TITLE 10

Motor Vehicles and Traffic

Chapter 1 Traffic and Parking
Chapter 2 Bicycles
Chapter 3 Snowmobiles
Chapter 4 All-Terrain Vehicles and Off-Road Motor Vehicle Operation
Chapter 5 Abandoned and Junked Vehicles

CHAPTER 1

Traffic and Parking

Article A General Provisions

10-1-1 State Traffic Laws Adopted
10-1-2 State Administrative Code Provisions Adopted
10-1-3 Official Traffic Signs and Control Devices; Prohibited Signs, Signals and Markers
10-1-4 Registration Record of Vehicle as Evidence
10-1-5 School Bus Warning Lights
10-1-6 Blue Warning Lights on Police Vehicles
10-1-7 Accident Reports
10-1-8 and
10-1-9 Reserved for Future Use

Article B Controlled Intersections: Street Traffic Regulations

10-1-10 Operators to Obey Traffic Control Devices
10-1-11 Through Streets Designated
10-1-12 Heavy Traffic Routes
10-1-13 Speed limits
10-1-14 U-Turns Prohibited
10-1-15 through
10-1-19 Reserved for Future Use

Article C Parking Relations

10-1-20 Restrictions on Parking; Posted Limitations; Snow Emergencies
10-1-21 Parking Restrictions During Street Maintenance or Temporary Snow Removal
10-1-22 Stopping or Parking Prohibited in Certain Specified Places
10-1-23 Parking Reserved for Vehicles of Disabled
10-1-24 Leaving Keys in Vehicle Prohibited; Parking Vehicles With Motor Running
10-1-25 Unattended Motorized Machinery
10-1-26 Angle Parking

10-1-27 Parking Prohibited During Certain Periods
10-1-28 Parking of Vehicles Over 12,000 Pounds or 16 Feet Restricted
10-1-29 Traffic and Parking Regulations on School District Grounds
10-1-30 Unlawful Removal of Parking Citations
10-1-31 Operation of Motor Vehicles in Public Parking Lots
10-1-32 Removal of Illegally Parked Vehicles
10-1-33 Inoperable, Wrecked or Discarded Vehicles
10-1-34 through
10-1-39 Reserved for Future Use

Article D Miscellaneous Provisions

10-1-40 Disturbance of the Peace With a Motor Vehicle
10-1-41 Pedestrian Regulations
10-1-42 Motor Vehicles on Pedestrian Ways and Overpasses
10-1-43 School Crossing Guards
10-1-44 Driving Over Curbing or Safety Islands Prohibited
10-1-45 Compression Brakes Prohibited
10-1-46 through
10-1-49 Reserved for Future Use

Article E Enforcement and Penalties

10-1-50 Penalties
10-1-51 Enforcement

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 340 to 348 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. 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 to 348 incorporated herein are intended to be made part of this Chapter in order to secure to the extent legally practicable uniform statewide relation of vehicle traffic on the highways, streets and alleys of the State of Wisconsin. Any person who shall, within the Village of Edgar, 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 to 348 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 1985-86 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 3	Reciprocity -Nonresident Motor Carriers [Penalties of Wis. Stats., Sec. 341.04 apply]
Wis. Adm. Code - MVD 4	Lettering on Vehicles, Display of Evidence of Registration and Dual Permit
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 17	Transportation of Explosives by Motor Vehicle
Wis. Adm. Code - MVD 18	Protective Headgear Standards and Specifications
Wis. Adm. Code - MVD 22	Standards and Specifications - Design and Mounting SMV Emblem

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

(c) **Owner's liability**. Any owner of a vehicle not equipped as required by this section who knowingly uses or permits such vehicle to be operated on a highway in violation of this Section is guilty of the violation the same as if he or she had operated the vehicle. The provisions of Sec. 347.04, Wis. Stats., relating to nonapplicability of demerit points shall apply to owners convicted of a violation of this Section.

(d) **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 of the Village 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.

(e) **Penalty**. 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 Subsection (c) of this Section, together with the costs of prosecution and applicable penalty assessment.

SEC. 10-1-3 OFFICIAL TRAFFIC SIGNS AND CONTROL DEVICES: PROHIBITED SIGNS, SIGNALS AND MARKERS.

(a) **Duty of Village Administrator 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 Village Administrator, with the cooperation of the Police Department, 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 Village Administrator or his designee, will carry out the purposes of this Chapter and give adequate warning to users of the streets and highways of the Village of Edgar.

(b) **Code Numbers to be Affixed to Official Traffic Control Devices**. The Village Administrator or his designee 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 an officer 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 Village any sign, sign marker, mark or monument unless permission is first obtained from the Village Administrator 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 Village Administrator or his designee may remove any sign, sign 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 by the Village Administrator or his designee to the Village Board for review and certification at its next regular meeting following the imposition of the charge. Any charge not paid on or before the next succeeding November 15 shall be placed upon the tax roll for collection as other special municipal taxes.

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 SCHOOL BUS WARNING LIGHTS.

(a) Notwithstanding the provisions of Sec. 346.48(2)(b)2., Wis. Stats., adopted by reference in Section 10-1-1 to the contrary and except as provided in Subsection (b) below, school bus operators shall use flashing red warning lights in residential and business districts when pupils or other authorized passengers are to be loaded or unloaded at locations at which there are no crosswalk or traffic signals so that pupils must cross the street or highway before being loaded or after being unloaded.

(b) Pursuant to Sec. 349.21(2), Wis. Stats., the use of flashing red warning lights by school bus operators is prohibited when pupils or other authorized passengers are loaded or unloaded directly from or onto the school grounds or that portion of the right-of-way between the roadway and the school grounds in a zone designated by "school" warning

signs as provided in Sec. 118.08(1), Wis. Stats., in which a street or highway borders the grounds of a school.

SEC. 10-1-6 BLUE WARNING LIGHTS ON POLICE VEHICLES.

(a) Pursuant to Sections 346.03(3), 346.94(14), 346.95(3) and 347.25(1), (1m)(a) and (b) and (4), Wis. Stats., a marked police vehicle under Sec. 340.01(3)(a), Wis. Stats., may be equipped with a blue light and a red light which flash, oscillate or rotate.

(b) If the vehicle is so equipped, the lights shall be illuminated when the operator of the police vehicle is exercising the privileges granted under Sec. 346.03, Wis. Stats. The blue light shall be mounted on the passenger side of the vehicle and the red light shall be mounted on the driver side of the vehicle. The lights shall be designed and mounted so as to be plainly visible and understandable from a distance of five hundred (500) feet during normal sunlight and during hours of darkness. No operator of a police vehicle may use the warning lights except when responding to an emergency call or when in pursuit of an actual or suspected violator of the law, when responding to but not upon returning from a fire alarm or when necessarily parked on a highway in a position which is likely to be hazardous to traffic using the highway.

SEC. 10-1-7 ACCIDENT REPORTS.

The operator of every vehicle involved in an accident shall, immediately after such accident, file with the Police Department a copy of the report required by Sec. 346.70 of the Wisconsin Statutes, if any. If the operator is unable to make such report, any occupant of the vehicle at the time of the accident capable of making such report shall have the duty to comply with this Section. Such reports shall be subject to the provisions and limitations of Sections 346.70(4)(f) and 346.73 of the Wisconsin Statutes specifically that accident reports filed with this Section shall be for the confidential use of the Department and shall not be open to public inspection except as permitted by Sec. 346.73, Wis. Stats.

State Law Reference: Sec. 346.70, Wis. Stats.

SEC. 10-1-8 AND SEC. 10-1-9 RESERVED FOR FUTURE USE.

ARTICLE B

Controlled Intersections; Street Traffic Regulations

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 THROUGH STREETS DESIGNATED.

In the interest of public safety and pursuant to Sec. 349.07, Wis. Stats., the following streets or portions thereof set forth in this Section are declared to be through highways and traffic signs or signals giving notice thereof shall be erected by the Village in accordance with Section 10-1-3:

(a) Chesak Avenue from east curb line of Third Avenue to east Village limits.
(b) Chesak Avenue from west curb line of Third Avenue to west Village limits.
(c) Fourth Avenue from south curb line of Chesak Avenue to north curb line of Redwood Street.
(d) Third Avenue from north Village limits to south Village limits.
(e) Lutz Street from east curb line of Third Avenue to north curb line of Oak Street.
(f) Kaiser Avenue at its intersection with Elm Street and its intersection with Freeman Street.
(g) First Avenue from south curb line of Oak Street to north curb line of Birch Street.
(h) Birch Street from east curb line of Second Avenue to west curb line of Kaiser Avenue.
(i) Second Avenue from south curb line of Oak Street to north curb line of Beech Street.
(j) Beech Street from east curb line of Third Avenue to west curb line of Wisconsin Avenue.
(k) Wisconsin Avenue at its intersection with G. Wagner Drive to north curb line of Thomas Hill Road.
(l) Thomas Hill Road from east curb line of Third Avenue to east Village limits.
(m) Redwood Street from west curb line of Third Avenue to west Village limits.
(n) Maple Street from west curb line of Fourth Avenue to east curb line of Eighth Avenue.
(o) Eighth Avenue from south curb line of Maple Street to north curb line of Redwood Street.
(p) Eddy Road from west curb line of South Eighth Avenue to west curb line of North Eighth Avenue.
(q) Quaw Avenue from west curb line of Third Avenue to west end of street.
(r) Brooklyn Avenue from west curb line of Third Avenue to east curb line of Charles Street.
(s) Gumaer Street from south curb line of Quaw Avenue to north curb line of Brooklyn Avenue.
(t) Thomas Street from east curb line of Charles Street to west curb line of Madge Street.
(u) Oak Street from east curb line of Third Avenue to east end of Oak Street.

(v) Maple Street from east curb line of Second Avenue to east end of Maple Street.
(w) Fifth Avenue from south curb line of Maple Street to north curb line of Redwood Street.

State Law Reference: Sec. 349.07, Wis. Stats.

SEC. 10-1-12 HEAVY TRAFFIC ROUTES.

(a) **Definition**. For purposes of this Section, heavy traffic shall be defined as:
   (1) All vehicles not operating completely on pneumatic tires; and
   (2) All vehicles or combination of vehicles, other than motor buses, designed or used for transporting property of any nature, including recreational vehicles, and having a gross weight of more than fifteen thousand (15,000) pounds.

(b) **Prohibited Routes**. Heavy traffic is prohibited from using any Village street or highway not designated as a heavy traffic route. This Section shall not act to prohibit heavy traffic from using a Village street or highway for the purpose of obtaining orders for supplies or moving or delivering supplies or commodities to or from any place of business or residence which has an entrance on such street or highway. Furthermore, this Section will not act to prohibit heavy traffic from using any Village streets over which are routed state trunk highways. When being driven to the site of any construction, repair or maintenance of electric, gas or water service, vehicles owned and operated by a public utility will be exempt from the provisions of this Section.

(c) **Administration**. The Village Administrator in cooperation with the Police Department shall administer this Section. Administration shall include:
   (1) Posting of signs. Appropriate signs shall be posted giving notice of this Section and of the heavy traffic routes established herein. Yellow sign posts may also be used to designate heavy traffic routes.
   (2) Maps. Heavy traffic routes shall be shown on the Official Traffic Map.
   (3) Construction equipment.
      a. The Village Administrator 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 person or corporation owning the equipment agrees to reimburse an hold the Village harmless for any damage done to the Village street by the equipment and/or any personal injury or property damage caused in part or in whole by the street damage.
      b. Village-owned or operated equipment is specifically excluded from the provisions of this Section.

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

(e) **Special and Seasonal Weight Limitations**. The Village Administrator shall have the authority to impose special or seasonal weight limits on any highway, bridge or culvert maintained by the Village 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 in accordance with the proving of Section 10-1-3.

(f) **Heavy Traffic Routes Designated**. All streets and alleys within the Village of Edgar are designated Class "B" highways subject to the weight limitations of Sec. 346.16, Wis. Stats., except the following streets or parts thereof within the jurisdiction of the Village are hereby designated heavy traffic routes and are excepted from the Class "B" weight limitations:

(1) County Trunk Highway H.

SEC. 10-1-13 SPEED LIMITS.

Pursuant to Sec. 349.11(3)(c) of the Wisconsin Statutes, the speed limits set forth in Sections 346.57 through 346.58 of the Wisconsin Statutes are set forth upon the following streets or portions of streets:

(a) The maximum speed on the following named streets shall be fifteen (15) miles per hour when indicated by official signs:

(1) Lutz Street from Third Avenue to First Avenue.
(2) First Avenue from Oak Street to Lutz Street.
(3) Oak Street from Third Avenue to First Avenue.
(4) Quaw Avenue from Third Avenue to west end of the street.
(5) Madge Street from Quaw Avenue to Brooklyn Avenue.
(6) Gumaer Street from Quaw Avenue to Brooklyn Avenue.
(7) Brooklyn Avenue from Third Avenue to west end of the street.
(8) Maple Street from Second Avenue to east end of the street.
(9) Third Avenue from a point one hundred (100) feet south of its intersection with Maple Street north to a point one hundred (100) feet north of its intersection with Birch Street.
(10) Birch Street from Second Avenue to Kaiser Avenue.
(11) West Limits Road from its intersection with Redwood Street south to the end of the Street.
(12) Clay Pits Road from its intersection with Redwood Street to its intersection with West Limits Road.

(b) The maximum speed on the following named streets shall be twenty-five (25) miles per hour when indicated by official signs:

(1) Chesak Avenue/Elderberry Road from its intersection with Marathon County Highway "H" (North Third Avenue) west to the Village limits of the Village of Edgar, a point which is approximately two thousand six hundred (2,600) feet west of the above named intersection.

(c) The maximum speed on the following named streets shall be thirty-five (35) miles per hour when indicated by official signs:

(1) Chesak Avenue, from a point, one thousand four hundred (1,400) feet more or less, east of Marathon County Highway “H” (North Third Avenue) east to the Village limits of the Village of Edgar, a point which is approximately one (1) mile east of the above named intersection.

SEC. 10-1-14 U-TURNS PROHIBITED.

No person shall turn a vehicle so as to proceed in the opposite direction at the intersection of Third Avenue and Redwood Street.

SEC. 10-1-15 THROUGH SEC. 10-1-19 RESERVED FOR FUTURE USE.

ARTICLE C

Parking Regulations

SEC. 10-1-20 RESTRICTIONS ON PARKING; POSTED LIMITATIONS; SNOW EMERGENCIES.

(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 street or public parking lot in the Village 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 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 within the Village 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 may recover the possession thereof.

(b) **Posted Limitations**.

(1) The Village Board may designate certain streets or portions of streets as no parking or no stopping or standing zones or as zones for parking by physically handicapped persons and may limit the hours in which the restrictions apply. The Village shall mark, by appropriate signs, each zone so designated in accordance with the provisions of Sec. 349.13, Wis. Stats.

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

(3) The Chief of Police is hereby granted the authority, within the reasonable exercise of police power to prohibit, limit the time or otherwise restrict the stopping, standing or parking of vehicles beyond the provisions of Chapter 346. The Village Administrator 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.

(5) After the parking limitations on any given street have expired, any change of location of not more than one (1) stall following expiration of the parking period allowed shall be and constitute a violation of this Chapter.

SEC. 10-1-21 PARKING RESTRICTIONS DURING TEMPORARY STREET MAINTENANCE OR SNOW REMOVAL.

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

(b) **Temporary Parking Restrictions for Special Event**. Pursuant to the provisions of Subsection 349.13, Wis. Stats., the Chief of Police is authorized to direct that temporary "No Parking" signs be erected during parades, festivals and other authorized events that require the regulating of vehicle stopping, standing or parking on Village roadways. The temporary regulation shall be limited to the time the event exists or is likely to exist.

(c) **Parking During Snow Removal**. No person shall park, place or leave standing any automobile, truck or other vehicle on any street or public way after one (1) hour from the time such area has been designated and marked with signs or barriers by the Police Department indicating no parking due to snow removal.

SEC. 10-1-22 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 fifteen (15) feet of the driveway entrance to a fire station.

(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 Village limits any vehicle which faces a direction different from the direction of normal traffic flow for the lane of traffic in which said vehicle is stopped or standing.
(13) Upon any terrace or sidewalk in the Village at any time.
(14) In a loading zoning.
(15) Within four (4) feet of the entrance to an alley, private road or driveway.
(16) In any municipal park when said park is closed to the public.

(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 police officer or upon complaint by the owner of any such blocked drive, alley or fire lane, the Chief of Police may order said vehicle towed from such position at the risk and expense of the owner of said vehicle.

(d) **Parking Vehicle for Repair or to Display for Sale Prohibited**. No person shall stand or park a vehicle on any street, alley, public right-of-way or municipal parking lot in the Village for the purpose of repairing said vehicle or to display such vehicle for sale.

SEC. 10-1-23 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. 10-1-24 LEAVING KEYS IN VEHICLE PROHIBITED; PARKING VEHICLES WITH MOTOR RUNNING.

(a) **Leaving Keys in Vehicle**. No person shall permit any motor vehicle to stand or remain unattended on any street, alley or other public area, except an attended parking area, unless either the starting lever, throttle, steering apparatus, gear shift or ignition of the vehicle is locked and the key for such lock is removed from the vehicle. Whenever any police officer shall find any vehicle standing with the key in the ignition in violation of this Section, such officer is authorized to remove such key from the vehicle and deliver the key to the Police Department for safe custody.

(b) **Parking Vehicles With Motor Running**. No person shall park or leave standing any motor vehicle with the motor or refrigerator unit running for more than thirty (30) minutes within three hundred (300) feet of any residence within the Village between the hours of 10:00 p.m. and 7:00 a.m.

SEC. 10-1-25 UNATTENDED MOTORIZED MACHINERY.

It shall be unlawful for any person, firm or corporation to permit any construction, compaction, earth grading or farm machinery which is self-propelled and moves upon the surface of the earth and which is owned or controlled by him to stand for any period of time unattended without locking the ignition system or otherwise rendering said machinery inoperable so as to prevent any person unauthorized by the owner or individual in control thereof from starting said machinery.

SEC. 10-1-26 ANGLE PARKING.

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

(b) No person shall at any time park any vehicle:
   (1) In any direction other than the designated parking angle, where angle parking spaces are so designated and provided by appropriate markings.
   (2) Backwards into angle parking spaces so designated and provided by appropriate markings.
   (3) With a trailer attached or any vehicle longer than twenty (20) feet on any street where angle parking is so provided and allowed.

SEC. 10-1-27 PARKING PROHIBITED DURING CERTAIN PERIODS.

When signs or parking meters are erected in any block giving notice thereof, no person shall park or leave standing any vehicle for longer than the period specified upon any of the following highways, streets or parks thereof, except temporarily for the purpose of and while actually engaged in receiving or discharging passengers:

(a) **Winter All-Night Parking prohibited**. No person, except physicians on emergency call or persons given special authorization by the Police Department, shall park any vehicle between the hours of 3:00 a.m. and 6:00 a.m. on any day on any of the streets of the Village of Edgar from November 1 to April 1.

(b) **Post Office**. No person shall, during the hours of 8:00 a.m. and 5:00 p.m. on any day, except Sundays and legal holidays, park, stop or leave standing any vehicle on the south side of Beech Street, abutting the premises housing the United States Post Office in the Village, from the west curb line of Fourth Avenue eastward for one hundred (100) feet for a period of time longer than five (5) minutes.

(c) **Parking Motor Vehicles on Private Property**. It shall be unlawful to park any motor vehicle on any private property without the consent of the owner of the property.

(d) **Parking Prohibited**. Parking shall be prohibited at the following locations at any time:
   (1) West side of Fourth Avenue between Maple Street and Birch Street.
   (2) North side of Birch Street between Kaiser and First Avenue, and the north side of Birch Street from First Avenue to Second Avenue.

(3) North side of Elm Street from Second Avenue to Third Avenue and the south side of Elm Street from Third Avenue east to the Village alley.
(4) North side of Maple Street from Third Avenue to the east end of the street.
(5) South side of Maple Street between Second Avenue and the east end of the street between the hours of 7:30 a.m. and 3:30 p.m. on school days.
(6) Between posted signs at the entrance to the Edgar High School on Birch Street and the south side of Birch Street from school parking lot driveway (also known as the ag shop driveway) east to the intersection with Kaiser Avenue and the west side of Kaiser Avenue from its intersection with Birch Street north to the north end of the school parking lot.
(7) North side of Maple Street from the east side of the Fifth Avenue street line extended to the east Badger Basket driveway and the south side of Maple Street from Fifth Avenue to the east Badger Basket driveway.
(8) East and west side of Third Avenue from one hundred fifty (150) feet south of the south end of Scotch Creek Bridge to one hundred fifty (150) feet north of the north end of the Scotch Creek bridge on the west side of Third Avenue and to fifty (50) feet north of the north end of the Scotch Creek Bridge on the east side of Third Avenue.
(9) South side of Thomas Hill Road from South Third Avenue east to the Village limits.
(10) West Limits Road from West Redwood Street South to its termini.
(11) The North side of Chesak Avenue between Second Avenue and Third Avenue.
(12) The east side of Third Avenue South of the intersection of Third Avenue and Chesak Avenue for a distance of one hundred sixty-five (165) feet.
(13) Third Avenue south of the Scotch Creek bridge south to a point one hundred (100) feet north of the north right-of-way intersection with Quaw Avenue on the west side of Third Avenue and south of the Scotch Creek bridge to the intersection with the driveway to Shortner Athletic Park on the east side of Third Avenue.

(e) **Limited Parking**. Parking shall be prohibited at the following locations during specified periods:
(1) During school hours on the east side of Fourth Avenue between Maple Street and Birch Street.
(2) During school hours on the east and west sides of Second Avenue between Birch Street and Maple Street.
(3) For more than two (2) hours on the north or south sides of Redwood Street between Third Avenue and Fifth Avenue from 8:00 a.m. to 6:00 p.m. Monday through Friday.
(4) For more than two (2) hours at any time on the east or west sides of south Third Avenue between Redwood Street and the south side of Thomas Hill Road.
(5) For more than two (2) hours on the east and west sides of Third Avenue between the south side of Thomas Hill Road and one hundred fifty (150) feet north of the Scotch Creek Bridge from 8:00 a.m. to 6:00 p.m., Monday through Friday.
(6) For more than two (2) hours from three hundred fifty (350) feet east of South Third Avenue on the north and south side of Thomas Hall Road from 8:00 a.m. to 6:00 p.m., Monday through Friday.
(7) For more than two (2) hours on the east and west sides of Fourth Avenue between Redwood and Beech Streets from 8:00 a.m. to 6:00 p.m., Monday through Friday.

SEC. 10-1-28 PARKING OF VEHICLES OVER 12,000 POUNDS OR 16 FEET RESTRICTED.

(a) **Street Parking**. No person owning or having control of any truck, trailer, truck power unit, tractor, bus or recreation vehicle with a tare or empty weight in excess of twelve thousand (12,000) pounds gross weight, or over sixteen (16) feet in length, or having a height of more than eight (8) feet from the roadway, shall park the same upon any street, avenue or public way in the Village for more than two (2) hours in any one (1) twenty-four (24) hour period. The provisions of this Subsection shall not be deemed to prohibit the lawful parking of such equipment upon any street, avenue or public way in the Village for the actual loading or unloading of goods, ware or merchandise, providing, however, the "loading" and "unloading," as used in this Section, shall be limited to the actual time consumed in such operation. The Village Board may, however, designate specific truck parking zones.

(b) **Removal**. Any vehicle unlawfully parked under Subsection (a) or (b) above may be removed from the street by order of a law enforcement officer, pursuant to Section 10-1-32, and the expense of so moving and storing such vehicle shall be paid by the operator or owner of said vehicle as a forfeiture in addition to the penalties hereafter prescribed.

SEC. 10-1-29 TRAFFIC AND PARKING REGULATIONS ON SCHOOL DISTRICT GROUNDS.

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

(a) **Parking**. All parking on any grounds of the Edgar School District from 7:00 a.m. to 4:30 p.m. shall be restricted to areas designated for parking by the School Board. When signs are erected by the School Board giving notice of such restrictions, all persons shall park only in areas designated and signed for visitor parking. All parking on grounds of the Edgar School District from 7:00 a.m. to 4:30 p.m. shall be by permit only and shall be restricted to areas designated for parking by the District Board. When signs are erected by the School Board giving notice of such restrictions, no person shall park a motor vehicle in an area other than one for which he shall have been issued a permit nor without displaying a valid permit. There shall be no parking on said grounds between 11:00 p.m. and 6:00 a.m., except when school functions extend past 11:00 p.m.; on such nights there shall be no parking one (1) hour after the function has concluded.

(b) **Speed Limits**. No person shall at any time operate a motor vehicle upon any Edgar School District grounds at a speed in excess of fifteen (15) miles per hour.

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

SEC. 10-1-30 UNLAWFUL REMOVAL OF PARKING CITATI0NS.

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

SEC. 10-1-31 OPERATION OF MOTOR VEHICLES IN PUBLIC PARKING LOTS.

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

(b) **Traffic Regulations Applicable**. All provisions of Section 10-1-1 of this Chapter and of the Wisconsin Statutes and laws incorporated herein by reference shall be applicable on any public parking lot or ramp and on any private parking lot, road or ramp held out for use for the general public for parking or vehicular traffic.

SEC. 10-1-32 REMOVAL OF ILLEGALLY PARKED VEHICLES.

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

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

(c) **Removal by Traffic Officer**. Any traffic officer after issuing a citation for illegal parking, stopping or standing of an unattended vehicle in violation of this Chapter is authorized to remove such vehicle to a position where parking is permitted.

(d) **Removal by Private Service**. The officer may order a motor carrier holding a permit to perform vehicle towing services, a licensed motor vehicle salvage dealer or a licensed motor vehicle dealer who performs vehicle towing services to remove and store such vehicle in any public storage garage or rental parking grounds or any facility of the person providing the towing services.

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

SEC. 10-1-33 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 shall allow such vehicle to remain on any public street or highway, parking lot or ramp longer than twenty-four (24) hours after notification thereof by the Police Department. Notification shall be accomplished by placing in a conspicuous place on the vehicle and by mailing or serving upon the owner or occupant in charge of the premises a written notice setting forth briefly the applicable provisions of this Section and the date of the notice. Any vehicle so tagged which is not removed within twenty-four (24) hours after notice is declared to be a public nuisance and may be removed as provided in Section 10-1-32.

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

SEC. 10-1-34 THROUGH SEC. 10-1-39 RESERVED FOR FUTURE USE.

ARTICLE D

Miscellaneous Provisions

SEC. 10-1-40 DISTURBANCE OF THE PEACE WITH A MOTOR VEHICLE.

No driver of any vehicle, including motorcycles, all-terrain vehicles and bicycles, shall cause, by excessive and unnecessary acceleration, the tires of such vehicle or cycle to spin and 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 public peace.

SEC. 10-1-41 PEDESTRIAN REGULATIONS.

(a) **Pedestrian Obedience to Traffic Control Devices and Regulations.**
   (1) Obedience to Traffic Control Devices. No person shall fail to obey the instructions of any Uniform Traffic Control Device when traveling as a pedestrian on any highway within the Village of Edgar unless otherwise directed by a law enforcement officer.
   (2) Crossing at Crosswalks. No pedestrian shall cross at a crosswalk except on the right half thereof whenever practicable. Where sidewalks are provided, no pedestrian shall walk along and upon an adjacent roadway except when the sidewalk is visibly unsafe, obstructed or closed to public travel.

(b) **Prohibited Pedestrian Crossings**. No pedestrian shall cross between adjacent intersections, unless such crossing is permitted by Official Traffic Control Devices.

SEC. 10-1-42 MOTOR VEHICLES ON PEDESTRIAN WAYS AND OVERPASSES.

No person shall operate or park any motor vehicle on any pedestrian way or pedestrian overpass within the Village of Edgar except municipal or county maintenance vehicles.

SEC. 10-1-43 SCHOOL CROSSING GUARDS.

Pursuant to Sec. 349.215, Wis. Stats., those adult persons hired by the Police Department to act as "School Crossing Guards" shall have the authority to stop vehicular traffic and to keep it stopped as long as necessary at their respective school crossings for the purpose of permitting school children to cross the street.

State Law Reference: Sec. 349.215, Wis. Stats.

SEC. 10-1-44 DRIVING OVER CURBING OR SAFETY ISLANDS PROHIBITED.

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

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

SEC. 10-1-45 COMPRESSED BRAKES PROHIBITED.

(a) **Compression Brakes Prohibited**. No person shall use motor vehicles engine compression (Jake) brakes within the Village that are in any way activated or operated by the compression of an engine of any such motor vehicle or any unit or part thereof.

(b) **Defense**. It shall be an affirmative defense to prosecution under this Section that compression brakes were applied in an emergency and were necessary for the protection of persons or property.

SEC. 10-1-46 THROUGH SEC. 10-1-49 RESERVED FOR FUTURE USE.

ARTICLE E

Enforcement and Penalties

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 Village, except a dog license, until the forfeiture imposed for such violation and any penalty assessment, court costs and fees or surcharge is paid.

(c) **Forfeitures For Violation of Uniform Moving Traffic Regulations.** Forfeitures for violations of any moving traffic regulation set forth in the Wisconsin Statutes 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 348, 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 Chapters 341 to 348, 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 penalty for all other parking violations not included under Subsection (1) above, subject to the exceptions listed below, shall be Ten Dollars ($10.00). Failure to pay the increased penalty within fifteen (15) days after issuance of the violation further causes the penalty to be increased to Twenty-Five Dollars ($25.00).

(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 Ten Dollars ($10.00) nor more than Two Hundred Dollars ($200.00).

SEC. 10-1-51 ENFORCEMENT.

(a) **Enforcement Procedures**.

(1) How Enforced. This Chapter shall be enforced in accordance with the applicable provisions of the Wisconsin Statutes and this Section.

(2) Applicable Court Procedures. Except where otherwise specifically provided by the laws of the State of Wisconsin or this Code, the traffic regulations in this Code shall be enforced in the Circuit Court.

(b) **Citations.**

(1) Uniform Citation and Complaint. The Wisconsin Uniform Traffic Citation and Complaint described and defined in the Wisconsin Statutes shall be used for enforcement of all provisions of this Chapter except those provisions which describe or define non-moving traffic violations and violations of Sections 346.71 through 346.73, Wis. Stats. Violations of Sections 346.71 through 346.73, Wis. Stats., shall be reported to the District Attorney and the Wisconsin Uniform Traffic Citation shall not be used in such cases except upon written request of the District Attorney.

(2) Parking Citations. The Chief of Police shall recommend a citation for use in enforcing the non-moving traffic offenses in this Chapter. Such citation shall be used for enforcement of non-moving traffic regulations created or adopted by this Chapter, including violations of non-moving traffic regulations defined and described in the Wisconsin Statutes, adopted by reference in Section 10-1-1, and all provisions regarding non-moving traffic violations in this Chapter. The citation for non-moving traffic violations shall contain a notice that the person cited may discharge the forfeiture for violation of a non-moving traffic regulation and penalty thereof by complying with Subsection (c)(2) of this Section. Non-moving traffic citations may be issued by law enforcement officers or by civilian employees of the Police Department.

(c) **Deposits and Stipulations**.

(1) Uniform Traffic Offenses.

a. Who May Make. Persons arrested or cited for violation of moving traffic offenses created by this Chapter shall be permitted to make deposits and stipulations of no contest or released by the arresting officer in accordance with the applicable provisions of the Wisconsin Statutes. Stipulations of guilt or no contest may be made by persons arrested for violations of this Chapter in accordance with Sec. 66.12(1)(b) of the Wisconsin Statutes whenever the provisions of Sec. 345.27 of the Wisconsin Statutes are inapplicable to such violations. Stipulations shall conform to the form contained in the Uniform Traffic Citation and Complaint under Sec. 345.11 of the Wisconsin Statutes and may be accepted within five (5) days of the date of the alleged violation. Stipulations may be accepted by the Police Department.

b. Delivery or Mailing of Deposit and Stipulation. Any person stipulating guilt or no contest under the preceding Subsection must make the deposit required under Sec. 345.26 of the Wisconsin Statutes or, if the deposit is not established

under such Statute, shall deposit a forfeited penalty as provided in the schedule established by the Chief of Police and approved by the Village Board. Deposits may be brought or mailed to the Police Department within five (5) days of the issuance of the citation in lieu of court appearance.

c. Receipt Required. Every officer accepting a stipulation under the provisions of this Chapter shall comply with the provisions of Sections 343.27, 343.28, 345.26(1)(a) and 345.27(2) of the Wisconsin Statutes and shall require the alleged violator to sign a statement of notice in substantially the form contained on the Uniform Traffic Citation and Complaint promulgated under Sec. 345.11 of the Wisconsin Statutes. The Official or person receiving the deposit shall furnish and deliver or mail an original receipt for such deposit to the alleged violator and shall deliver the deposit and stipulation, and a copy of the receipt within seven (7) days to the Municipal Clerk of Courts.

(2) Non-moving Traffic Offenses.

a. Direct Payment of Penalty Permitted. Persons cited (summons not issued) for violation of non-moving traffic offenses described and defined in this Chapter may discharge the penalty thereof and avoid court prosecution by mailing or forwarding within five (5) days of the issuance of the citation to the Police Department the minimum forfeiture specified for the violation. If not forwarded, the penalty may be discharged by forwarding within ten (10) days of the date of citation to the above named office the amount of Ten Dollars ($10.00). When payment is made as provided in this paragraph, no court costs shall be charged.

b. Court Prosecution. If the alleged violator does not deliver or mail a deposit as provided in Subsection a. within ten (10) days of the date of the citation, the Chief of Police may forward a copy of the citation to the Village Attorney for prosecution.

c. Registration Suspension. If the alleged violator does not pay the forfeiture or appear in court in response to the citation for a non-moving traffic violation on the date specified in the citation or, if no date is specified on the citation, within twenty-eight (28) days after the citation is issued, the Village may ask the Wisconsin Department of Transportation to suspend the registration of the vehicle involved or refuse registration of any vehicle owned by the person pursuant to the provisions of Sec. 345.28(4), Wis. Stats., and Subsection (c)(3) below.

d. Deposits Returned to Village Administrator. Officers receiving deposits for non-moving traffic violations under this Subsection shall pay over such deposits to the Village Administrator within seven (7) days of receipt. Such payment shall be accompanied by an itemized statement for each deposit of the offense charged and the name of the depositor.

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

(3) Notice of Demerit Points and Receipt. Every officer accepting a forfeited penalty or money deposit under this Section shall receipt therefor in triplicate as provided in Sec. 345.26(3)(b), Wis. Stats. Every officer accepting a stipulation under the provisions of this Section shall comply with the provisions of Sections 343.27, 343.28, 345.26(1)(a) and 345.27(2), Wis. Stats., and shall require the alleged violator

to sign a statement of notice in substantially the form contained on the Uniform Traffic Citation and Complaint promulgated under Sec. 345.11, Wis. Stats.

(4) Registration Suspension Program.

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

b. The Police Department is hereby designated as a delegated authority for purposes of Sections 85.13 and 345.28, Wis. Stats., and Wis. Adm. Code Trans. 128. The Police Department is authorized to perform, on behalf of the Village, all functions required of a local authority under said Statutes and Code including, but not limited to:

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

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

d. This Subsection shall not be interpreted as requiring that all unpaid citations for non-moving traffic violations be processed through the Wisconsin Department of Transportation Traffic Violation and Registration Program. The Village's participation in such program shall be in addition to any and all other means legally available to enforce such citations.

State Law Reference: Sec. 345.28, Wis. Stats.; Chapter T. 128, Wis. Adm. Code.

CHAPTER 2

Bicycles

10-2-1 Definitions
10-2-2 Manner of Operation Restricted
10-2-3 Lighting and Other Equipment
10-2-4 Parking a Bicycle
10-2-5 Rules of the Road
10-2-6 Bicycle Regulations
10-2-7 Skateboards
10-2-8 Penalties

SEC. 10-2-1 DEFINITIONS.

As used in this Chapter:

(a) **Bicycle** means every device propelled by the feet acting upon pedals and having wheels, any two (2) of which are not less than fourteen (14) inches in diameter.

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

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

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

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

(f) **Identification Tag** means a metal plate or sticker indicating that a bicycle is registered.

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

SEC. 10-2-2 MANNER OF OPERATION RESTRICTED.

No bicycle shall be allowed to proceed in any street in the Village by inertia or momentum with the feet of the rider removed from the bicycle pedals. No rider of a bicycle shall remove both hands from the handlebars or practice any trick or fancy riding in any street in the Village nor shall any bicycle rider carry or ride any other person so that two (2) persons are on the bicycle at one time, unless a seat is provided for a second person.

SEC. 10-2-3 LIGHTING AND OTHER EQUIPMENT.

No person shall operate a bicycle upon a highway unless equipped as required in Sec. 347.81, Wis. Stats.

SEC. 10-2-4 PARKING A BICYCLE.

No person shall leave a bicycle at such a place or in such a way as to create a hazard to pedestrians, automobile operators or to anyone else. Bicycles shall be parked either upon the roadway against the curb, in bicycle racks or, if on the sidewalk, in such a manner as to afford the least obstruction to pedestrian traffic, and not in such a manner as to obstruct the ingress and egress to buildings used by the public. If there is no bicycle rack or other facility intended to be used for the parking of bicycles in the vicinity, the operator may park a bicycle on the sidewalk in an upright position parallel to and within twenty-four (24) inches of the curb.

SEC. 10-2-5 RULES OF THE ROAD.

The provisions of Chapters 346 and 347, Wis. Stats., and applicable Village Ordinances shall govern the operation of bicycles where appropriate.

SEC. 10-2-6 BICYCLE REGULATIONS.

(a) **Rules for Turning**.
   (1) The operator of a bicycle intending to turn to the right at an intersection shall approach the point of turning in the traffic lane nearest the right-hand edge or curb of the street and, in turning, shall keep as closely as practicable to the right-hand edge or curb of the highway.
   (2) The operator of a bicycle intending to turn to the left of an intersection or into a private driveway shall make such turn from the traffic lane immediately to the right or next to the center of the street and pass immediately to the left of the center of the intersection, passing as closely as practicable to the left of the center of the intersection immediately to the right of the center of the intersection of the street.
   (3) At any intersection where traffic is controlled by a traffic control signal or by a traffic officer, it shall be unlawful for any such operator of such bicycle upon any street to disobey the instructions of any official traffic sign or signal placed in accordance with the laws of the State of Wisconsin and the Ordinances of the Village.
   (4) Crosswalks shall be used when walking a bicycle through an intersection.

(b) **Trick Riding**. No person shall operate a bicycle upon the streets of said Village without having manual control of the handlebars or operate a bicycle in any other manner which necessitates the element of unusual extraordinary skill and involves unnecessary risk.

(c) **Tandem Riding**. No person shall ride or propel a bicycle on a street in said Village with another person upon said bicycle unless such bicycle is so constructed as to be a tandem bicycle.

(d) **Emerging From Alley or Driveway**. The operator of a bicycle emerging from an alley, driveway or building shall, upon approaching a sidewalk or the sidewalk area extending across any alleyway, yield the right-of-way to all pedestrians and, upon entering the roadway, shall yield the right-of-way to all vehicles approaching on said roadway.

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

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

(g) **Operation on Sidewalks**. No person shall operate or make use of a bicycle on sidewalks in the Village of Edgar, except on the Third Avenue Bridge.

(h) **Parking Bicycles**. No bicycle shall be parked upon any street or public way except in an upright position in bicycle stalls which are provided therefor. Until such time as sufficient stalls are provided to meet the demand therefor, which determination shall be made by the Police Department, bicycles may be parked in an upright position, parallel to the curb line, in any metered parking stall upon payment of the required coin.

SEC. 10-2-7 SKATEBOARDS.

No person shall operate a skateboard on the sidewalk in a business district. A business district for the purposes of this Section is defined as any area containing primarily commercially zoned uses which generate heavy pedestrian traffic during the business hours. Said business district shall have a minimum street frontage of one hundred (100) feet. Skateboarding on sidewalks is permitted, except as prohibited in this Section and otherwise regulated.

SEC. 10-2-8 PENALTIES.

(a) Any person sixteen (16) years of age or older who shall violate any provision of this Chapter may be issued a Uniform Municipal Ordinance Citation and be subject to the penalties provided by the Uniform State Traffic Deposit Schedule.

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

(c) Any person under fourteen (14) years of age who shall violate any provision of this chapter may be issued a special Bicycle Violation Warning Notice along with the following additional actions:

(1) First offense in one (1) year: a warning letter sent to the parent or guardian requiring their signature and return of the warning notice to the Police Department.

(2) Second offense in the same year: a warning letter mailed to parent or guardian.

(3) Third offense in the same year: a mandatory parent-child-police conference.

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

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

CHAPTER 3

Snowmobiles

10-3-1 State Snowmobile Laws Adopted
10-3-2 Applicability of Traffic Regulations to Snowmobiles
10-3-3 Speed; Hours of Operation; Equipment
10-3-4 Unattended Vehicles
10-3-5 Operation on Sidewalks Prohibited
10-3-6 Restrictions on Operators
10-3-7 Accidents and Accident Reports
10-3-8 Snowmobile Routes and Trails Designated
10-3-9 Penalty
10-3-10 Enforcement

SEC. 10-3-1 STATE SNOWMOBILE LAWS ADOPTED.

Except as otherwise specifically provided in this Chapter, the statutory provisions describing and defining regulations with respect to snowmobiles in the following enumerated sections of the Wisconsin Statutes 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.
350.12 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.

SEC. 10-3-2 APPLICABILITY OF TRAFFIC REGULATIONS TO SNOWMOBILES.

No person shall operate a snowmobile upon any street, highway or alley within the Village of Edgar in violation of the traffic regulation provisions of Sections 346.04, 346.06, 346.11, 346.14(1), 346.18, 346.19, 346.20, 346.21, 346.26, 346.27, 346.33, 346.35, 346.37, 346.39, 346.40, 346.44, 346.46, 346.47, 346.48, 346.50(1)(b), 346.51, 346.52, 346.53, 346.54, 346.55, 346.87, 346.88, 346.89, 346.90, 346.91, 346.92(1) and 346.94(1), (6), (6m) and (9), Wis. Stats.

SEC. 10-3-3 SPEED; HOURS OF OPERATION; EQUIPMENT.

(a) **Speed**. No person shall operate a snowmobile within the Village or on any trail designated in Section 10-3-6 of this Chapter at a speed in excess of ten (10) miles per hour during the hours of 10:30 p.m. and 6:00 a.m., or in excess of twenty (20) miles per hour at other times.
(b) **Hours of Operation Restricted**. Except on a designated trail, no person shall operate a snowmobile or other off-highway vehicle anywhere within the Village between the hours of 1:00 a.m. and 6:00 a.m., except for returning home via the most direct route.
(c) **Restriction on Equipment**. No snowmobile or other vehicle operating on the snowmobile route shall be allowed if it has an expansion chamber or any muffler other than the type and size provided by the manufacturer. Each snowmobile must display a lighted headlight and taillight at all times and said lights must conform to the requirements of Section 350.09 of the Wisconsin Statutes.

SEC. 10-3-4 UNATTENDED VEHICLES.

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

SEC. 10-3-5 OPERATION ON SIDEWALKS PROHIBITED.

No person shall operate a snowmobile upon any sidewalk, pedestrian way or upon the area between the sidewalk and the curb line of any street in the Village, except as specifically authorized by Section 10-3-6 or for the purpose of crossing to obtain immediate access to an authorized area of operation.

SEC. 10-3-6 RESTRICTONS ON OPERATORS.

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

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

SEC. 10-3-7 ACCIDENTS AND ACCIDENT REPORTS.

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

(b) If the snowmobile accident results in death or injury to any person or total property damage in excess of Two Hundred Dollars ($200.00), every operator of a snowmobile involved in such accident shall, as soon as possible, notify the Police Department of the accident and shall, within ten (10) days after the accident, file a written report thereof with the department on forms prescribed by it.

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

(d) "Snowmobile accident" means a collision, accident or other casualty involving a snowmobile.

SEC. 10-3-8 SNOWMOBILE ROUTES AND TRAILS DESIGNATED.

(a) **Routes Designated**.

(1) Route Designation. Except as provided in Sections 350.02 and 350.045 of the Wisconsin Statutes, or for snowmobile events authorized in accordance with Sec. 350.04, Wis. Stats., no person shall operate a snowmobile upon any public right-of-way, in any public park, municipal golf course or on any other public municipal property in the Village except upon snowmobile routes and trails designated by the Village Board and in compliance with this Section. The designated routes to be used within the Village limits shall be Oak Street from Kaiser Avenue to the west end of

Oak Street, the alley between Redwood Street and Beech Street from First to Sixth Avenue, and Brooklyn Avenue from Third Avenue to the west end of Brooklyn Avenue.

(2) Access to Designated Trails. Access to designated snowmobile trails within the Village will be by the most direct route from a resident's home to that trail using streets and alleys. This privilege is extended only to Village residents. Non-residents are restricted to trails designated in Subsection (a)(1). All-Terrain Vehicles (ATVs) are restricted to a trail clearly laid out and identified as such, between The Corner Mart at the Southeast corner of the intersection of South Third Avenue and Thomas Hill Road west to the trailhead of the Marathon County Edgar to Fenwood snowmobile/ATV trail that intersects the West Limit Road. ATVs are prohibited from operating on any public right-of-way, in any public park, municipal golf course or on any other public municipal property in the Village.

(3) Rules for Use of Snowmobile and All-Terrain Vehicles. No person shall operate a snowmobile or all-terrain vehicle in the Village of Edgar.

a. At a time when funded county snowmobile trails are closed.

b. On other than designated county or Village trails as follows:

1. On funded snowmobile/all-terrain vehicle trails.
2. On a limited access route.
3. On an individual route, which shall be used only for access to a funded trail or a limited access route.

c. At a rate of speed that is unreasonable or improper, under the conditions, and having regard for the actual and potential hazards then existing, or in any careless way so as to endanger the person or property of another or while under the influence of intoxicating liquor, fermented malt beverages, or controlled substances.

(b) **Trail Markers**. Snowmobile clubs approved by the Village Board are directed and authorized to procure, erect and maintain appropriate snowmobile route, trail and limit signs and markers as approved by the State Department of Natural Resources under Sec. 350.13, Wis. Stats. The Chief of Police shall have the power to declare the stated snowmobile routes and trails either open or closed.

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

Cross Reference: Section 10-4-4.

SEC. 10-3-9 PENALTY.

Any person who shall violate any provision of this chapter shall, upon conviction thereof, forfeit not more than Five Hundred Dollars ($500.00), together with the costs of prosecution, and, in default of payment thereof, may be imprisoned in the county jail for not exceeding ten (10) days, provided no person shall forfeit an amount in excess of the maximum fine or forfeiture allowed in the Wisconsin Statutes for the same offense and further provided that the penalty

and forfeiture for parking violations on highways shall be the amount applicable to such violations by owners or operators of motor vehicles under Title 8, Chapter 1, of this Code of Ordinances.

SEC. 10-3-10 ENFORCEMENT.

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

(b) **Parking Violations**. The special traffic citation described and defined in Title 10, Chapter 1, of this Code of Ordinances shall be used for enforcement of violations of rules of the road relating to parking of vehicles adopted by reference in Section 10-3-1 of this Chapter.

(c) **Other Violations**. All violations of this Chapter not described in Subsections (a) or (b) shall be enforced in accordance with Sections 66.12 and 66.114 of the Wisconsin Statutes. Stipulations of guilt or no contest may be made as provided in Sec. 66.12(1)(b), Wis. Stats., in substantially the form provided in the Uniform Traffic Citation and Complaint within five (5) days of the date of the citation for such violation. Bail deposits may also be made under Sec. 66.12, Wis. Stats.

(d) **Police Department to Receive Stipulations and Penalties**. Stipulations, forfeited penalties and deposits for obtaining release from arrest authorized under this Chapter may be accepted at the Police Department offices by the Chief or officer designated by him. The officer authorized to accept penalties and deposits shall be bonded and such bond shall be filed with the Village Administrator.

(e) **Forfeited Penalties and Deposits**. Except as otherwise provided in Sec. 345.26, Wis. Stats., and the deposit schedule adopted by the State Board of Circuit Court Judges there under, required penalties and deposits or bail not including costs or fees for violation of this Chapter shall be as established by the schedule adopted by the Village Board.

All-Terrain and Utility Terrain Vehicles

10-4-1 State All-Terrain and Utility Terrain Vehicle Laws Adopted; Definitions
10-4-2 General ATV/UTV Route and Use Regulations
10-4-3 Miscellaneous ATV/UTV Regulations
10-4-4 Unauthorized Off-Road Operation of Motor Vehicles on Public or Private Property

Sec. 10-4-1 State All-Terrain and Utility Terrain Vehicle Laws Adopted; Definitions.

(a) **Purpose.** The purpose of this Chapter is to address the matter of all-terrain and utility terrain vehicle routes on Village streets and to regulate the related operation of all-terrain and utility terrain vehicles in the Village of Edgar. The provisions of this Chapter shall apply to all roadways and public property in the Village of Edgar within the jurisdiction of the Village Board.

(b) **Statutory Authority.** The Village Board of the Village of Edgar has the specific authority to adopt this Chapter pursuant to Sec. 23.33(8)(b) and (11), Wis. Stats.

(c) **Adoption of Statutory Provisions.** The provisions describing and defining regulations with respect to all-terrain vehicles (ATVs) and utility terrain vehicles (UTVs) 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 the Village of Edgar of Ordinances by adding the prefix "10-4-1-" 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(1)	Definitions
23.33(1m)	Utility Terrain Vehicle Program
23.33(2)	Registration
23.33(2j)	Non-Resident Trail Passes
23.33(2k)	Weekend Exemption

23.33(2m)	Rental of All-Terrain Vehicles and Utility Terrain Vehicles
23.33(3)	Rules of Operation
23.33(3c)	Firearms
23.33(3g)	Use of Headgear
23.33(4)	Operation On or Near highway
23.33(4c) through 23.33(4z)	Intoxicated Operation of an All-Terrain Vehicle or Utility Terrain Vehicle and Related Laws
23.33(5)	Age Restrictions
23.33(6)	Equipment Requirements
23.33(6m)	Noise Limits
23.33(7)	Accidents
23.33(8)(f)	Interference With Signs and Standards Prohibited
23.33(12)(b)	Refusal to Stop for Law Enforcement Officer
23.33(13)	Penalties [subsections (a) – (b)1 and (b)4, (bg), (e), and (f)]

(d) **Definitions.** The following definitions shall be applicable in this Chapter, in addition to those definitions in Sec. 23.33(1), Wis. Stats.:

(1) ***All-Terrain Vehicle.*** An engine-driven device which has a net weight of nine hundred (900) pounds or less, which is originally manufactured with a width of fifty (50) inches or less, which is equipped with a seat designated to be straddled by the operator and which is designed by the manufacturer to travel on three (3) or more low-pressure tires. [Sec. 340.01(2g), Wis. Stats.]

(2) ***Immediate Family.*** Persons who are related as spouses, as siblings, or as parent and child.

(3) ***Land On Which Operation is Authorized.*** Land under the management and control of a person who consents to the operation of an all-terrain or utility terrain vehicle on the land.

(4) ***Land Under the Management and Control of the Person's Immediate Family.*** Land owned or leased by the person or a member of the person's immediate family over which the owner or lessee has management and control. The term excludes land owned or leased by an organization of which the person or a member of the person's immediate family is a member.

(5) ***Mini-Bike.*** Any motorized two-wheel vehicle used primarily for off-road use, including, but not limited to, motorcycles, off-road motorized trail bicycles.

(6) ***Self-Propelled Vehicles.*** Any motorized vehicle primarily used for off-road use, including, but not limited to, go-carts, all-terrain and utility terrain vehicles, and other non-registered vehicles per Chapter 341, Wis. Stats., but not including snowmobiles.

(7) ***Small Utility Terrain Vehicle.*** A utility terrain vehicle that has four (4) wheels and that has either an engine certified by the manufacturer at not more than two hundred (200) cubic centimeters or an equivalent power unit.

(8) ***Snow Removal Device.*** An attachment designed and installed for the purpose of removing snow, such as a plow blade, blower, bucket or brush.

(9) ***Utility Terrain Vehicle (UTV).*** Means any of the following:

a. A motor driven device that does not meet federal motor vehicle safety standards in effect on July 1, 2012, that is not a golf cart, low-speed vehicle, dune buggy, mini-truck, or tracked vehicle, that is designed to be used primarily off of a highway, and that has, and was originally manufactured with, all of the following:

1. A net weight of less than two thousand (2,000) pounds.
2. Four (4) or more low-pressure tires.
3. A cargo box installed by the manufacturer.
4. A steering wheel.
5. A tail light.
6. A brake light.
7. Two (2) headlights.
8. A width of not more than sixty-five (65) inches.
9. Seats for at least two (2) occupants, all of which seating is designed not to be straddled.
10. A system of seat belts, or a similar system, for restraining each occupant of the device in the event of an accident.
11. A system of structural members designed to reduce the likelihood that an occupant would be crushed as the result of a rollover of the device.

b. A motor driven device that has a net weight of more than nine hundred (900) pounds, that is originally manufactured with a width of fifty (50) inches or less, that is equipped with a seat designed to be straddled by the operator, and that is designed by the manufacturer to travel on three (3) or more low-pressure tires. [See Sec. 23.33(ng), Wis. Stats.]

Sec. 10-4-2 General ATV/UTV Route and Use Regulations.

(a) **Operation of All-Terrain Vehicles.**

(1) ***Operation on Designated Routes Only.***

a. Pursuant to Sec. on 23.33(4)(d)4, Wis. Stats., except as otherwise provided in Sec. 23.33(4), Wis. Stats., no person may operate an all-terrain or utility terrain vehicle on the roadway portion of any highway or street, public park, cemetery, or on any other public property in the Village of Edgar except on roadways, alleys and trails that are designated as all-terrain and utility terrain vehicle routes by this Section. Unless authorized by the Village Board, no ATV/UTV shall be operated on any walking, bicycle, equestrian or other special use trail or path.

b. No person shall operate an all-terrain or utility terrain vehicle upon private property without the owner's express permission except upon routes and trails desigated by the Village Board as all-terrain or utitily terrain vehicle routes/trails.

c. Municipal or other governmental all-terrain or utility terrain vehicles used for governmental purposes are autorized to operate on streets, alleys and rights-of-ways. As part of a designated route system, the Village Board may also designate limited access for the sole purpose of access to main designated routes.

(2) ***Permissible Operation on Designated Roadways.*** Operation of all-terrain vehicles on a roadway or alley in the Village of Edgar that is an all-terrain and utility terrain vehicle route is authorized only for the extreme right side of the roadway except that left turns may be made from any part of the roadway that is safe given prevailing conditions. On paved roadways, all-terrain and utility terrain vehicles shall be operated on the paved portion of the roadway and not on the gravel shoulder, except when necessary to avoid other vehicles.

(b) **Designation of All-Terrain and UtilityTerrain Vehicle Roadway Routes.** The Village of Edgar Village Board designates as authorized all-terrain and utility terrain vehicle routes all Village streets and alleys. The Village may also designate by resolution non-street ATV/UTV routes.

(c) **Conditions Applicable to All-Terrain and Utility Terrain Vehicle Roadway Routes.** Pursuant to Section 23.33(8)(d), Wis. Stats., the following restrictions are placed on the use of the Village of Edgar all-terrain and utility terrain vehicle roadway and alley routes designated in Subsection (b) above:

(1) ***Signage.*** All-terrain and utility terrain vehicle roadway routes shall be marked with uniform ATV/UTV signs as prescribed in NR 64.12(7), Wis. Adm. Code. No person may do any of the following in regard to signs marking Village of Edgar all-terrain and utility vehicle routes:

a. Intentionally remove, damage, deface, move, or obstruct any uniform ATV/UTV route or trail sign or standard, or intentionally interfere with the effective operation of any uniform ATV/UTV route or trail sign or standard if the sign or standard is legally placed by the State of Wisconsin, any local government or any authorized individual or organization.

b. Possess any uniform all-terrain or utility terrain vehicle route or trail sign or standard of the type established by the Wisconsin Department of Natural Resources for the warning, instruction or information of the public, unless he/she obtained the uniform all-terrain or utility terrain vehicle route or trail sign or standard in a lawful manner. Possession of a uniform ATV/UTV route or trail sign or standard in a lawful manner. Possession of a uniform ATV/UTV route or trail sign or standard creates a rebuttable presumption of illegal possession.

(11) ***Route Use Regulations.*** In addition to the requirements of this Section and applicable provisions of the Wisconsin Statutes adopted by reference, operators utilizing a designated trail shall comply with the requirements of Section 10-4-3.

(d) **Snow Removal Exception.** For the purpose of snow removal, an all-terrain or utility terrain vehicle with a snow removal device attached may be operated on any Village of Edgar street, sidewalk, or alley, or adjacent to a street, alley or public sidewalk, when all of the following provisions are complied with:

(1) The operator is actively engaged in snow removal activity on the property, or is enroute to or from the property, and not exceeding 5 m.p.h while on the sidewalk, street, or alley. The travel necessary to or from the snow removal site shall not exceed two (2) miles.
(2) The operator shall follow the shortest and most direct route to the property at which snow removal activities will be conducted when a snowplow blade is attached.
(3) The operator of the all-terrain or utility terrain vehicle is sixteen (16) years of age or older and has a valid driver's license.
(4) The ATV's/UTV's headlights are on at all times and not obstructed by the attached snow removal device.
(5) The operator of the all-terrain or utility terrain vehicle yields the right of way to any pedestrian, bicyclist or motor vehicle approaching on a street, sidewalk, or alley.
(6) The manner of snow removal is consistent with Village of Edgar ordinances.

(e) **Rules of the Road.** Except as otherwise provided in Section 23.33, Wis. Stats., and herein, all-terrain vehicles and utility terrain vehicles shall follow the State of Wisconsin rules of the road that are applicable to automobiles.

(f) **Yield to Traffic and Pedestrians.** All all-terrain and utility terrain vehicles shall yield to all vehicular traffic and pedestrian movement.

Sec. 10-4-3 Miscellaneous ATV/UTV Regulations.

(a) **Conditions of Operation.** The following conditions of operation shall apply to all operators and passengers of all-terrain and utility terrain vehicles:

(1) ***Statutory Operations Regulations.*** Operation of all-terrain and utility terrain vehicles shall be subject to all provisions of Section 23.33, Wis. Stats., which is adopted above by reference as a part of this Section by Section 10-4-1(c) above, pursuant to Section 23.33(11), Wis. Stats. Specifically, no person may operate an all-terrain or utility terrain vehicle:

a. In any careless way so as to endanger the person or property of another.
b. On the private property of another without the consent of the owner or lessee. Failure to post private property does not imply consent for ATV/UTV use.
c. On public property that is posted as closed to ATV/UTV operation or on which the operation of an all-terrain or utility terrain vehicle is prohibited by law.
d. With any crossbow in his or her possession unless the crossbow is not cocked or is unloaded and enclosed in a carrying case.
e. With any bow in his or her possession unless the bow does not have an arrow nocked.
f. With any firearm in his or her possession unless the firearm is unloaded or is a handgun, as defined in Sec. 175.60(1)(bm), Wis. Stats. This limitation does not

apply to a firearm that is placed or possessed on an all-terrain or utility terrain vehicle that is stationary, as defined in Sec. 167.31(1)(fg), Wis. Stats.

g. With a passenger riding in or on any part of a utility terrain vehicle that is not designed or intended to be used by passengers.

h. Unless he or she, and every occupant of the utility terrain vehicle, is seated on a seated on a seat that is original to the utility terrain vehicle as manufactured.

(2) ***Speed Limits.***

a. All ATV/UTV operators shall observe the posted speed limit on the designated and posted roadway/alley. Lower speed limits may be designated on certain portions of roadway routes as deemed appropriate and indicated by signage. This speed limit shall also apply while operating on private property.

b. ATV/UTV operators shall slow to 10 m.p.h. when within one hundred fifty (150) feet of a residence or business, including when operating on private property held open to public ATV/UTV use. This speed limitation does not apply to a person operating an ATV/UTV on a roadway that is designated as an all-terrain vehicle route.

c. ATV/UTV operators shall slow to 10 m.p.h., yield and exercise extreme caution on the frozen surface of public waters or on an ATV/UTV trail when within one hundred (100) feet of another person not operating a motor vehicle, all-terrain vehicle, utility terrain vehicle, or snowmobile, and shall observe all other requirements in Sec. 23.33, Wis. Stats. This restriction does not apply to operation of an ATV/UTV or when competing in a sanctioned derby or race.

d. ATV/UTV operators shall not exceed a speed of 10 m.p.h. when within one hundred (100) feet of a fishing shanty at a speed exceeding 10 m.p.h.

e. ATV/UTV operators shall not exceed a speed of 15 m.p.h. when the ATV/UTV is being operated on a roadway or adjacent to a roadway with a snow removal device attached, if the ATV/UTV is more than one hundred and fifty (150) feet from a dwelling.

f. ATV/UTV operators shall not exceed 5 m.p.h. when the ATV/UTV is being operated on a sidewalk or driveway with a snow removal device attached, regardless of proximity to a dwelling.

(3) ***Restrictions on Equipment.*** No all-terrain or utility terrain vehicle may be operated within the Village of Edgar unless it complies with all noise, registration, and other equipment standards as established in the Wisconsin Statutes, Wisconsin Administrative Code, or the Village of Edgar Code of Ordinances.

(4) ***Headlight/Taillights and Trailer Requirements.*** A person who operates an all-terrain or utility terrain vehicle during hours of darkness or during daylight hours on any highway right-of-way is required to display a lighted headlamp and tail lamp on the vehicle, as follows:

a. The headlamp is required to display a white light of sufficient illumination power to reveal any person, vehicle or substantial object at a distance of at least two hundred (200) feet ahead of the all-terrain or utility terrain vehicle. The headlight shall be properly adjusted so as to not interfere with the operation of other vehicles on the roadway.

b. Taillights shall be red in color and be observable during hours of darkness to a distance of five hundred (500) feet to the rear.

c. If a trailer is towed behind an all-terrain or utility terrain vehicle, the trailer shall conform with all lighting requirements applicable to an all-terrain or utility terrain vehicle.

(5) ***Noise Limits.*** No person may manufacture, rent, sell or operate an all-terrain or utility terrain vehicle that is constructed in such a manner that noise emitted from the vehicle exceeds 96 decibels on the A scale as measured in the manner prescribed under rules promulgated by the Wisconsin Department of Natural Resources.

(6) ***Operations Restrictions.*** Because the Village of Edgar Village Board designates all Village streets and alleys as official designated routes, all-terrain and utility terrain vehicles operating on Village of Edgar streets, roads, and other public property shall comply with the following:

a. All-terrain and utility terrain vehicles shall be operated in the normal lane of traffic on the roadway and travel with the flow of traffic.

b. All-terrain and utility terrain vehicles shall be operated in single-file, with headlights and taillights in operation at all times.

c. All-terrain and utility terrain vehicle operators shall yield the right-of-way to all other vehicular traffic and pedestrians.

d. No racing-type all-terrain or utility terrain vehicles, all-terrain or utility terrain vehicle conversions, or converted drive trains will be allowed on Village of Edgar streets, alleys or public ways.

(b) **Operator Standards.**

(1) ***General Standards.*** Operation of an all-terrain or utility terrain vehicle on a Village of Edgar street, alley or public way by unlicensed or youth operators shall be governed by the restrictions of Section 23.33(5), Wis. Stats. No person who is not lawfully licensed, or under a current driver's license suspension, revocation or cancellation for any reason, may operate a all-terrain and utility terrain vehicle upon a public street or public way in the Village of Edgar except in conformance with this Section and Sec. 23.33(5), Wis. Stats.

(2) ***All-Terrain Vehicles – Age Restrictions.***

a. Subject to Subsections (b)(2)b-e, no person under the age of twelve (12) years of age may operate an all-terrain vehicle unless any of the following criteria applies:

1. He or she is operating the ATV for an agricultural purpose and he/she is under the supervision of a person over eighteen (18) years of age. "Supervision" does not require that the person under twelve (12) years of age

be subject to continuous direction or control by the person over eighteen (18) years of age.

2. He or she is operating a small all-terrain vehicle on an all-terrain vehicle trail designated by the Wisconsin Department of Natural Resources (WisDNR) and he or she is accompanied by his or her parent or guardian or by a person who is a minimum of eighteen (18) years of age who is designated by the parent or guardian.

b. No person who is under twelve (12) years of age may operate an all-terrain vehicle that is an implement of husbandry on a roadway under any circumstances.

c. No person who is under twelve (12) years of age may operate an all-terrain vehicle on a roadway under the authorization provided under Sec. 23.33(4)(d)6, Wis. Stats., under any circumstances.

d. No person who is under sixteen (16) years of age may operate an all-terrain vehicle under the authority provided under Sec. 23.33(4)(d)4 or 7, Wis. Stats., unless the person is accompanied by his or her parent or guardian or by a person who is at least eighteen (18) years of age who is designated by the parent or guardian.

e. No person who is under sixteen (16) years of age may operate an all-terrain vehicle under the authorization provided under Sec. 23.33(4)(f), Wis. Stats., under any circumstances.

f. No person who is under twelve (12) years of age may rent or lease an all-terrain vehicle.

(3) ***Utility Terrain Vehicles – Age Restrictions.***

a. No person under sixteen (16) years of age may operate, rent, or lease a utility terrain vehicle unless any of the following apply:

1. He or she is operating the UTV for an agricultural for an agricultural purpose and he or she is under the supervision of a person over eighteen (18) years of age. "Supervision" does not require that the person under sixteen (16) years of age be subject to continuous direction and control by the person over eighteen (18) years of age.

2. He or she is at least twelve (12) years of age, is operating a small utility terrain vehicle on an all-terrain vehicle trail designated by the Wisconsin Department of Natural Resources and he or she is accompanied by his or her parent or guardian or by a person who is at least eighteen (18) years of age who is designated by the parent or guardian.

b. Except as provided in Sec. 23.33(4)(d)1, 2, and 3a, Wis. Stats., no person who is under sixteen (16) years of age may operate a utility terrain vehicle on a roadway.

(4) ***Safety Certification Requirements.***

a. No person who is at least twelve (12) years of age and who was born on or after January 1, 1988, may operate an all-terrain or utility terrain vehicle unless he or

she holds a valid safety certificate issued by the Wisconsin Department of Natural Resources, another state, or a province of Canada.

b. Any person who is required to hold an all-terrain or utility terrain vehicle safety certificate while operating an ATV or UTV shall carry proof that the person holds a valid safety certificate and shall display this proof to a law enforcement officer upon request. Persons enrolled in a safety certification program approved by the Wisconsin Department of Natural Resources may operate an all-terrain or utility terrain vehicle in an area designated by the instructor.

c. Notwithstanding the safety certificate requirements under this Subsection, a person is not required to hold a safety certificate if all of the following apply:
   1. The person operates an all-terrain or utility terrain vehicle at an all-terrain or utility terrain vehicle demonstration event.
   2. The event under Subsection (b)(4)c.1 above is sponsored by an all-terrain or utility terrain dealer, an all-terrain or utility terrain vehicle club, the State of Wisconsin, a city, a village, a town, or a county.
   3. If the person is under eighteen (18) years of age, the person is accompanied by his or her parent or guardian or is accompanied by a person over eighteen (18) years of age who is designated by the parent or guardian.
   4. Notwithstanding Subsection (d)(2), the person wears protective headgear of the type required under Sec. 347.485(1), Wis. Stats.
   5. The person operates the all-terrain or utility terrain vehicle in a closed course area in the manner prescribed by the event sponsor.

(5) ***Age Restrictions Exceptions.***

a. Subsections (b)(2)-(4) above do not apply to a person who operates an all-terrain or utility terrain vehicle exclusively on land that is either of the following:
   1. Land under the management and control of the person's immediate family.
   2. Land, other than land described in Subsection (b)(5)a.1 above, on which operation is authorized.

b. A person who operates an all-terrain or utility terrain vehicle on land on which operation is authorized qualifies for the exception under Subsection (b)(5)a.2 above only if the person is under twelve (12) years of age and operates the all-terrain or utility terrain vehicle when accompanied by his or her parent or guardian or by a person who is at least eighteen (18) years of age who is designated by the parent or guardian.

(c) **Route Markers.**

(1) ***Erection of Trail Markers.*** Village of Edgar Department of Public Works personnel are directed and authorized to procure, erect and maintain appropriate route, trail, and/or speed limit signs and markers as required by the Wisconsin Statutes and NR 64.12, and specifically NR 64.12(7(c), Wis. Adm. Code. The Village may require the assistance of all-terrain/utility terrain vehicle organizations in satisfying this requirement.

(2) ***Trail Status/Closure.*** The Village President or the Chief of Police, upon the recommendation of law enforcement or public works personnel, shall have the authority to declare designated all-terrain and/or utility terrain vehicle routes and trails open or closed. Such closure and openings information shall be posted.

(3) ***Signs and Markers to be Obeyed.*** No person shall fail to obey any route or trail sign, marker or speed limit or other control device erected in accordance with this Section or traffic sign or signal under authority of the Wisconsin Statutes.

(d) **Use of Headgear.**

(1) ***General Requirement.*** No person may operate or be a passenger on an ATV/UTV without wearing protective headgear of the type required by Sec. 347.485(1)(a), Wis. Stats., and with the chin strap properly fastened.

(2) ***Exceptions to Headgear Requirements.*** Protective headgear required under Subsection (d)(1) above need not be worn if:

a. The person is a minimum of eighteen (18) years of age.

b. The person is traveling for the purposes of hunting or fishing and is a minimum of twelve (12) years of age.

c. The all-terrain or utility terrain vehicle is being operated for an agricultural purpose.

d. The all-terrain or utility terrain vehicle is being operated by a person on land under the management and control of the person's immediate family.

(e) **Storage Restrictions.** No more than three (3) all-terrain or utility terrain vehicles may be parked outside of a building or garage on a residential property for more than twenty-four (24) hours.

(f) **Enforcement.** This Chapter shall be enforced by any law enforcement officer authorized to enforce the laws of the State of Wisconsin.

(g) **Penalties.** Wisconsin State All-Terrain and Utility Terrain Vehicle penalties as found in Sec. 23.33(13)(a), Wis. Stats., are adopted and incorporated herein by reference.

(h) **Required Notifications.** The Village of Edgar shall submit a copy of this Chapter upon adoption to the Wisconsin Department of Natural Resources, Wisconsin State Patrol, and the County Sheriff's Department - Marathon County, as required by law.

Sec. 10-4-4 Unauthorized Off-Road Operation of Motor Vehicles on Public or Private Property.

(a) **Purpose.**

(1) The unauthorized off-road operation of motor vehicles within the Village of Edgar can result in serious damage to public and private lands including damage or destruction of vegetation, animal life and improvements on the lands; and

(2) The unauthorized off-road operation of motor vehicles can result in the permanent scarring of land and an increase in erosion, noise pollution and air pollution; and

(3) The unauthorized off-road operation of motor vehicles can result in collisions or near collisions threatening the life and safety of the operators of such vehicles as well as of other persons and personal property; and

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

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

(1) ***Unauthorized.*** 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.*** Any location which:

a. Is not a paved or maintained as a 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.*** The physical manipulation or activation of any of the controls of a motorized vehicle necessary to put it in motion.

(4) ***Motor Vehicle.*** 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, utility terrain vehicles, all-terrain vehicles, mopeds, snowmobiles, and dune buggies. "Motor vehicle" shall not mean any airplane, railroad train, boat, assisted mobility device, 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 in the Village of Edgar.

(2) Except for authorized maintenance vehicles, snowmobiles or all-terrain/utility terrain vehicles operating on routes/trails authorized by the Village of Edgar or as otherwise authorized by this Chapter, it shall be unlawful to operate any minibike, go-kart, or any other motor-driven craft or vehicle principally manufactured for off-highway use

on Village of Edgar 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.

(3) Operation of vehicles regulated by this Section shall not be operated in the following manner:

a. At a rate of speed that is unreasonable or imprudent under the circumstances.

b. In a careless way so as to endanger people or property.

c. While under the influence of intoxicating liquor, fermented malt beverages, wine, narcotics or other controlled substances.

d. Without a functioning muffler or in such a way that the exhaust of the engine produces an excessive or unusual noise.

e. Upon any public street or alley, or upon a sidewalk or public right-of-way, unless such vehicle is registered for street operation as required by Chapter 341, Wis. Stats., and its operation in the Village is permitted by the Village of Edgar Code of Ordinances.

f. Except where authorized, upon any lands owned, operated or leased by the Village of Edgar.

(d) **Liability of Parent or Guardian.** No parent or guardian of any person under the age of eighteen (18) years of age shall authorize or permit such child to violate any of the provisions of this Section. Any person under the age of eighteen (18) years of age who shall operate a vehicle in a manner prohibited by this Section shall be presumed to be operating such vehicle under the authority of a parent or guardian.

This Ordinance replaces 10-4-1, 10-4-2, 10-4-3, and 10-4-4

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CHAPTER 5

Abandoned and Junked Vehicles

10-5-1 Abandoned Vehicles; Definitions
10-5-2 Removal and Impoundment of Vehicles
10-5-3 Removal, Storage, Notice or Reclaimer of Abandoned Vehicles
10-5-4 Disposal of Abandoned Vehicles
10-5-5 Report of Sale or Disposal
10-5-6 Owner Responsible for Impoundment and Disposal Costs
10-5-7 Conflict with Other Code Provisions
10-5-8 Junked Vehicles and Appliances on Private Property

SEC. 10-5-1 ABANDONED VEHICLES; DEFINITIONS.

(a) **Abandonment of Vehicles Prohibited**. No person shall leave unattended any motor vehicle, trailer, semi-trailer or mobile home on any public street or highway or private or public property in the Village of Edgar for such time and under such circumstances as to cause the vehicle to reasonably appear to have been abandoned. Whenever any such vehicle has been left unattended on any street or highway in the Village of Edgar or upon private or public property without the permission of the property owner or other person charged with the lawful jurisdiction thereof for more than forty-eight (48) hours, the vehicle shall be deemed abandoned and constitutes a public nuisance.

(b) **Definitions**. For purposes of this Chapter, the following definitions shall be applicable:

(1) Vehicle shall mean a motor vehicle, trailer, semi-trailer or mobile home, whether or not such vehicle is registered under Wisconsin Law.

(2) Unattended shall mean unmoved from its location with no obvious sign of continuous human use.

(3) Street shall mean any public highway or alley and shall mean the entire width between the boundary lines of any public way where any part thereof is open to the public for purposes of vehicular traffic.

(c) **Presumptions**. For purposes of this Section, the following irrebuttable presumptions shall apply:

(1) A vehicle shall be presumed unattended if it is found in the same position forty-eight (48) hours after issuance of a traffic ticket or citation and if such traffic ticket or citation remains placed upon the windshield during said forty-eight (48) hours.

(2) Any vehicle left unattended for more than forty-eight (48) hours on any public street or public ground or left unattended for more than forty-eight (48) hours on private property without the consent of the property owner is deemed abandoned and constitutes a nuisance; provided, that the vehicle shall not be deemed abandoned under this Subsection if left unattended on private property outside of public view

and is enclosed within a building, or if designated as not abandoned by the Chief of Police.

(d) **Exceptions**. This Section shall not apply to a vehicle in an enclosed building or a vehicle stored on a premises licensed for storage of junk or junked vehicles and fully in compliance with Village zoning regulations, or to a vehicle parked in a paid parking lot or space where the required fee has been paid.

SEC. 10-5-2 REMOVAL AND IMPOUNDMENT OF VEHICLES.

Any vehicle in violation of this Chapter shall be removed and impounded until lawfully claimed or disposed of under the provisions of Section 10-5-3.

SEC. 10-5-3 REMOVAL, STORAGE, NOTICE OR RECLAIMER OF ABANDONED VEHICLES.

(a) **Applicability**. The provisions of this Section shall apply to the removal, storage, notice, reclaimer or disposal of abandoned vehicles as defined in Section 10-5-1.

(b) **Removal**.

(1) Any police officer who discovers any motor vehicle, trailer, semi-trailer or mobile home on any public street or highway or private or public property in the Village of Edgar which has been abandoned shall cause the vehicle to be removed to a suitable place of impoundment.

(2) Upon removal of the vehicle, the police officer shall notify the Chief of Police or his designee of the abandonment and of the location of the impounded vehicle.

(c) **Storage and Reclaimer**. Any abandoned vehicle which is determined by the Chief of Police or his designee to be abandoned shall be retained in storage for a period of fourteen (14) days after certified mail notice, as hereinafter provided, has been sent to the Wisconsin titled owner and/or secured party of record with the Wisconsin Motor Vehicle Division, except that if the Chief of Police or his designee determines an abandoned vehicle to have a value of less than One Hundred Dollars ($100.00), or that the cost of towing and storage charges for impoundment will exceed the value of the vehicle, it may be junked or sold by direct sale to a licensed salvage dealer after having been retained in storage for a period of seven (7) days and after certified mail notice, as hereinafter provided, has been sent to the Wisconsin titled owner or secured party of record with the Wisconsin Motor Vehicle Division, provided that it is first determined that the vehicle is not reported stolen or wanted for evidence or other reason. All substantially complete vehicles in excess of nineteen (19) model years of age shall be deemed as a having value in excess of One Hundred Dollars ($100.00). Any such vehicle which may be lawfully reclaimed may be released upon the payment of all accrued charges, including towing, storage and notice charges and upon presentation of the vehicle title or other satisfactory evidence to the Chief of Police or his designee to prove an ownership or secured party interest in said vehicle.

(d) **Notice to Owner or Secured Party**. Certified mail notice, as referred to herein, shall notify the Wisconsin titled owner of the abandoned vehicle, if any, and/or the secured party of record with the Wisconsin Motor Vehicle Division, if any, of the following:

(1) That the vehicle has been deemed abandoned and impounded by the Village of Edgar;

(2) The "determined value" of the abandoned vehicle;

(3) If the cost of towing and storage costs will exceed the determined value of the vehicle;

(4) That if the vehicle is not wanted for evidence or other reason, the vehicle may be reclaimed upon the payment of all accrued charges, including towing, storage and notice charges, within fourteen (14) days of the date of notice, unless the vehicle has been determined to have a value less than One Hundred Dollars ($100.00) or that the cost of towing and storage charges for impoundment will exceed the value of the vehicle, in which case the vehicle may be reclaimed within seven (7) days upon the payment of the aforesaid charges; and

(5) That the owner or aforesaid secured party may, upon request, be granted a hearing relating to the determinations made with respect to said vehicle within the period that such vehicles may be reclaimed.

SEC. 10-5-4 DISPOSAL OF ABANDONED VEHICLES.

Any abandoned vehicle impounded by the Village which has not been reclaimed or junked or sold by direct sale to a licensed salvage dealer pursuant to the provisions of this Chapter may be sold by public auction sale or public sale calling for the receipt of sealed bids. A Class 1 Notice, including the description of the vehicles, the name(s) and address(es) of the Wisconsin titled owner and secured party of record, if known, and the time of sale shall be published before the sale.

SEC. 10-5-5 REPORT OF SALE OR DISPOSAL.

Within five (5) days after the direct sale or disposal of a vehicle as provided for herein, the Chief of Police or his designee shall advise the State of Wisconsin Department of Transportation, Division of Motor Vehicles, of such sale or disposal on a form supplied by said Division. A copy of the form shall be given to the purchaser of the vehicle enabling the purchaser to obtain a regular certificate of title for the vehicle. The purchaser shall have ten (10) days to remove the vehicle from the storage area but shall pay a reasonable storage fee established by the Village for each day the vehicle remains in storage after the second business day subsequent to the sale date. Ten (10) days after the sale the purchaser shall forfeit all interest in the vehicle and the vehicle shall be deemed to be abandoned and may be sold again. Any listing of vehicles to be sold by the Village shall be made available to any interested person or organization which makes a written request for such list to the Police Department. The Police Department may charge a reasonable fee for the list.

SEC. 10-5-6 OWNER RESPONSIBLE FOR IMPOUNDMENT AND DISPOSAL COSTS.

(a) The owner of any abandoned vehicle, except a stolen vehicle, is responsible for the abandonment and all costs of impounding and disposing of the vehicle. Costs not covered from the sale of the vehicle may be recovered in a civil action by the Village against the owner.

(b) Payment of removal and impoundment costs is not required when the vehicle has been impounded for purposes of law enforcement investigation.

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

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

SEC. 10-5-8 JUNKED VEHICLES AND APPLIANCES ON PRIVATE PROPERTY.

(a) **Storage Restricted**. No disassembled, inoperable, unlicensed, junked or wrecked motor vehicles, truck bodies, tractors, trailers, farm machinery, inoperable appliances or other accumulations of building materials, scrap metal or other refuse shall be stored upon private residential property or unenclosed within a building upon nonresidential property within the Village for a period exceeding ten (10) days unless it is in connection with an authorized business enterprise located in a properly zoned area maintained in such a manner as to not constitute a public nuisance.

(b) **Definitions**.

(1) The term "disassembled, inoperable, junked or wrecked motor vehicles, truck bodies, tractors, trailers" as used in this Section is defined as follows: motor vehicles, recreational vehicles, truck bodies, tractors, farm machinery or trailers in such state of physical or mechanical ruin as to be incapable of propulsion, being operated upon the public streets or highways or which is otherwise not in safe or legal condition for operation on public streets or highways due to missing or inoperative parts, flat or removed tires, expired or missing license plates or other defects.

(2) The term "unlicensed motor vehicles, truck bodies, tractors or trailers" as used in this Chapter is defined as follows: motor vehicles, truck bodies, tractors, recreational vehicles or trailers which do not bear lawful current license plates.

(3) The term "motor vehicle" is defined in Sec. 340.01(35), Wis. Stats.

(4) The term "inoperable appliance" is defined as any stove, washer, refrigerator or other appliance which is no longer operable in the sense for which it was manufactured.

(c) **Exceptions**. This Section shall 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 lawful place and manner, in a properly zoned area when necessary to the operation of such business enterprise, in a storage place or depository maintained in a lawful place and manner, or parking of seasonal use vehicles such as snowmobiles, motorcycles, motor scooters and non-motorized campers, provided such vehicles are stored in compliance with the Ordinances of the Village. Such storage shall not be unsightly or constitute a public nuisance. Also excepted are motor vehicles registered pursuant to Sections 341.265 and 341.266, Wis. Stats. In other situations the Village Board may issue temporary permits permitting an extension of not to exceed an additional six (6) months' time to comply with this Section where exceptional facts and circumstances warrant such extension; the Village Board may require fencing.

(d) **Enforcement.**

(1) Whenever the Police Department shall find any vehicles, appliances or refuse as described herein, placed or stored in the open upon private property within the Village, they shall notify the owner of said property on which said vehicle, appliance or refuse is stored of the violation of this Section. If said vehicle, appliance or refuse is not removed within five (5) days, the Police Department shall cause to be issued a citation to the property owner or tenant of the property upon which said vehicle or appliance is stored.

(2) If such vehicle or appliance is not removed within twenty (20) days after issuance of a citation, the Chief of Police shall cause the vehicle, appliance or refuse to be removed and impounded, and it shall thereafter be disposed of as prescribed in Sections 10-5-3 through 10-5-6 by the Chief of Police or his duly authorized representative. Any cost incurred in the removal, and sale of said vehicle or appliance shall be recovered from the owner. However, if the owner of the vehicle, appliance or refuse cannot readily be found, 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.

(e) **Penalty**. Any person who shall interfere with the enforcement of any of the provisions of this Section and shall be found guilty thereof shall be subject to a penalty as provided in Section 1-1-6. Each motor vehicle or appliance involved shall constitute a separate offense.

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