filed with the Wisconsin Department of Natural Resources in the office of the law enforcement agency of this Township having jurisdiction over the streets and highways in accordance with statutory requirements.

Sec. 10-2-2 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/her permittees for recreational or other vehicular use. Off-road shall not include any creekbed, riverbed or lake provided, however, that this Subsection shall not apply to snowmobiles or other vehicles being operated on the ice covering such creekbed, riverbed or lake.

(3) ***Operation*** 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 Town Board, it shall be 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 Town 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.

Title 10 ▸ Chapter 3

Snowmobiles

10-3-1 Snowmobile Access
10-3-2 State Snowmobile Laws Adopted

Sec. 10-3-1 Snowmobile Access.

(a) **Intent.** The intent of this Section is to provide a means for persons to travel from a residence and lodging establishment within the limits of the Town of Big Bend, Rusk County, Wisconsin for the shortest distance that is necessary for a person to operate a snowmobile to the snowmobile route or trail that is closest to that residence and lodging establishment.

(b) **Statutory Authority.** This Section is adopted as authorized under Sec. 350.18(3)(a), Wis. Stats.

(c) **Designed Roadways and/or Highways.** No person shall operate a snowmobile on a roadway or shoulder of a highway not designated as a snowmobile route.

(d) **Conditions.** This Section designates the roadways and/or shoulders of specific highways for snowmobile travel by all licensed snowmobiles and persons permitted by law to operate such within the limits of the Town of Big Bend, Rusk County, Wisconsin to travel for the shortest distance that is necessary to reach the snowmobile trail or route that is closest subject to the following conditions:

(1) Snowmobile shall be operated on the extreme right side of the roadway and travel with the flow of traffic.
(2) Operate in single file.
(3) Headlights should be on at all times.
(4) Snowmobile operators shall yield the right-of-way to other vehicular and pedestrian traffic.

(e) **Speed.** A snowmobile operated on a portion of the roadway or shoulder of a highway pursuant to this Section shall observe roadway speed limits.

(f) **Enforcement.** This Section shall be enforced by any law enforcement officer.

(g) **Penalties.** Wisconsin state snowmobile penalties as found in Sec. 350.11(1)(a), Wis. Stats., are adopted by reference.

Sec. 10-3-2 State Snowmobile Laws Adopted.

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

350.01	Definitions
350.02	Operation of Snowmobiles on or in the Vicinity of Highways
350.03	Right-of-Way
350.04	Snowmobile Races, Derbies and Routes
350.045	Public Utility Exemption
350.047	Local Utility Exemption
350.05	Operation by Youthful Operators Restricted
350.055	Safety Certification Program Established
350.06	Firearms and Bows
350.07	Driving Animals
350.08	Owner Permitting Operation
350.09	Head Lamps, Tail Lamps and Brakes, Etc.
350.10	Miscellaneous Provisions for Snowmobile Operation
350.101	Intoxicated Snowmobiling
350.102	Preliminary Breath Screening Test
350.1025	Application of Intoxicated Snowmobiling Law
350.104	Chemical Tests
350.106	Report Arrest to Department
350.107	Officer's Action After Arrest for Operating a Snowmobile While Under Influence of Intoxicant
350.12	Registration of Snowmobiles
350.125	Completion of Application for Registration by Snowmobile Dealers
350.13	Uniform Trail Signs and Standards
350.15	Accidents and Accident Reports
350.17	Enforcement
350.18	Local Ordinances
350.19	Liability of Landowners
350.99	Parties to a Violation

Title 10 ▸ Chapter 4

Unlicensed Motor Vehicles

10-4-1 Regulation of Unlicensed Automobiles, Motor Vehicles, Trucks and Recreational Vehicles

Sec. 10-4-1 Regulation of Unlicensed Automobiles, Motor Vehicles, Trucks and Recreational Vehicles.

(a) **Definitions.** As used in this Section:

(1) ***Motor Vehicle.*** Any vehicle that is or may be propelled upon the public highway, including, without limitation, automobiles, trucks, recreational vehicles, and buses.

(2) ***Licensed.*** Any license that is required to be carried by any motor driven vehicle when driven, used, or propelled upon the public highway.

(3) ***Salvage Dealers.*** As regulated by Sec. 175.25, Wis. Stats.

(4) ***Application.*** A written form upon which a request is made for a permit.

(5) ***Permit.*** The written authority given by the Town Board to allow storage of unlicensed motor vehicles. Conditions may be attached to the issuance of such permits.

(6) ***Storage.*** Placement of a vehicle upon real property described in Town assessment and tax roll.

(7) ***Unlicensed Motor Vehicle.*** One which is required to be licensed by the State of Wisconsin Department of Transportation when driven or propelled upon a public road, but is not so licensed. For purposes of this Chapter, the term shall also mean any inoperable or disassembled motor vehicle (regardless of licensing), inoperable appliances or agricultural equipment, and abandoned, inoperable or uninhabitable mobile homes or trailers, regardless of being licensed.

(8) ***Zoned; Zoning.*** Any land use control ordinance (county or town) that may be in force.

(9) ***Enclosure.*** Type of construction required to hide and harbor vehicles from public view, excluding tarps. The Town Board shall have sole authority to determine the adequacy of enclosures required under this Chapter, which may be a structure, fence, vegetative screening, or other type of acceptable enclosure.

(10) ***Owner.*** Considered to be the person(s) who occupies the premises and who may or may not be the responsible person(s) harboring such unlicensed motor vehicle.

(11) ***Administrative Rule.*** Specific requirements that may be created to regulate storage of unlicensed vehicles:

a. Number of vehicles [not to exceed more than three (3) per residential unit].
b. Size of enclosure (height, width, etc.)
c. Color.
d. Type of material.
e. Location.
f. Restriction to certain zones only.
g. Other.

(12) ***Abandoned Mobile Home or Trailer.*** One which has not been used or occupied, or which due to dilapidated condition cannot be occupied in a healthful manner, within the past three hundred sixty-five (365) days.

(b) **Permit Required for Storage.**

(1) No unlicensed motor vehicle shall be permitted to be stored, harbored or held upon any parcel of property in the Town of Big Bend without a proper permit issued by the Town Board for that purpose.

(2) The Town Board is authorized to issue permits to store unlicensed motor vehicles upon a parcel of property when certain enclosure requirements have been met.

(3) The type of enclosure to keep such stored material or unlicensed motor vehicle from the general view of a passing person shall be determined by the Town Board and may be attached to the permit as a binding condition of permit issuance.

(c) **Permits Required.**

(1) A written permit to store unlicensed motor vehicle(s) may be issued upon proper application having been made, but only after the applicant has met all the requirements of any ordinance or resolution in force at the time the application is made, including the type of enclosure deemed necessary to be constructed, erected and maintained by the owner or occupant of the property.

(2) A written permit form shall be furnished when a permit has been authorized to be issued by the Town Board.

(3) Written application forms shall be furnished to any person(s) upon request.

(4) Applications for an unlicensed vehicle storage permit shall be filed with the Town Clerk-Treasurer at least ten (10) days prior to the next regular scheduled meeting of the Town Board.

(5) Any application for an unlicensed motor vehicle storage permit shall be acted upon within sixty (60) days after it was filed with the Town Clerk-Treasurer.

(6) If the permit is issued, such permit shall be issued for a period of one (1) year.

(7) If the permit is denied, the permit will not be issued and the Town Board shall cause the applicant to be aware of such denial.

(8) An annual permit fee pursuant to Section 1-3-1 shall be required to be paid into the Town treasury before any permit is actually issued.

(9) An application for such unlicensed motor vehicle permit shall be required annually.

(10) An application for an unlicensed motor vehicle permit must bear the signature of either the owner or occupant of the property upon which the permit will be issued.

(d) **Inspections.**

(1) Whenever an authorized Town official shall, upon inspection of any premises within the Town of Big Bend find that there is deposited, placed, stored or remaining on said premises any item in violation of this Section which is unhealthy, hazardous or unsightly or which is detrimental to the appearance, neatness and cleanliness of the immediate neighborhood or the Town of Big Bend in general, such official shall issue his/her written order to the owner and/or occupant of the premises to remove said unhealthy, hazardous or unsightly materials or things.

(2) Said written order shall provide that such removal shall be accomplished within thirty (30) days after service of said order upon the owner or occupant of the premises involved. Such written order shall specify and describe the material, vehicles or things to be removed.

(3) Prosecution of violators under this Section shall not preclude other enforcement actions allowed by law, including other actions under this Code of Ordinances.

(e) **Appeal.** Any person feeling himself/herself aggrieved by any order of a Town official under this Section may, within ten (10) days from the date of receipt of such order, appeal such order to the Town Board.

(f) **Enforcement.**

(1) The enforcement of this Section shall be the responsibility of the Town Board or any person the Town Board may assign to such duty or responsibility.

(2) Inspection of an enclosure facility may be executed each year before the next year's annual permit is acted on by the Town Board.

(g) **Penalty.**

(1) A permit to store unlicensed motor vehicles may be revoked at any time it is determined that such permit holder is not in compliance with the terms of this Section and/or the amendment or resolution for maintaining proper storage enclosures.

(2) Any owner, occupant, or person(s) violating any provisions of this Chapter and/or its amendments and resolutions shall forfeit a sum of money prescribed by Section 1-1-6, plus court costs, and in default thereof be imprisoned in the county jail for a period not in excess of ten (10) days. Each violation and each day a violation continues or occurs shall constitute a separate offense. In the alternative and/or in addition to a forfeiture as prescribed by Section 1-1-6, the Town Board or designee may cause the unlicensed motor vehicle, or other violating item, to be removed and thereafter disposed of. Any cost incurred in the removal and sale of said violating item shall be recovered from the property owner. If such costs are not paid, the cost of such removal shall be charged to the property from which it is removed, which charges shall be entered as a special charge on the tax roll.

UNLICENSED MOTOR VEHICLE PERMIT

At a Big Bend Town Board meeting, held _____,
the following permit was authorized:

Person(s) receiving permit: _____

Authorized vehicles:_____

_____

Premises authorized are those listed on the application OR

Premises Description (if different than application)_____

_____

_____

This permit is issued and effective for 12 months from the date of town board meeting approval.

Permit Issuance Vote: _____ _____

Upon payment of authorized fee, the Clerk is directed to issue this permit.

_____
Town Board Chairman (or designee)

Issued following payment of required fee on (date)_____

_____
Town Clerk-Treasurer