

TITLE 10

Motor Vehicles and Traffic

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Article A: General Provisions

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

- (a) **Statutes Adopted.** Except as otherwise specifically provided in this Code of Ordinances, the statutory provisions in Chs. 110, 194, and 340 through 349, Wis. Stats., describing and defining regulations with respect to vehicles and traffic, for which the penalty is a forfeiture only, exclusive of any regulations for which the statutory penalty is a fine or term of imprisonment or exclusively state charges, are hereby adopted and by reference made a part of this Chapter as if fully set forth herein. The statutory sections listed shall be designated as part of this Code by adding the prefix "10-1-" to each statute section number. Any act required to be performed or prohibited by any regulation incorporated herein by reference is required or prohibited by this Chapter. Any future amendments, revisions or modifications of the statutory regulations in Chs. 340 through 349, Wis. Stats., incorporated herein are intended to be made part of this Chapter in order to secure to the extent legally practicable uniform statewide regulation of vehicle traffic on the highways, streets and alleys of the State of Wisconsin. Any person who shall, within the City of Westby, 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.**
- (1) 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 Chs. 340 through 349, Wis. Stats., and the penalty for violation thereof shall be limited to a forfeiture as hereinafter provided in this Chapter:
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| 941.01 | Negligent Operation of Vehicle Off Highway |
| 941.03 | Highway Obstruction |
| 943.11 | Entry into Locked Vehicle |
| 943.23(3m)-(5) | Operating Motor Vehicles Without Owners Consent |
| 947.045 | Drinking in Motor Vehicle on Highway |
- (2) Specifically adopted by reference are the following Statutes regulating in-line skates and play vehicles:
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|----------------|--|
| 349-235 | Authority to Restrict Use of In-Line Skates on Roadway |
| 349.94 | In-Line Skates on Roadway |
| 340-01(24m) | Definition of "In-Line Skates" |
| 340.02(43m)(b) | Play Vehicles Does Not Include In-Line Skates |
- (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 the 2009-2010 edition 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 – TRANS 103	Habitual Traffic Offenders
Wis. Adm. Code – TRANS 114	Uniform Traffic Citation
Wis. Adm. Code – TRANS 119	Commercial Motor Vehicle Operator Alcohol Use Restrictions
Wis. Adm. Code – TRANS 200	Erection of Signs on Public Highways and Handicapped Parking Signs
Wis. Adm. Code – TRANS 204	Slow Moving Vehicle Emblem
Wis. Adm. Code – TRANS 305	Standards for Vehicle Equipment
Wis. Adm. Code – TRANS 310	Child Restraint Standards and Exemptions
Wis. Adm. Code – TRANS 315	Safety Belt Usage; Physical or Medical Exemption
Wis. Adm. Code – TRANS 325	Motor Carrier Safety Regulations
Wis. Adm. Code – TRANS 326	Motor Carrier Safety Requirements for Transportation of Hazardous Materials
Wis. Adm. Code – TRANS 327	Motor Carrier Safety

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

(c) **Safety Checks.**

- (1) **Operators to Submit to Inspection.** When directed to do so by any law enforcement officer, the operator of any motor vehicle shall stop and submit such vehicle to an inspection and such tests as are necessary to determine whether the vehicle meets the requirements of this Section or that the vehicle's equipment is in proper adjustment or repair. No person, when operating a motor vehicle, shall fail to stop and submit such vehicle to inspection when directed to do so by any law enforcement officer as herein provided.
- (2) **Authority of Officer.** Any law enforcement officer of the City is hereby empowered whenever he or she shall have reason to believe that any provision of this Section is being violated to order the operator of the vehicle to stop and to submit such vehicle to an inspection with respect to brakes, lights, turn signals, steering, horns and warning devices, glass, mirrors, exhaust systems, windshield wipers, tires and other items of equipment.
- (3) **Vehicle to be Removed From Highway.** Whenever, after inspection as provided by this Section, a law enforcement officer determines that a vehicle is unsafe for operation, he or she may order it removed from the highway and not operated, except for purposes of removal and repair until the vehicle has been repaired as directed in a repair order. Repair orders may be in the form prescribed by the secretary of the Department of Transportation under Sec. 110.075(5), Wis. Stats., and shall require the vehicle owner or operator to cause the repairs to be made and return evidence of compliance with the repair order to the Department of the issuing officer within the time specified in the order.

(d) **Penalty.**

- (1) Penalty for violation of any provision of this Section, including the provisions of the Wisconsin Administrative Code, incorporated herein by reference, shall be as provided in Section 10-1-50, together with the costs of prosecution and applicable penalty assessment.
- (2) The Administrative Code sections adopted by reference in Subsection (a) above shall be designated as part of this Code by adding the prefix "10-1-2-" to each statute or Administrative Code section number.

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

- (a) **Duty of Director of Public Works 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 Director of Public Works 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 Director of Public Works, will carry out the purposes of this Chapter and give adequate warning to users of the streets and highways of the City of Westby.
- (b) **Code Numbers to be Affixed to Official Traffic Control Devices.** The Director of Public Works shall cause to be placed on each official traffic control sign a guide board, mile post, signal or marker erected under Subsection (a), a code number assigned by the Wisconsin Department of Transportation, and shall also place or direct the placing of code numbers on all existing official traffic control devices as required by the laws of the State of Wisconsin.
- (c) **Prohibited Signs and Markers 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 City any sign, signal, marker, mark or monument unless permission is first obtained from the Director of Public Works or, where applicable, the Wisconsin Department of Transportation. 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 Director of Public Works may remove any sign, signal, marking or other device which is placed, maintained or displayed in violation of this Chapter or state law. Any charge imposed against premises for removal of a prohibited or illegal sign, signal, marking or device shall be reported by the Director of Public Works to the Common Council 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.
- (e) **Unauthorized Removal or Possession.** It shall be a violation of this Section, subject to the penalty provisions of Section 1-1-6, for any unauthorized person or party to remove or possess any official traffic sign or control device.

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) (1) 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.
 - (2) The operator of a school bus equipped with flashing red warning lights shall actuate such lights at least one hundred (100) feet before stopping to load or unload pupils or other authorized passengers and shall not extinguish such lights until loading or unloading is completed and persons who must cross the street or highway are safely across.
 - (3) The operator of a school bus shall use the flashing red warning lights when loading or unloading passengers from either side where the curb and sidewalk are laid on one (1) side of the road only.
 - (4) The operator of a school bus shall use the flashing red warning lights when loading or unloading passengers in a residential or business district when the passengers are to be loaded or unloaded at a location at which there are:
 - a. No traffic signals;
 - b. Sidewalk and curb are laid on both sides of the street or highway; and
 - c. Such persons must cross the street or highway before being loaded or after being unloaded.
 - (5) The operator of a motor vehicle which approaches from the front or rear of any school bus which has stopped on a street or highway when the bus is displaying flashing red warning lights shall stop the vehicle not less than twenty (20) feet from the bus and shall remain stopped until the bus resumes motion or the operator extinguishes the flashing red warning lights. The operator of a school bus, which approaches the front or rear of another school bus that has stopped and is displaying red warning lights, shall stop not less than twenty (20) feet from the other bus, display its red warning lights and remain stopped with red warning lights actuated until the other bus resumes motion or the other operator extinguishes the flashing red warning lights.
- (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 a right-of-way between the roadway and the school grounds designated by "school" warning signs as provided in Sec. 118.08(1), Wis. Stats.

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: 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 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 and having a gross weight of more than fourteen thousand (14,000) pounds.
- (b) **Prohibited Routes.** Heavy traffic is prohibited from using any City street or highway not designated as a heavy traffic route. This Section shall not act to prohibit heavy traffic from using a City 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 City 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 Chief of Police 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.** Maps of the City showing heavy traffic routes shall be prepared and shall be available upon request by heavy traffic operators and owners.
 - (3) **Construction Equipment.**
 - a. The Chief of Police may grant temporary permits to allow heavy construction equipment to use City streets or highways not designated as heavy traffic routes. These permits may be granted only when use of a nondesignated 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 and hold the City harmless for any damage done to the City street by the equipment and/or any personal injury or property damage caused in part or in whole by the street damage.
 - b. City-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 City streets or highways in violating this Section shall be liable and required to pay the City the cost of repair or replacement of the damaged street or highway.
- (e) **Routes Designated.** The following streets and parts of streets are designated as heavy traffic routes:

- (1) Main Street/U.S. Highway 14.
- (2) State Highway 27.
- (f) **Certain Streets.** No person shall operate a heavy traffic vehicle on any streets or parts of streets not designated in Subsection (e) provided however, the ordinary use of such streets for obtaining orders for supplies, or moving or delivering supplies or commodities to or from any place of business or residence fronting on such streets shall be permitted, but the weight of the vehicle and its load shall not exceed the limitations of Sections 348.15 and 348.16(3), Wis. Stats., pertaining to Class "A" highways or deliveries on Class "B" highways.
- (g) **Heavy Load Traffic; Class "B" Designation.** All streets and alleys within the City, except those enumerated in Subsection (e) above are hereby designated Class "B" highways and shall be subject to weight limitations imposed by Sec. 348.16, Wis. Stats.

Sec. 10-1-12 Speed Limits.

The provisions of Sections 346.57, 346.58 and 346.59, Wis. Stats., relating to the maximum and minimum speed of vehicles are hereby adopted as part of this Section as if fully set forth herein.

Sec. 10-1-13 Point of Stopping.

For purposes of this Chapter, all stops shall be made by vehicles immediately prior to entering the crosswalk closest to the intersection being approached and located between the vehicle and the intersection. Where there are no marked crosswalks but sidewalks exist, then all stops shall be made before crossing the extended edge of the sidewalk farthest from the intersection being approached. In the event there are neither marked crosswalks nor sidewalks, then all stops shall be made with the front of the vehicle located approximately at a line extended from the stop sign and perpendicular thereto into the street being traveled by the vehicle.

Sec. 10-1-14 Operation of Golf Carts on City Streets and Public Property.

- (a) **Intent.** The City of Westby adopts the following regulations and standards for the operation of golf carts upon the roadways of the City of Westby pursuant to Sec. 349.18(1m), Wis. Stats., and other applicable provisions of the Wisconsin Statutes. Following due consideration of the value of providing economical transportation options and weighed with possible dangers, public safety, and liability concerns, and such factors as terrain involved, traffic density, and motor vehicle traffic patterns, it is the intent of the Common Council to permit the operation of golf carts on City of Westby streets pursuant to the standards of this Section.
- (b) **Statutory Authority.** This Section is created pursuant to municipal authority under Section 349.18(1m), Wis. Stats.; this Section is intended to facilitate the implementation of these statutory provisions. To the extent necessary to accomplish this, Section 349.18(1m), Wis. Stats., is hereby adopted by reference.
- (c) **Definition.** Pursuant to the authority granted in Sec. 349.18(1m)(d), Wis. Stats., the term "golf cart" within the context of this Section includes:
 - (1) A vehicle whose speed attainable in one (1) mile does not exceed twenty-five miles per hour (25 m.p.h.) on a paved, level surface, and that is designed, manufactured and intended to convey one (1) or more persons and equipment to play the game of golf;
 - (2) Any additional requirements and standards in this Section necessary for golf carts to operate safely on City of Westby streets; and
 - (3) Low speed vehicles (LSV), all-terrain vehicles (ATV) and utility terrain vehicles (UTV) are not considered golf carts.

- (d) **Operation on City Streets Authorized.**
- (1) **Street Use Generally.** Pursuant to Sec. 349.18, Wis. Stats., this Section allows for the operation of golf carts on the streets, roadways and/or shoulders of a street or highway maintained by the City within the limits of the City of Westby. Under this Section, the operation of golf carts of the type and kind equipped without modified drive trains will be allowed to operate upon City of Westby streets and roads under the conditions prescribed herein.
 - (2) **Golf Carts Not To Operate On or Across State Highways.** No golf cart may operate on, or across, any street or highway within the City of Westby which is also a state trunk highway.
- (e) **Conditions of Operation.** The following conditions of operation shall apply to all operators and passengers of golf carts:
- (1) **Speed; Hours.**
 - a. No person shall operate a golf cart within the City of Westby at a speed in excess of twenty-five miles per hour (25 m.p.h.) on any street or highway of the City of Westby, including on road shoulders.
 - b. Golf carts shall not operate on public streets or property during hours of darkness, including thirty (30) minutes before and after the time of darkness.
 - (2) **Restrictions on Equipment.** No golf cart may be operated on any street or public way within the City of Westby unless it complies to all noise and other equipment standards as established in the Wisconsin Statutes or this Code of Ordinances.
 - (3) **Safety Requirements; Manufacturer's Specifications.**
 - a. Every golf cart operating within the City of Westby upon any public street or way shall display at all times a rear-mounted Slow Moving Vehicle (SMV) emblem.
 - b. ReflectORIZED tape strips shall be installed on the sides of the golf cart for street use.
 - c. If a trailer is towed behind a golf cart, the trailer shall conform with all safety marking requirements applicable to a golf cart.
 - d. Golf carts shall be maintained and operated in conformance with manufacturer's specifications. No racing-type golf carts, golf cart conversions, or modified golf cart drive trains will be allowed on City streets or public ways. All equipment shall be properly installed and in good working condition. No golf cart shall have broken, loose, or unsafe parts improperly attached or be loose from the chassis.
 - (4) **Operations Restrictions.** Golf carts operating on City of Westby streets, roads, and other public property shall comply with all State of Wisconsin rules of the road, including, but not limited to, the following:
 - a. Golf carts shall be operated on the extreme right side of the roadway and travel with the flow of traffic.
 - b. Golf carts shall be operated in single-file, with headlights and taillights in operation at all times.
 - c. Golf cart operators shall yield the right-of-way to all other vehicular traffic and pedestrians.
 - (5) **Insurance Requirement.** As a motor vehicle operating upon a public highway, golf carts operating on a City street or highway shall have valid liability insurance as prescribed by Subch. VI of Chapter 344, Wis. Stats.
- (f) **Unattended Units.** No person shall leave or allow any golf cart owned or operated by him/her to remain unattended on any public highway, public way or public property.

- (g) **Licensed Operator Requirements.** Operation of golf carts on a City street or public way shall be by licensed operators as required by Sec. 343.05, Wis. Stats., and the provisions of this Section. No person who is not lawfully licensed, or who is under a current driver's license suspension, revocation or cancellation for any reason, may operate a golf cart upon a public street or public way in the City of Westby.
- (h) **Limited Areas of Operation.**
 - (1) No person may operate a golf cart in the following non-roadway areas of the City of Westby, unless authorization is first obtained from the Common Council; City-owned property need not be posted regarding this regulation:
 - a. Any City of Westby parks, conservancy and athletic facilities.
 - b. Any City of Westby cemeteries.
 - c. Any non-roadway property owned or leased by the City of Westby.
 - (2) This Section does not authorize operation of golf carts on private property not owned or leased by the golf cart's operator. It is the responsibility of golf cart operators to know whether they are operating on public or private property.
 - (3) This Section does not authorize golf cart operation on public streets and highways outside of the jurisdictional limits of the City of Westby.

Sec. 10-1-15 Low Speed Vehicles.

- (a) **Definitions.** The following definitions shall be applicable herein:
 - (1) **Low Speed Vehicle (LSV).** A motor vehicle that is propelled by electric power and which conforms to the definition and requirements for low-speed vehicles as adopted in the federal motor vehicle safety standards for low-speed vehicles under 49 CFR Sec. 571.3(b) and 49 CFR 500, and is a motor vehicle:
 - a. That is four-wheeled;
 - b. Whose speed attainable in one (1) mile is more than twenty miles per hour (20 m.p.h.) and not more than twenty-five miles per hour (25 m.p.h.) on a paved level surface;
 - c. Whose gross vehicle weight is less than three thousand (3,000) pounds; and
 - d. Is not a golf cart-type vehicle;
 - e. Has the following equipment in working order:
 - 1. Headlamps;
 - 2. Front and rear turn signals;
 - 3. Stop lamps;
 - 4. Reflex reflectors - one (1) red on each side as far to the rear as practicable, and one (1) red on the rear;
 - 5. An exterior mirror mounted on the driver's side and either an exterior mirror on the passenger side or an interior rearview mirror;
 - 6. A parking brake;
 - 7. A windshield that conforms to the requirements of the federal motor vehicle standard on glazing materials (49 CFR 571.205);
 - 8. A Type I or Type 2 seatbelt assembly conforming to 49 CFR 571.209, and Federal Motor Safety Standard No. 209, for each designated seating position;
 - f. Has a valid Vehicle Identification Number (VIN) that complies with federal law (49 CFR 565); and

- g. Meets the general test conditions under 49 CFR 571.50056.
[Note: LSVs are also referred to as "neighborhood electric vehicles" by some manufacturers]
- (b) **Licensed Driver and Vehicle Registration Requirements.**
 - (1) ***Valid Driver's License Requirement.*** Any person who operates a Low Speed Vehicle on City of Westby streets shall hold a valid driver's license.
 - (2) ***Registration Requirements.*** Any person who operates a Low Speed Vehicle on any City of Westby street shall register the LSV in accordance with the requirements of the Wisconsin Statutes and Wisconsin Administrative Code, specifically, but not limited to, Sections 341.25(1)(b) and 341.297(1), Wis. Stats., and TRANS 145, Wis. Adm. Code. A LSV shall be titled and registered by the State of Wisconsin, and shall display a proper State-issued license plate.
- (c) **Operation and Use of Low Speed Vehicles.**
 - (1) ***Limited Permitted Street Use; Headlight Use Required.*** A licensed individual may operate a Low Speed Vehicle on the streets of the City of Westby having a posted speed limit of thirty-five miles per hour (35 m.p.h.), and headlights shall be on at all times the LSV is in operation. A slow-moving vehicle (SMV) emblem is not required on a LSV.
 - (2) ***Compliance With State and Local Laws.*** The operation of a Low Speed Vehicle shall in all respects comply with state traffic laws and the City of Westby Code of Ordinances, specifically, but not limited to Title 10, Chapter 1.
- (d) **Enforcement.** Enforcement of this Section, and penalties for violations, regarding the use of Low Speed Vehicles within the City of Westby shall be pursuant to Section 10-1-50 and 10-1-51 of the City of Westby Code of Ordinances.

Sec. 10-1-16 Mid-Block U-Turns Prohibited.

The operator of any vehicle is prohibited from making a mid-block U-turn on any street in the City of Westby.

Sec. 10-1-17 through Sec. 10-1-19 Reserved for Future Use.

Article C: Parking Regulations

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

- (a) **Forty-eight (48) Hour Limitation.** No person, firm or corporation shall park or leave standing any automobile, truck, tractor, trailer or vehicle of any description on any public streets or public parking lots in the City of Westby 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, the enforcement officer 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 City 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 Common Council 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 City 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 Common Council 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 Snow Removal or Street Maintenance.

- (a) **Street Maintenance.** Whenever it is necessary to clear or repair a City roadway or any part thereof, the Chief of Police and/or Director of Public Works 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 Events.** Pursuant to the provisions of Subsection 349.13, Wis. Stats., the Chief of Police is authorized to direct that temporary limited parking signs or street closure signs be erected during parades, sporting events, festivals and other authorized events that require the regulating of vehicle stopping, standing or parking on City roadways. The temporary regulation shall be limited to the time the event exists or is likely to exist.
- (c) **Parking During Special 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 Chief of Police and/or Director of Public Works of the City indicating no parking due to special snow removal activities.

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. "Terrace or Sidewalk Area" means that area between the sidewalk and the nearest curb line running parallel or generally parallel thereto or in the absence of a sidewalk ten (10) feet beyond the curb line.
 - (4) Alongside or opposite any highway excavation or obstruction when such stopping or standing would obstruct traffic or when pedestrian traffic would be required to travel in the roadway.
 - (5) On the roadway side of any parked vehicle unless double parking is clearly indicated by official traffic signs or markers.
 - (6) Within a fire lane consisting of either the driveway between the front doors of a Fire Station and the public street or in such places properly designated and marked as fire lanes ordered by the Fire Chief.
 - (7) Upon any portion of a highway where and at the time when stopping or standing is prohibited by official traffic signs indicating the prohibition of any stopping or standing.
 - (8) In any place or manner so as to obstruct, block or impede traffic.
 - (9) Within ten (10) feet of a fire hydrant, unless a greater distance is indicated by an official traffic sign.
 - (10) Upon any portion of a highway where and at the time when parking is prohibited, limited or restricted by official traffic signs.
 - (11) Upon any bridge.
 - (12) Upon any street or highway within the City 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) In a loading zoning.
 - (14) Within six (6) feet of the entrance to an alley, private road or driveway.

- (15) In any municipal park when said park is closed to the public.
- (16) The areas within fifteen (15) feet from the near limits of the crosswalk of the following street intersections.
 - a. Main and State Streets,
 - b. Main and First Streets,
 - c. Main and Second Streets.
- (17) In the area in front of any curb marked with a steady yellow line.
- (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.**
 - (1) No person shall stand or park a vehicle on any street, alley, public right-of-way or municipal parking lot in the City of Westby for the purpose of repairing said vehicle or to display such vehicle for sale. No person shall park on any street or avenue any vehicles for the primary purpose of advertising.
 - (2) No person other than an owner and/or operator of a business located on business-zoned property engaged in the regular business of selling vehicles may display a vehicle for sale upon private premises unless the following conditions are met:
 - a. Consent to display the vehicle has been given by the owner or lessee of the premises; and
 - b. The owner of the vehicle is on the premises or resides there; and
 - c. The vehicle displayed for sale is parked entirely on the premises; and
 - d. The premises contains only one (1) vehicle displayed for sale; and
 - e. The advertisement or sign for sale of the vehicle is not larger than two (2) square feet.
- (e) **No-Parking Areas.** The Common Council shall have the power to determine and mark those portions of the streets within the City within which no vehicle shall be parked and may designate such no-parking limits by a suitable sign indicating the limits within which no parking is to be allowed; and when any street or portion of street is so set off and designated by the sign "No Parking", then no person shall park any vehicle within such prohibited area.

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 Vehicles 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 City of Westby between the hours of 10:00 p.m. and 7:00 a.m., unless such vehicle or unit is parked in a City-designated truck parking zone.

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 Parking Prohibited During Certain Periods.

- (a) **Main Street.**
 - (1) Except for Sundays and holidays, it shall be unlawful to park any vehicle for a longer consecutive period of time than two (2) hours between the hours of 8:00 a.m. and 5:00 p.m. on Main Street, between the south right-of-way line of Black River Avenue and the south right-of-way line of Maple Street and one (1) block in either direction of Main Street between those points.
 - (2) Except on Sundays and holidays, it shall be unlawful to park any vehicle for a longer consecutive period of time than fifteen (15) minutes on the west side of Main Street between the north right-of-way line of West State Street and the south right-of-way line of the public alley lying between West State Street and Melby Street.
- (b) **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, upon any of the following highways or parts of highways:
 - (1) On the east side of U.S. Highway 14 from Bekkedal Avenue northerly to Park Street.
 - (2) On both sides of U.S. Highway 14 from Park Street northwesterly to the end of the curb and gutter west of Ramsland Street.
 - (3) On the south side of Second Street between Main and Market Streets.
- (c) **Boat and Utility Trailer Parking.** Boat, recreational vehicle or utility trailers that are unattached from any motor vehicle shall not remain parked upon any public street, public alley, or municipal parking lot for more than forty-eight (48) consecutive hours, including holidays and

weekends. Contractors' trailers may be parked for longer periods of time on public right-of-ways near job sites

Sec. 10-1-27 Winter Parking.

No person shall park a motor vehicle on the City streets from November 15 to March 15th, the snow removal season, between the hours of 2:00 a.m. and 6:00 a.m.

Sec. 10-1-28 Parking of Vehicles Over 14,000 Pounds or 22 Feet Restricted.

- (a) **Street Parking.** No person owning or having control of any truck, trailer, truck power unit, tractor, bus or recreation vehicle or combination of vehicles weighing in excess of fourteen thousand (14,000) pounds gross weight, or over twenty-two (22) feet in length (including accessories, racks, or other physical extensions), 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 City between the hours of 6:00 p.m. and 6:00 a.m. One (1) hour parking will be allowed between 6:00 a.m. and 7:00 p.m. The provisions of this Subsection shall not be deemed to prohibit the lawful temporary parking of such equipment upon any street, avenue or public way in the City 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 Common Council may, however, designate specific truck parking zones.
- (b) **Bus Parking.** No operator of a school bus or other bus, regardless of its size, shall park such vehicle in any residential district - on the street, on a lawn, in the alley, in a driveway or anywhere else - except for such time as is reasonably necessary to facilitate the loading or unloading of the vehicle, except that school buses may park at any school when required.
- (c) **Storage of Trucks, Trailers, Tractors and Road Machinery on Private Property.** No person, firm or corporation shall park, keep or maintain on property zoned for residential use the following types of vehicles: trucks with a tare or empty weight in excess of fourteen thousand (14,000) pounds or over twenty-two (22) feet in length, truck tractors, trailers, tractor-trailers, semi-tractors, farm tractors in excess of six (6) feet in width, dump trucks, auto wreckers and road machinery. Said vehicles may not be kept or parked on said residential premises whether or not they are in enclosed buildings, except temporarily for the purposes of unloading or servicing the premises.
- (d) **Penalty.** The penalty for violation of any provision of this Section shall be as provided in Section 10-1-50, together with the costs of removal and prosecution and applicable penalty assessment.
- (e) **Removal.** Any vehicle unlawfully parked under Subsection (a), (b) or (c) above may be removed from the street by order of a law enforcement officer, pursuant to Section 10-1-31, 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.

Cross-Reference: Section 10-1-24(b).

Sec. 10-1-29 Habitual Parking Violators; Vehicle Removal, Immobilization, Impoundment or Disposal. (adopted 01-15-19)

- (a) **Definitions.** The following definitions are applicable in this Section:
 - (1) **Habitual Parking Violator.** A person who has received, more than sixty (60) days

previously, five (5) or more citations for nonmoving traffic violations that remain unpaid and which the person has not scheduled an appearance in court in response to the citations.

(2) ***Immobilization Device.*** Has the meaning given in Sec. 341.65(1)(1), Wis. Stats.

(3) ***Nonmoving Traffic Violation.*** Has the meaning given in Sec. 345.28(1)(c), Wis. Stats.

(4) ***Owner.*** Has the meaning given in Sec. 341.65(1)(am), Wis. Stats.

(5) ***Parking Enforcer*** A traffic officer or any other person who enforces nonmoving traffic violations and who is employed by the City of Westby.

(b) **Existence of Violations; Notices; Enforcement.** A vehicle owned by a habitual parking violator may be removed, immobilized, impounded and/or disposed of as provided by this Section, provided that all of the following criteria exist:

(1) ***Existence of Habitual Parking Violations.*** The City of Westby has cited the owner of the motor vehicle for five (5) or more nonmoving traffic violations that, at the time of the vehicle's removal or immobilization, occurred more than sixty (60) days previously and for which the owner has neither paid the forfeiture for each of these violations nor scheduled an appearance in court in response to each of these citations.

(2) ***Notice of Violations.***

a. The City has mailed to the last known address of the vehicle's owner a minimum of one (1) notice that specifies, for each citation counted under Subsection (b)(1) above:

1. The date on which the citation was issued, the license plate number or vehicle identification number of the vehicle involved;
2. The place where the citation may be paid;
3. The amount of forfeiture; and
4. The means by which the citation may be contested.

b. The notice shall also inform the owner that any motor vehicle owned by him/her may be immobilized with an immobilization device or removed and impounded if, within sixty (60) days after the owner has received five (5) or more citations and at the time the vehicle is immobilized or removed and impounded, the owner has neither paid the forfeiture for each violation that occurred more than sixty (60) days previously nor scheduled an appearance in court in response to each citation issued more than sixty (60) days previously for which the forfeiture has not been paid.

c. The notice under this subparagraph may be combined with any other notice provided by the City to the owner.

(3) ***Authorization to Impound or Immobilize.*** Any parking enforcer who discovers any motor vehicle to which Subsections (b)(1) and (2) applies that is legally or illegally parked on any portion of a street, highway, or publicly owned or leased parking facility within the City to cause the motor vehicle to be immobilized with an immobilization device or removed to a suitable impoundment location or both. Upon immobilization or removal of the motor vehicle, the parking enforcer shall follow the notification procedure specified in Sec. 341.65(2)(b), Wis. Stats.

(4) ***Use of Removal Service.*** The City may utilize the services of a third-party removal service for the performance of services related to immobilization or removal of motor vehicles. The services shall be rendered only at the request of a parking enforcer.

(5) ***Removal Fees; Towing and Storage Carts.***

a. The City may charge a reasonable removal fee that will be charged to remove an immobilization device placed on a vehicle pursuant to this Section.

b. The City shall require the payment from the vehicle owner the payment of towing

and/or storage charges associated with the removal and/or impoundment of a vehicle, and of reasonable charges associated with disposal of a vehicle, under this Section.

- (6) **Immobilization Notice.** If a motor vehicle is immobilized, the parking enforcer or an authorized third-party contractor shall place in a highly visible location and in a reasonably secure manner on the vehicle, at the time of immobilization, a written notice that does all of the following:
 - a. Warns any driver of the vehicle that the immobilization device has been placed on the vehicle.
 - b. Specifies, for each citation counted under Subsection (b)(1) above, the license number or vehicle identification number of the vehicle involved, the place where the citation may be paid, and the means by which the citation may be contested, or provides a telephone number at which an individual is available to provide this information twenty-four (24) hours a day.
 - c. States the amount of the device removal fee under Subsection (b)(5)a above that is in addition to any amount required to be paid as specified in the notice under Subsection (b)(2)a above.
- (7) **Additional Parking Citations While Immobilized.** If the motor vehicle is immobilized in a time-limited legal parking space, the City shall not issue, after the vehicle's immobilization, any citation for a time-limited nonmoving traffic violation for the vehicle within the first four (4) hours after the vehicle is immobilized.
- (8) **Removal of Immobilization Device Upon Notice.** When a motor vehicle has been immobilized, the City or its third-party contractor shall remove, or provide sufficient information to allow the vehicle owner to remove, the immobilization device without undue delay, not to exceed three (3) hours, after receiving notice that the person has satisfied the requirements for release of the motor vehicle under Subsection (c).

(c) **Securing Vehicle Release.**

- (1) **Impoundment or Immobilization Time.** Any motor vehicle immobilized or impounded as provided in this Section shall remain immobilized or impounded until lawfully claimed or disposed of as provided in Subsection (d) below.
- (2) **Securing Release – Immobilization.** The owner of a motor vehicle that is immobilized under Subsection (b) may secure release of the motor vehicle by doing all of the following:
 - a. Paying any removal fee provided under Subsection (b)(5)a.
 - b. Paying all forfeitures specified in each notice under subsection (b)(2) for, or scheduling an appearance in court in response to, or a combination of paying forfeitures and scheduling appearances with respect to, all citations counted under Subsection (b)(2).
 - c. When a person has satisfied the requirements for release of a motor vehicle under this Subsection, such person shall promptly give notice to the City and/or third party contractor of having done so.
- (3) **Securing Release – Impoundment.** The owner of a motor vehicle that is removed and impounded under Subsection (b) may secure release of the motor vehicle by doing all of the following:
 - a. Paying any removal and impoundment fees provided under Subsection (b)(5)b.
 - b. Paying all forfeitures specified in each notice under Subsection (b)(2) for, or scheduling an appearance in court in response to, or a combination of paying forfeitures and scheduling appearances with respect to, all citations counted under Subsection (b)(2).

- c. When a person has satisfied the requirements for release of a motor vehicle under this Subsection, such person shall promptly give notice to the City and/or third-party contractor of having done so.
- (4) ***Failure to Make Court Appearance.*** If an owner secures release of a motor vehicle under Subsections (c)(2) or (3) by scheduling an appearance in court and thereafter fails to appear or fails to comply with any court order with respect to any citation counted under Subsection (b)(2) for which the forfeiture has not been fully paid, including failure to satisfy in full any court-ordered payment plan or other agreement approved by the court, the court may order a law enforcement officer, or an authorized employee or contractor of the City, to immobilize the motor vehicle involved in the nonmoving traffic violations or the city may cause the motor vehicle to be immobilized or removed and impounded as provided under Subsection (b). If the court orders the motor vehicle immobilized upon compliance with the court order, the court shall order a law enforcement office, or an authorized employee or contractor of the city, to remove the immobilization devise.
- (5) ***Unregistered or Abandoned Vehicles.*** Notwithstanding Subsection (c)(1), if any motor vehicle immobilized or impounded is an unregistered motor vehicle for purposes of Sec. 341.65, Wis. Stats., or an abandoned motor vehicle for purposes of Sec. 342.40, Wis. Stats., the City may take any action authorized under Secs. 341.65 or 342.40, Wis. Stats., or Title 10, Chapter 5 of this Code of Ordinances. Any vehicle immobilized under this Section for longer than the period specified in Sec. 342.40(1m), Wis. Stats., Shall be considered abandoned for purposes of Sec. 342.40, Wisc. Stats.
- (d) **Motor Vehicle Owner Responsible for Charges.** The owner of any motor vehicle immobilized or removed and impounded as provided under this Section is responsible for all charges associated with the immobilizing, removing, impounding, and disposing of the motor vehicle, as provided herein. Charges not recovered from the sale of the motor vehicle may be recovered in a civil action by the City against the owner.
- (e) **Applicable Statutory Procedures for Impoundment and Disposal.**
- (1) The procedures and provisions of Sec. 341.65(2)(f) to (h), Wis. Stats., shall apply with respect to the impoundment and disposal of motor vehicles authorized to be removed, impounded, and disposed of under this Section to the same extent as these provisions apply to the impoundment and disposal of unregistered motor vehicles that are removed under authority of Sec. 341.65, Wis. Stats., except that reclamation of the motor vehicle by the owner requires compliance with Subsection (3) of the Statute rather than Sec. 341.65(2)(3), Wis. Stats. The provisions of Sec. 349.13(5)(b), Wis. Stats., shall apply with respect to vehicles removed or stored under this Section to the same extent as these provisions apply with respect to vehicles removed and stored under authority of Sec. 349.13, Wis. Stats.
- (2) Sec. 349.137, Wis. Stats., does not apply to the use of motor vehicle immobilization devices under this Section.
- (f) **Removal of Immobilization Devise Prohibited.** No person may remove, disconnect, tamper with, or otherwise circumvent the operation of an immobilization devise installed under this Section except upon release of the motor vehicle to the owner or to make necessary repairs to a malfunctioning immobilization devices.

State Law Reference: Sec. 349.139, Wis. Stats.

Sec. 10-1-30 Unlawful Removal of Parking Citations.

No person other than the owner or operator thereof shall remove a City notice of parking violation or other parking citation 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 in any private parking lot 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 and on any private parking lot or road 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 law enforcement officer, to a position where parking is permitted or to a private or public parking or storage premises.
- (c) **Removal by Traffic Officer.** Any law enforcement officer after issuing a notice of parking violation 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.** Any law enforcement officer may order a motor carrier holding a permit to perform vehicle towing services, a licensed motor vehicle salvage dealer or a licensed motor vehicle dealer who performs vehicle towing services to remove and store such vehicle in any public storage garage or rental parking grounds or any facility of the person providing the towing services.
- (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 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 Westby School District located within the City:

- (a) **Speed Limit.** No person shall operate a motor vehicle on school premises where motor vehicle traffic is permitted at a speed in excess of fifteen (15) miles per hour.
- (b) **State Traffic Forfeiture Laws Adopted.** All provisions of Chapters 340 to 349 of the Wisconsin Statutes describing and defining regulations with respect to vehicles and traffic for which the penalty is a forfeiture only, including penalties to be imposed and procedures for prosecution, are hereby adopted and by reference made a part of this Section as if fully set forth

herein. Such statutory sections shall be designated as part of this Code by adding the prefix "10-1-32-" to each state statute section number. Any act required to be performed or prohibited by any statute incorporated herein by reference is required or prohibited by this Section.

(c) **Miscellaneous Rules.**

- (1) No person shall operate a motor vehicle on such school premises at a rapid or sudden acceleration with the intent of squealing tires or leaving tire marks.
- (2) No person shall operate a motor vehicle on such premises across parking lot islands or parking lot dividers.

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.

- (a) **Unnecessary Noise Prohibited.** It shall be unlawful for any person to operate a motor vehicle in such a manner which shall make or cause to be made any loud, disturbing, or unnecessary sounds or noises such as may tend to annoy or disturb another in or about any public or private area in the City of Westby.
- (b) **Unnecessary Smoke Prohibited.** It shall be unlawful for any person to operate a motor vehicle in such a manner which shall make or cause to be made any smoke, gases, or odors which are disagreeable, foul, or otherwise offensive which may tend to annoy or disturb another in or about any public or private area in the City.
- (c) **Unnecessary Acceleration and Display of Power Prohibited.** It shall be unlawful for any person to operate any vehicle, including motorcycles, all-terrain vehicles and bicycles, in such a manner as to cause, by excessive and unnecessary acceleration, the tires of such vehicle or cycle to spin or emit loud noises or to unnecessarily throw stones or gravel; nor shall such driver cause to be made by excessive and unnecessary acceleration any loud noise as would disturb the peace.
- (d) **Disorderly Conduct with a Motor Vehicle.**
 - (1) **Conduct Prohibited.** No person shall, within the City of Westby, by or through the use of any motor vehicle, including but not limited to, an automobile, truck, motorcycle, minibike or snowmobile, cause or provoke disorderly conduct with a motor vehicle, cause a disturbance or annoy one or more persons, or disturb or endanger the property or the safety of another's person or property.
 - (2) **Definition.** "Disorderly conduct with a motor vehicle" shall mean the engaging in violent, abusive, unreasonably loud conduct, or disturbing or endangering the property or the safety of another's person or property, or otherwise disorderly conduct, including but not limited to, unnecessary, deliberate or intentional spinning of wheels, squealing of tires, revving of engine, blowing the horn, causing the engine to backfire or causing the vehicle, while commencing to move or in motion, to raise one or more wheels off the ground.
- (e) **Avoidance of Traffic Control Device Prohibited.** It shall be unlawful for any person to operate a motor vehicle in such a manner as to leave the roadway and travel across private property to avoid an official traffic control device, sign, or signal.
- (f) **Operation in Restricted Area Prohibited.** It shall be unlawful for any person to operate a motor vehicle in such a manner as to leave the roadway and park, stop, or travel upon or across any public or private property, parking lot, driveway, or business service area for any purpose except the official conduct of business located on said property without the consent of the owner or lessee of the property. This Section shall specifically include, but not be limited to:
 - (1) Public park property;
 - (2) Cemetery properties;
 - (3) School District property;
 - (4) Medical facilities;
 - (5) Funeral homes;
 - (6) Service stations;
 - (7) Grocery stores;
 - (8) Restaurants;
 - (9) Financial institutions; and
 - (10) Other similar-type businesses with service driveways or drive-up or drive-through facilities.

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

Sec. 10-1-41 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 City of Westby 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.

No person shall operate or park any motor vehicle on any pedestrian way or sidewalk within the City of Westby except maintenance vehicles.

Sec. 10-1-43 School Crossing Guards.

Pursuant to Sec. 349.215, Wis. Stats., those adult persons appointed by the Common Council 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 City of Westby.
- (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 Parking Restricted on City-Owned Lot.

No person shall park or store any vehicle, trailer, truck, equipment, etc. on the City-owned lot located between Milwaukee Street and Bekkedal Avenue without prior written approval from the Common Council.

Sec. 10-1-46 Foreign Substances on Roadway.

- (a) No person, firm or corporation shall at any time place or allow to be placed upon the traveled portion of any street in the City of Westby, Wisconsin, any snow, ice, debris, refuse or any objects or substances.
- (b) No vehicle shall be operated or moved on any street unless such vehicle is so constructed and leveled as to prevent its contents from dripping, sifting, leaking or otherwise escaping therefrom.
- (c) No vehicle shall be operated on any street in the City of Westby, which has mud or other substances which may become dislodged from its wheels, tracks or otherwise so that the same becomes distributed upon the streets.

Sec. 10-1-47 Sound-Producing Devices in Vehicles; Impoundment; Seizure and Forfeiture.

- (a) **Sound-Producing Devices; Impoundment; Seizure and Forfeiture.**
 - (1) In this Section, "sound-producing device" does not include a piece of equipment or machinery that is designed for agricultural purposes and that is being used in the conduct of agricultural operations.
 - (2) A law enforcement officer, at the time of issuing a citation for a violation of Sec. 346.94(16), Wis. Stats., or a City ordinance in strict conformity with Sec. 346.94(16), Wis. Stats., or any other City ordinance prohibiting excessive noise, is authorized to impound any radio, electric sound amplification device or other sound-producing device used in the commission of the violation if the person charged with such violation is the owner of the radio, electric sound amplification device or other sound-producing device and has two (2) or more prior convictions within a three (3) year period of Sec. 346.94(16), Wis. Stats., or a local ordinance in strict conformity with Sec. 346.94(16), Wis. Stats., or any other City ordinance prohibiting excessive noise. The City authorizes the impoundment of a vehicle for not more than five (5) working days to permit the City authorities or their authorized agent to remove the radio, electric sound amplification device or other sound-producing device if the vehicle is owned by the person charged with the violation and the sound producing device may not be easily removed from the vehicle. Upon removal of the sound-producing device, an impounded vehicle shall be returned to its rightful owner.
 - (3) The City may recover the cost of impounding the sound-producing device and, if a vehicle is impounded, the cost of impounding the vehicle and removing the sound producing device. Upon disposition of the forfeiture action for the violation of Sec. 346.94(16), Wis. Stats., or a local ordinance in strict conformity with Sec. 346.94(16), Wis. Stats., or any other local ordinance prohibiting excessive noise and payment of any forfeiture imposed, the sound-producing device shall be returned to its rightful owner.
 - (4) The City may dispose of any impounded sound-producing device or, following the procedure for an abandoned vehicle under Sec. 342.40, Wis. Stats., any impounded vehicle which has remained unclaimed for a period of ninety (90) days after disposition of the forfeiture action.
 - (5) This Subsection does not apply to a radio, electric sound amplification device or other sound-producing device on a motorcycle.
 - (6) Notwithstanding Subsections (a)(1)-(5) above, the City authorizes a law enforcement officer, at the time of issuing a citation for a violation of Sec. 346.94(16), Wis. Stats., or a local ordinance in strict conformity with Sec. 346.94(16), Wis. Stats., or any other local ordinance prohibiting excessive noise, to seize any radio, electric sound amplification

device or other sound-producing device used in the commission of the violation if the person charged with such violation is the owner of the radio, electric sound amplification device or other sound-producing device and has three (3) or more prior convictions within a three (3) year period of Sec. 346.94(16), Wis. Stats., or a local ordinance in strict conformity with Sec. 346.94(16), Wis. Stats., or any other local ordinance prohibiting excessive noise.

- (7) The City may impound a vehicle violating Subsection (a)(6) vehicle for not more than five (5) working days to permit the City or its authorized agent to remove the radio, electric sound amplification device or other sound-producing device if the vehicle is owned by the person charged with the violation and the sound-producing device may not be easily removed from the vehicle. Upon removal of the sound-producing device, an impounded vehicle shall be returned to its rightful owner upon payment of the reasonable costs of impounding the vehicle and removing the sound-producing device.
- (8) Any seized sound-producing device under Subsection (a)(6) shall be treated in substantially the manner provided in Sec. 973.075(3), 973.076 and 973.077, Wis. Stats., for property realized through the commission of any crime, except that the sound-producing device shall remain in the custody of the applicable law enforcement agency; a district attorney or City Attorney, whichever is applicable, shall institute the forfeiture proceedings; and, if the sound-producing device is sold by the law enforcement agency, all proceeds of the sale shall be retained by the City.
- (9) The City may, following the procedure for an abandoned vehicle under Sec. 342.40, Wis. Stats., dispose of any impounded vehicle which has remained unclaimed for a period of ninety (90) days after disposition of the forfeiture action.
- (10) This Subsection does not apply to a radio, electric sound amplification device or other sound-producing device on a motorcycle.

(b) **Vehicle Owner's Liability for Radios or Other Electric Sound Amplification Devices.**

- (1)
 - a. The owner of a vehicle involved in a violation of Sec. 346.94(16), Wis. Stats., shall be presumed liable for the violation as provided in this Section.
 - b. Notwithstanding Subsection (b)(1), no owner of a vehicle involved in a violation of Sec. 346.94(16), Wis. Stats., may be convicted under this Section if the person operating the vehicle or having the vehicle under his or her control at the time of the violation has been convicted for the violation under this Section or under Sec. 346.94(16), Wis. Stats.
- (2) Any member of the public who observes a violation of Sec. 346.94(16), Wis. Stats., may prepare a written report indicating that a violation has occurred. If possible, the report shall contain the following information:
 - a. The time and the approximate location at which the violation occurred.
 - b. The license number and color of the motor vehicle involved in the violation.
 - c. Identification of the motor vehicle as an automobile, station wagon, motor truck, motor bus, motorcycle or other type of vehicle.
- (3)
 - a.
 1. Within twenty-four (24) hours after observing the violation, a member of the public may deliver a report containing all of the information in Subsection (b)(2) to a law enforcement officer of the county or municipality in which the violation occurred. A report which does not contain all of the information in Subsection (b)(2) shall nevertheless be delivered and shall be maintained by the county or municipality for statistical purposes.

2. Within forty-eight (48) hours after receiving a report containing all of the information in Subsection (b)(2), the law enforcement officer shall investigate the violation and may prepare a uniform traffic citation under Sec. 345.11 and, within seventy-two (72) hours after receiving such report, any traffic officer employed by the authority issuing the citation may personally serve it upon the owner of the vehicle.
 - b. If with reasonable diligence the owner cannot be served under paragraph (a), service may be made by leaving a copy of the citation at the owner's usual place of abode within this state in the presence of a competent member of the family who is at least fourteen (14) years of age and who shall be informed of the contents thereof. Service under this paragraph may be made by any law enforcement officer employed by the authority issuing the citation and shall be performed within seventy-two (72) hours after a report containing all of the information in Subsection (b)(2) was delivered to a law enforcement officer under paragraph (a)1.
 - c. If with reasonable diligence the owner cannot be served under paragraph (a) or (b) or if the owner lives outside of the jurisdiction of the issuing authority, service may be made by certified mail addressed to the owner's last-known address. Service under this paragraph shall be performed by posting the certified mail within seventy-two (72) hours after a report containing all of the information in Subsection (b)(2) was delivered to a law enforcement officer under paragraph (a)1. Except for owners who live outside of the jurisdiction of the issuing authority, service under this paragraph may not be performed unless service under paragraphs (a) and (b) has been attempted.
- (4) Defenses to the imposition of liability under this Section include:
- a. That a report that the vehicle was stolen was given to a traffic officer before the violation occurred or within a reasonable time after the violation occurred.
 - b. If the owner of the vehicle provides a traffic officer employed by the authority issuing the citation with the name and address of the person operating the vehicle or having the vehicle under his or her control at the time of the violation and sufficient information for the officer to determine that probable cause does not exist to believe that the owner of the vehicle was operating the vehicle or having the vehicle under his or her control at the time of the violation, then the owner of the vehicle shall not be liable under this Section or under Sec. 346.94 (16), Wis. Stats.
 - c. If the vehicle is owned by a lessor of vehicles and at the time of the violation the vehicle was in the possession of a lessee, and the lessor provides a law enforcement officer employed by the authority issuing the citation with the information required under Sec. 343.46(3), Wis. Stats., then the lessee and not the lessor shall be liable under this Section or under Sec. 346.94(16), Wis. Stats.
 - d. If the vehicle is owned by a dealer, as defined in Sec. 340.01(11) (intro.), Wis. Stats., but including the persons specified in Sec. 340.01 (11)(a) to (d), Wis. Stats., and at the time of the violation the vehicle was being operated by or was under the control of any person on a trial run, and if the dealer provides a law enforcement officer employed by the authority issuing the citation with the name, address and operator's license number of the person operating the vehicle or having the vehicle under his or her control on a trial run, then that person, and not the dealer, shall be liable under this Section or under the applicable provision of Sec.

346.94(16), Wis. Stats.

- e. Notwithstanding Sec. 346.94(16)(b)6., Wis. Stats., this Section does not apply to the operation of a motorcycle.

(c) **Authority to Regulate Radios or Other Electric Sound Amplification Devices.**

- (1) Notwithstanding Sec. 346.94(16), Wis. Stats., the City provides that, except as provided in Sec. 347.38(1), Wis. Stats., no person may operate or park, stop or leave standing a motor vehicle while using a radio or other electric sound amplification device emitting sound from the vehicle that is clearly audible under normal conditions from a distance of fifty (50) or more feet, unless the electric sound amplification device is being used to request assistance or warn against an unsafe condition. Any person violating this Subsection may be required to forfeit not less than Forty Dollars (\$40.00) nor more than Eighty Dollars (\$80.00) for the first violation and not less than One Hundred Dollars (\$100.00) nor more than Two Hundred Dollars (\$200.00) for the second or subsequent violation within a year.
- (2) Subsection (c)(1) may not apply to any of the following:
 - a. The operator of an authorized emergency vehicle, when responding to an emergency call or when in the pursuit of an actual or suspected violator of the law or when responding to but not upon returning from a fire alarm.
 - b. The operator of a vehicle of a public utility, as defined in Sec. 11.40(1)(a), Wis. Stats.
 - c. The operator of a vehicle that is being used for advertising purposes.
 - d. The operator of a vehicle that is being used in a community event or celebration, procession or assemblage.
 - e. The activation of a theft alarm signal device.
 - f. The operator of a motorcycle being operated outside of a business or residence district.

Sec. 10-1-48 Use of Compression Brakes Prohibited.

- (a) **Compression Brakes Prohibited.** Except in emergency situations, no person shall use "jake brakes" motor vehicle brakes within the City of Westby 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. Where signs are erected, it shall be unlawful for any vehicle equipped with a compression braking device (commonly known as a jake brake) to use this device to contain the engine's compression, thus rapidly slowing the engine's revolutions per minute and the vehicle's speed, except in cases of extreme emergency.
- (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.
- (c) **Emergency Vehicles.** Municipal emergency vehicles shall be exempt from this Section.
- (d) **Penalties.** The penalty for violation of this Section shall be a forfeiture as prescribed in Section 10-1-50, together with the costs of prosecution imposed as provided in Secs. 345.20 to 345.53, Wis. Stats., which are hereby adopted and incorporated herein by reference.

Sec. 10-1-49 Neighborhood Electric Vehicle Use.

- (a) **Definitions.** The following definitions shall be applicable herein:
 - (1) **Neighborhood Electric Vehicle (NEV).** A self-propelled motor vehicle that complies with all of the following standards:

- a. Has successfully completed the Neighborhood Electric Vehicle America test program conducted by the U.S. Department of Energy;
- b. Conforms to the definition and requirements for low speed vehicles as adopted in the Federal Motor Vehicle Safety Standards for “low speed vehicles: under 49 CFR 571.3(b) and 571.500;
- c. Is a 4-wheeled vehicle;
- d. Has a speed range of at least twenty miles per hour (20 mph) and not more than twenty-five miles per hour (25 mph) on a paved surface;
- e. Has a gross vehicle weight at rest of less than two thousand five hundred (2,500) pounds;
- f. Is not a golf cart-type vehicle.
- g. Has the following equipment in working order:
 1. Headlamps;
 2. Front and rear turn signals;
 3. Stop lamps;
 4. Reflex reflectors – one (1) red on each side as far to the rear as practicable, and one (1) red on the rear;
 5. An exterior mirror mounted on the driver’s side and either an exterior mirror on the passenger side or an interior rearview mirror;
 6. A parking brake;
 7. A windshield that conforms to the requirements of the federal motor vehicle standard on glazing materials (49 CFR 571.205);
 8. A Type 1 or Type 2 seatbelt assembly conforming to 49 CFR 571.209, and Federal Motor Safety Standard No. 209, for each designated seating position.
- h. Has a valid Vehicle Identification Number (VIN) that complies with federal law (49 CFR 565); and
- i. Meets the general text conditions under 49 CFR 571.50056.
[Note: NEV’s are also referred to as “low speed vehicles” by some manufacturers].

(b) **Licensed Driver and Vehicle Registration Requirements.**

- (1) ***Valid Driver’s License Requirement.*** Any person who operates a Neighborhood Electric Vehicle on City of Westby streets shall hold a valid driver’s license.
- (2) ***Registration Requirements.*** Any person who operates a Neighborhood Electric Vehicle on any City of Westby street shall register the NEV in accordance with the requirements of the Wisconsin Statutes and Wisconsin Administrative Code, specifically, but not limited to, Sections 341.25(1)(b) and 341.297(1), Wis. Stats., and TRANS 145, Wis. Adm. Code. An NEV shall be titled and registered by the State of Wisconsin, and shall display a proper State-issued license plate.

(c) **Operation and Use of Neighborhood Electric Vehicles.**

- (1) ***Limited Permitted Street Use; Headlight Use Required.*** A licensed individual may operate a Neighborhood Electric Vehicle on the streets of the City of Westby having a posted speed limit of thirty-five miles per hour (35 mph), and headlights shall be on at all times the NEV is in operation. A slow-moving vehicle (SMV) emblem is not required on a NEV.
- (2) ***Compliance With State and Local Laws.*** The operation of a Neighborhood Electric Vehicle shall in all respects comply with state traffic laws and the City of Westby, Code of Ordinances, specifically, but not limited to Title 10, Chapter 1.

(d) **Enforcement.** Enforcement of this Section, and penalties for violations, regarding the use of

Neighborhood Electric Vehicles within the City of Westby shall be pursuant to Section 10-1-50 and 10-1-51 of the City of Westby, Code of Ordinances.

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. Upon a conviction for violation of Section 10-1-1 adopting Sec. 346.63(1)(a) or (b), Wis. Stats., a court shall impose all actual costs chargeable to the City as a disbursement, including, but not limited to, costs for the withdrawal or analysis of blood, breath, urine and, in all cases, actual costs of service of process. 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 of 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 City, except a dog license, until the forfeiture imposed for such violation and any penalty assessment, court costs and fees or surcharge is paid.
 - (3) **Alcohol-Related Offenses.** Upon conviction of any alcohol-related offense for which the City has expended funds or incurred expense for the withdrawal or testing of blood or urine, the cost of such service to the City shall be added to any forfeiture, court costs, and fees imposed by the court.
- (c) **Forfeitures for Violation of Uniform Moving Traffic Regulations.** Forfeitures for violations of any moving traffic regulation set forth in the Wisconsin Statutes adopted by reference in Section 10-1-1 shall conform to the forfeiture penalty permitted to be imposed for violations of the comparable Wisconsin Statute, including any variations or increases for subsequent offenses; provided, however, that this Subsection shall not be construed to permit prosecution under this Chapter for any offense described in Chapters 341 to 349, Wis. Stats., for which an imprisonment penalty or fine may be imposed upon the defendant.
- (d) **Forfeitures for Parking Violations.**
- (1) **Forfeitures for Uniform Statewide Parking, Stopping and Standing Offenses.** Minimum and maximum forfeiture for violation of non-moving traffic violations adopted by reference in Section 10-1-1 as described in Chapter 341 to 349, Wis. Stats., shall be as found in the current edition of the Revised Uniform State Traffic Deposit Schedule.
 - (2) **Winter Parking Penalty.** For any vehicle violating the provision of Section 10-1-27, the owner thereof shall forfeit not less than Ten Dollars (\$10.00) for the first violation during any snow removal year and not more than One Hundred Dollars (\$100.00) for a second violation in any snow removal year and not more than Three Hundred Dollars (\$300.00) for a third or subsequent violation in any snow removal year. A snow removal year shall be from December 1st to April 1st of the succeeding year.

- (3) ***Special Local Parking Regulations.*** Except as provided in Subsection (d)(2), the forfeiture for violation of local parking regulations shall be Ten Dollars (\$10.00) per violation, plus court costs and penalty assessments.
- (e) **Penalties and Enforcement for Section 10-1-15.**
 - (1) ***Forfeitures.*** Any person violating any provision of Section 10-1-15 shall forfeit not less than Fifty Dollars (\$50.00) and not more than Five Hundred Dollars (\$500.00) for a first offense, and not less than One Hundred Dollars (\$100.00) and not more than One Thousand Dollars (\$1,000.00) for a second or subsequent offense.
 - (2) ***Applicability of Other Code Provisions.*** All other provisions of Sections 10-1-50 and 10-1-51 not in conflict with Subsection (e)(1) shall apply to penalties and enforcement of this Section.
- (f) **Other Violations.** Any person who shall violate any provision of this Chapter for which a penalty is not otherwise established by this Section shall be subject to a forfeiture of not less than Twenty Dollars (\$20.00) nor more than One Hundred Dollars (\$100.00).

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 Circuit Court in accordance with the provisions of Sec. 345.20(2)(b) and Chapter 800, Wis. Stats.
- (b) **Citations.**
 - (1) ***Uniform Citation and Complaint.*** The Wisconsin Uniform Traffic Citation and Complaint described and defined in the Wisconsin Statutes shall be used for enforcement of all provisions of this Chapter except those provisions which describe or define non-moving traffic violations 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 Municipal Judge shall recommend to the Common Council 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.

- 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 Municipal Judge and approved by the Common Council. Deposits may be brought or mailed to the Police Department as directed by the arresting officer. Deposits for parking and non-moving violations shall be mailed or brought to the City Clerk-Treasurer.
- (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. 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 fifteen (15) days of the date of the citation, the Chief of Police shall forward a copy of the citation to the City 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 City 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. ***Bond.*** Any official authorized to accept deposits under Sec. 345.26, Wis. Stats., or this Section, shall qualify by taking the oath prescribed by Sec. 19.01, Wis. Stats.
- (3) ***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 City 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 Chief of Police 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 Chief of Police is authorized to perform, on behalf of the City, 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 City 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. The Chief of Police is hereby authorized to assign a member of the Police Department to perform such acts as are necessary to effectuate this Subsection.
- d. 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 Municipal Judge or 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.
- e. 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 City'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 TRANS 128, Wis. Adm. Code.

Title 10 – Chapter 2

Bicycles and Play Vehicles

10-2-1	Definitions
10-2-2	Lighting and Other Equipment
10-2-3	Rules of the Road
10-2-4	Regulation of Skateboards, Roller Skates, In-Line Skates, Rollerblades and Roller Skis
10-2-5	Use of Motor Assisted Scooters
10-2-6	General Bicycle Regulations
10-2-7	Registration and Licensing of Bicycles
10-2-8	Bicycle Penalties

Sec. 10-2-1 Definitions.

The following definitions shall be applicable in this Chapter:

- (a) **Bicycle.** Every device propelled by the feet acting upon pedals and having wheels, any two (2) of which are not less than twenty (20) inches in diameter.
- (b) **Bicycles' Lane.** That portion of a roadway set aside for exclusive use of bicycles and so designated by appropriate signs and markings by the responsible governing body.
- (c) **Bike Route.** By the responsible governing body and identified by appropriate signs and markings.
- (d) **Bicycle Way.** Any path or sidewalk, or portion thereof, designated for the use of bicycles by the responsible governing body.
- (e) **Carrier.** Any device attached to a bicycle designed for carrying articles.
- (f) **In-Line Skates.** Skates with wheels arranged in a single line rather than in pairs.
- (g) **Play Vehicles.** Any coaster, skateboard, roller skates, sled, toboggan, in-line skates, roller skis, scooter, electric-driven scooter, unicycle or toy vehicle upon which a person may ride.
- (h) **Right-of-Way.** The right of one vehicle or pedestrian to proceed in a lawful manner in preference to another vehicle or pedestrian approaching under such circumstances of direction, speed and proximity as to give rise to danger of collision unless one grants precedence to the other.
- (i) **Roller Skates.** A pair of shoes with a set of wheels attached for the purpose of moving by alternate action of the legs.
- (j) **Roller Skis.** A pair of narrow strips of wood, metal, or plastic curving upward in the front with a set of wheels attached for the purpose of moving by alternate action of the legs.
- (k) **Skate Board.** A toy consisting of a short, oblong board with a pair of wheels at each end, ridden in a standing position.

Sec. 10-2-2 Lighting and Other Equipment.

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

Sec. 10-2-3 Rules of the Road.

The provisions of Chs. 346 and 347, Wis. Stats., and applicable City Ordinances shall govern the

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

Sec. 10-2-4 Regulation of Skateboards, Roller Skates, In-Line Skates, Rollerblades and Roller Skiis.

- (a) **Restricted Locations.** No persons shall ride on or propel themselves by means or use of any skateboard, roller skate, roller ski or other similar devices on the following streets and sidewalks adjacent to said streets:
 - (1) Main Street/U.S. Highway 14 from the north City limits to the south City limits; State Highway 27 from the intersection of U.S. Highway 14 to the north City limits;
 - (2) State Highway 27 from the intersection of U.S. Highway 14 to the north City limits;
 - (3) Bekkedal Avenue from Black River Avenue to Coon Prairie Avenue;
 - (4) All of Market Street;
 - (5) Ramsland Street from Melby Street to State Street;
 - (6) Coon Prairie Avenue from Main Street to the south City limits;
 - (7) Park Street from Ramsland Street to the east City limits;
 - (8) Melby Street from West Avenue to Main Street;
 - (9) State Street from West Avenue to Vernon Street;
 - (10) All of First Street;
 - (11) All of Second Street;
 - (12) Highland Street from Hillside to Main Street;
 - (13) Veterans Park including the tennis courts and basketball courts;
 - (14) Municipal parking lots.
- (b) **Property Owner Consent Locations.** On sidewalks other than those set forth in Subsection (a), no persons shall ride on or propel themselves by means or use of any skateboard, roller skate, roller ski or other similar device without consent of the property owner.
- (c) **Compliance With Traffic Laws.** Any person riding on or propelling themselves by means or use of any skateboard, roller skates, roller ski or other similar device, on any street within the corporate limits of the City of Westby shall obey all lawful traffic laws, rules and regulations.
- (d) **Improper Use.** No persons shall erect, maintain or use any ramp, scaffold, jump or other device used for the purpose of skateboarding, roller skating, roller skiing or other like devices, except on private property with the consent of the owner.
- (e) **Penalties.**
 - (1) The penalty for violation of this Section shall be a forfeiture of not less than Five Dollars (\$5.00) nor more than Fifty Dollars (\$50.00) plus applicable court costs and assessments.
 - (2) Upon violation of this Section and upon issuance of a citation, law enforcement officers shall have the authority to confiscate the skateboard, roller skates or roller ski of any person found to be a minor and shall retain the same at the Office of the City of Westby Police Department until the forfeiture is paid and further may require that the parent or legal guardian of said minor appear in person or contact the Police Department by other means before releasing the confiscated item to said minor.

Sec. 10-2-5 Use of Motor Assisted Scooters.

- (a) **Definitions.** As used in this Section, "motor assisted scooter" means a self-propelled device with:
- (1) Two (2) wheels in tandem in contact with the ground during operation;
 - (2) A braking system capable of stopping the device under typical operating conditions;
 - (3) An electric motor not exceeding forty (40) cubic centimeters or an engine that cannot propel the device more than fifteen (15) mph;
 - (4) An unoccupied weight of less than seventy-five (75) pounds;
 - (5) A deck designed to allow a person to stand or sit while operating the device;
 - (6) Typically a T-bar for steering; and
 - (7) The ability to be propelled by human power alone.
- (b) **Exception.** This Section does not include "personal assistive mobility devices" as defined in Section 340.01(15pm), Wis. Stats.
- (c) **Prohibition on Use in Certain Places.** No person may operate or ride a motor assisted scooter in any of the following places:
- (1) On a public highway, street, road or alley, because a motor scooter under this Section does not meet federal highway safety standards to be operated on a highway;
 - (2) On any public property where signs prohibit it;
 - (3) On any designated bicycle path/way with the power unit in operation;
 - (4) On any public step, railing, wall, or any other appurtenance to a public way; or
 - (5) On any private property unless written permission has been received from the owner, lessee or person in charge of that property. Written permission must be carried with the person operating the motor assisted scooter on that property during such use.
- (d) **Sidewalk Use Limited.** It shall be unlawful for operators of motor assisted scooters to use City-owned sidewalks with the power unit in operation provided they shall ride in a careful and prudent manner and with due regard under the circumstances for the safety of all persons using the sidewalk. Such operators shall yield the right of way to pedestrians using sidewalks and shall not otherwise endanger or interfere with pedestrian traffic on those sidewalks.
- (e) **Crosswalk Exception.** This Section shall not apply to or restrict a person from riding upon a motor assisted scooter while crossing a roadway at a crosswalk.
- (f) **Special Rules Applicable to Motor Scooters.** Whenever a motor scooter is operated on a sidewalk, the following rules apply:
- (1) No motor scooter shall be used to carry or transport more persons at one time than the number for which it is designated.
 - (2) No person operating a motor scooter shall carry any package, bundle, or article which prevents the operator from keeping at least one hand upon the handlebars.
 - (3) No person operating a motor scooter shall attach himself/herself or the motor scooter to any other motor scooter, bicycle, or motor vehicle.
- (g) **Signs.** Signs prohibiting bicycles shall apply to motor scooters.
- (h) **Parking.** No person shall park a motor scooter in such a way as to obstruct normal vehicle or pedestrian traffic.
- (i) **Responsibility of Parent or Guardian.** Pursuant to Sec. 346.77, Wis. Stats., no parent or guardian shall authorize or knowingly permit a child operating a motor scooter to violate any provisions of this Section.

Sec. 10-2-6 General Bicycle Regulations.

- (a) **Parental Responsibility.** No parent or guardian of any child shall authorize or knowingly permit such child to violate any of the provisions of Sections 10-2-3, 10-2-4 and this Section.
- (b) **Street Operation.**
 - (1) Unless preparing to make a left turn, every person operating a bicycle upon a roadway carrying two-way traffic shall ride as near as possible to the right edge of the unobstructed traveled roadway. On one-way roadways, the operator of the bicycle shall ride as near as possible to the right edge or left edge of the unobstructed traveled roadway. Every person operating a bicycle upon a roadway shall exercise due care when passing a standing vehicle or one proceeding in the same direction, allowing a minimum of three (3) feet between his bicycle and the vehicle.
 - (2) Every person when operating a bicycle upon a roadway shall ride such bicycle in single file.
 - (3) It shall be unlawful for any person riding upon a bicycle to cling to or attach himself or the bicycle to any other moving vehicle upon a street or highway.
 - (4) No bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped. Infant seats are permitted if securely attached to the frame at the top mount and to the axle and frame at the rear bottom mount and if provided with hand holds, foot rests, foot guards and safety belt. The use of a back pack for carrying an infant is permitted. Persons are not permitted to be located on a bicycle in front of the operator of the bicycle.
 - (5) No person operating a bicycle shall carry any package, bundle or article which prevents the safe operation of the bicycle with at least one hand on the handlebars at all times.
 - (6) No rider of a bicycle shall remove both hands from the handlebars or feet from the pedals, or practice any acrobatic or fancy riding on any street.
 - (7) Whenever a usable path for bicycles has been provided adjacent to a roadway, bicycle riders shall use such path and shall not use the roadway.
 - (8) No person may operate a bicycle or moped upon a roadway where a sign is erected indicating that bicycle riding is prohibited.
- (c) **Bicycle Parking.** No bicycle shall be parked in front of or adjacent to any commercial establishment unless the bicycle is parked on the sidewalk parallel to the street and as close as possible to the curb. No person shall leave a bicycle at such a place or in such a way as to create a hazard to pedestrians, automobile operators or to anyone else.
- (d) **Required Equipment.**
 - (1) Every bicycle, when operated upon a highway, shall be equipped with a brake adequate to control the movement of and to stop such vehicle whenever necessary. Such brake shall be maintained in good working order at all times.
 - (2) Every bicycle, when operated upon a highway, shall be equipped with a horn or bell in good working order, capable of emitting sound audible under normal conditions for a distance of not less than one hundred (100) feet, and it shall be unlawful for any bicycle to be equipped with a siren or whistle, or to use any such bell or horn otherwise than as a reasonable warning to other users of the highway.
- (e) **Display of License.** Valid license stickers must be displayed on the bicycle so that it is clearly visible.
- (f) **Bicycles Not to be Pulled by Moving Vehicles.** No person riding upon a bicycle shall cling or attach himself/herself or his/her 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.

- (g) **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.
- (h) **Bicycle Operation While Hearing Obstructed.** No person may operate a bicycle upon a highway while such operator is using any audio device attached directly to ear or ears of such operator that materially impairs the ability of such operator to hear traffic signals or warnings.
- (i) **Mopeds Prohibited on Bicycle Ways.** No person may ride a moped or motor bicycle with the power unit in operation upon a bicycle way.
- (j) **Operation on Sidewalks.**
 - (1) Except upon a footbridge, no person shall ride any bicycle upon any sidewalk area. This prohibition shall not apply to bicycles with wheels sized twenty (20) inches or under, except that this exception shall not apply to bicycles designed or modified to BMX specifications.
 - (2) When local authorities under Sec. 346.94(1), Wis. Stats., permit bicycles on the sidewalk, every person operating a bicycle upon a sidewalk shall yield the right-of-way to any pedestrian and shall exercise due care and give an audible signal when passing a bicycle or electric personal assistive mobility device rider or a pedestrian proceeding in the same direction.
- (k) **Riding Bicycle on Bicycle Lane.**
 - (1) Unless two-way traffic is authorized by the Common Council on any portion of a roadway which it has set aside as a bicycle lane and appropriate traffic signs are installed, every person operating a bicycle upon a bicycle lane shall ride in the same direction in which vehicular traffic on the lane of the roadway nearest the bicycle lane is traveling.
 - (2)
 - a. Unless otherwise provided herein, a person operating a bicycle may enter or leave a bicycle lane only at intersections or at driveways adjoining the bicycle lane.
 - b. A person may leave a bicycle at any point by dismounting from the bicycle and walking it out of the lane. A person may enter a bicycle lane at any point by walking his bicycle into the lane and then mounting it.
 - (3) Every person operating a bicycle upon a bicycle lane shall exercise due care and given an audible signal when passing a bicycle rider proceeding in the same direction.
 - (4) Every operator of a bicycle entering a bicycle lane shall yield the right-of-way to all bicycles in the bicycle lane. Upon leaving a bicycle lane, the operator of a bicycle shall yield the right-of-way to all vehicles and pedestrians.
- (l) **Riding Bicycle on Bicycle Way.**
 - (1) Every person operating a bicycle upon a bicycle way shall:
 - a. Exercise due care and give an audible signal when passing a bicycle rider or a pedestrian proceeding in the same direction.
 - b. Obey each traffic signal or sign facing a roadway which runs parallel and adjacent to a bicycle way.
 - (2) Every person operating a bicycle upon a bicycle way open to two-way traffic shall ride on the right side of the bicycle way.
 - (3) Every operator of a bicycle entering a bicycle way shall yield the right-of-way to all bicycles and pedestrians in the bicycle way.

State Law Reference: Secs. 346.94(1) and 346.804, Wis. Stats.

Sec. 10-2-7 Registration and Licensing of Bicycles.

(a) Registration Required.

(1) When Required.

- a. No person shall ride or propel a bicycle within the City of Westby on any street, alley or highway, or upon any public path set aside for the exclusive use of bicycles, unless such bicycle has been registered and a registration tag is attached thereto as provided herein.
- b. Registration shall be required of all residents of the City and non-residents who operate bicycles upon the streets of the City habitually or frequently. It shall not be required of casual travelers or tourists passing through the City on their bicycles.

(2) Time Limit. All bicycles shall be registered within ten (10) days of purchase.

(b) Application for Bicycle Registration.

(1) **Form.** Application in duplicate for a bicycle registration tag shall be made upon a form provided by the City and shall be made to the Chief of Police. Such application shall contain the applicant's name, date of birth and address, together with the bicycle registration number.

(2) **Fee.** The registration fee shall be as prescribed in Section 1-3-1 and shall be paid at the time of issuance of any registration tag.

(3) **Term.** The registration shall commence on July 1 of each year and shall expire on June 30 of the next succeeding year. Every owner and operator of a bicycle shall file his registration not later than July 10 of the license year or within ten (10) days of acquiring such bicycle.

(c) Inspection of Bicycle.

(1) The Police Department shall inspect each bicycle before registering the same and shall refuse registration for any bicycle which it determines to be in unsafe mechanical condition.

(2) The Police Department shall inspect every bicycle for a serial number; and if no serial number is found, one (1) shall be assigned to and stamped on the frame of such bicycle.

(d) Issuance of License.

(1) The Police Department, upon receiving proper application therefor, shall issue a bicycle registration which shall be valid for the period herein provided.

(2) The Police Department shall not issue a registration for any bicycle when it knows or has reasonable grounds to believe that the applicant is not the owner of, or entitled to possession of, such bicycle.

(3) The Police Department shall keep a record of the number of each registration, the date issued, the name and address of the person to whom issued and the number on the frame of the bicycle for which issued and a record of all bicycle registration fees collected by the Department. Registration forms and registration tags shall be serially numbered to coincide with each other.

(e) Attachment of Registration Tag.

(1) The Police Department, upon issuing a bicycle registration, shall also issue a registration tag bearing the registration number assigned to the bicycle and the name of the City.

(2) The registration tag shall be affixed to the rear of the bicycle in a conspicuous place.

(3) No person shall remove the registration tag from a bicycle.

(f) Transfer of Ownership. Within seven (7) days after any registered bicycle has changed ownership, the person in whose name the bicycle has been registered shall report such

information to the Police Department so that the registration can be changed to show the name of the new owner.

- (g) **Lost Registration.** If an owner loses his/her registration tag or if it is destroyed or stolen, he/she shall report the same immediately to the Police Department, which shall issue to such owner a new registration tag at a cost of One Dollar (\$1.00) to such owner.
- (h) **Alteration of Registration Plates.** No person shall alter, destroy or counterfeit any registration tag issued in conformity with this Section.
- (i) **Discontinuance of Operation.** Any bicycle taken permanently out of operation shall be reported to the Police Department within seven (7) days thereafter and the license surrendered accordingly.
- (j) **Unclaimed or Unidentified Bicycles.** All abandoned bicycles and unidentified bicycles remaining in the Police Department shall, at the end of one (1) year, be sold at auction.
- (k) **Use of Another Person's Bicycle.** No person shall intentionally take or ride a bicycle without the consent of the owner.
- (l) **Suspension of License.** The Chief of Police may suspend the license of any bicycle for a violation of this Section for not to exceed ten (10) days, such suspension to be in addition to other penalties provided herein.

Sec. 10-2-8 Bicycle Penalties.

- (a) Any person sixteen (16) years of age or older who shall violate any provision of this Chapter may be issued a Uniform Traffic Citation and be subject to the penalties provided by the Uniform State Traffic Deposit Schedule.
- (b) Any person fourteen (14) years of age through fifteen (15) years of age who 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. 340.0 I, 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.
 - (2) Second offense in the same year: Vehicle license stickers shall be invalidated by the Chief of Police for a period of not longer than fifteen (15) days as said officer may deem necessary. The owner of said vehicle shall neither use this vehicle nor any other vehicle during said suspension.
 - (3) Third offense in the same year. Vehicle license stickers shall be invalidated by the Chief of Police for a period of not less than fifteen (15) days nor more than thirty (30) days as said officer may deem necessary. The owner of said vehicle shall neither use this vehicle nor any other vehicle during said suspension.
 - (4) Fourth and subsequent offense in the same year: Mandatory referral to Vernon County Juvenile Court.
- (d) All violations shall be determined based on the preceding twelve (12) month period to establish which violation has occurred.
- (e) Any parent or guardian of any child who authorizes or knowingly permits such child to violate any of the provisions of this Chapter may be subject to the provisions of Sections 346.77 and 346.82(1), Wis. Stats.

Title 10 – Chapter 3

Snowmobiles

10-3-1	State Snowmobile and All-Terrain Vehicles Laws Adopted
10-3-2	Applicability of Traffic Regulations to Snowmobiles
10-3-3	Unattended Vehicles
10-3-4	Operation on Sidewalks Prohibited
10-3-5	Speed; Hours of Operation; Unattended Snowmobiles
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 and All-Terrain Vehicles Laws Adopted.

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

350.01	Definitions
350.02	Operation of Snowmobiles on or in the Vicinity of Highways
350.03	Right-of-Way
350.04	Snowmobile Races, Derbies and Routes
350.045	Public Utility Exemption
350.047	Local Utility Exemption
350.05	Operation by Youthful Operators Restricted
350.055	Safety Certification Program Established
350.06	Firearms and Bows
350.07	Driving Animals
350.08	Owner Permitting Operation
350.09	Head Lamps, Tail Lamps and Brakes, Etc.
350.10	Miscellaneous Provisions for Snowmobile Operation
350.101	Intoxicated Snowmobiling
350.102	Preliminary Breath Screening
350.1025	Application of Intoxicated Snowmobiling Law
350.103	Implied Consent
350-104	Chemical Tests
350-106	Report Arrest to Department
350-107	Officer's Action after Arrest for Operating a Snowmobile While Under the Influence of an Intoxicant
350-108	Public Education Program
350-12	Registration of Snowmobiles
350-125	Completion of Application for Registration by Snowmobile Dealers

350-13	Uniform Trail Signs and Standards
350-135	Interference with Uniform Trail Signs and Standards
350-15	Accidents and Accident Reports
350-155	Coroners and Medical Examiners to Report; Require Blood Specimen
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 City of Westby 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 Unattended Vehicles

No person shall leave or allow a snowmobile owned or operated by him/her 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. 10-3-4 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 City, except as specifically authorized by Section 10-3-8 or for the purpose of crossing to obtain immediate access to an authorized area of operation.

Sec. 10-3-5 Speed; Hours of Operation; Unattended Snowmobiles.

- (a) **Speed.** No person shall operate a snowmobile upon any public highway within the City at a speed in excess of twenty (20) miles per hour. No person shall operate a snowmobile on any trail designated in Section 10-3-8 of this Chapter or in any public park or recreation area at a speed in excess of the posted limit.
- (b) **Intersections.** Snowmobiles using City streets as routes shall stop at every intersection and yield the right-of-way to all other vehicular traffic and pedestrians.
- (c) **Hours of Operation.** No person shall operate a snowmobile in the City between 2:00 a.m. and 7:00 a.m. except upon a public highway as authorized by State statutes and this Section or for the purpose of gaining access to or leaving such highway or snowmobile route; provided residents outside the City limits and nonresidents within the City limits may make one (1) ingress or egress trip during the prohibited hours.
- (d) **Parking.** Parking of snowmobiles or all-terrain vehicles on the streets of the City is prohibited except that parking of snowmobiles or all-terrain vehicles out of the traffic lanes will be permitted on the snowmobile or all-terrain vehicle route portion.
- (e) **Travel.** Snowmobiles will operate on the right hand side of the street or thoroughfare, making a full stop before crossing over an intersecting street, highway, or thoroughfare, and yielding the right of way at all times. Snowmobiles will travel in single file.

- (f) **Prohibited Areas of Operation.** No person shall operate a snowmobile within the City limits of the City of Westby, contrary to the following prohibitions:
- (1) On any private property marked or signed prohibiting use by snowmobiles.
 - (2) Within fifty (50) feet of any dwelling or residential structure, except for the purpose of removing and returning a snowmobile to its place of storage and except when on a designated trail or authorized snowmobile access to a residence.
 - (3) On the following public ways, except to cross perpendicularly:
 - a. All sidewalks.
 - b. All alleys except on officially designated routes.
 - c. All boulevards.
 - d. All streets except on officially designated routes or accessing a residence as authorized by this Chapter.
 - (4) In all City parks except on marked snowmobile trails.
- (g) **Restrictions on Operators.**
- (1) **Age Restriction.** No person under the age of twelve (2) years may operate a snowmobile unless the person is accompanied either by a parent or guardian or by a person over eighteen (18) years of age.
 - (2) **Snowmobile Safety Permit or Operator's License Required.** No person over the age of twelve (12) years but under the age of sixteen (16) years may operate a snowmobile unless he/she 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. Any person who is over the age of twelve (12) and under the age of sixteen (16) who holds a snowmobile safety certificate shall carry it while operating a snowmobile and shall display it to a law enforcement officer on request. Persons enrolled in a safety certification program approved by the department may operate a snowmobile in an area designated by the instructor.
 - (3) **Exceptions.** This Subsection does not apply to the operation of snowmobiles by an operator under the age of sixteen (16) years upon lands owned or leased by the operator's parent or guardian. As used in this Subsection, "leased lands" does not include land leased by an organization of which said operator or the operator's parent or guardian is a member.
 - (4) **Definition.** For purposes of this Subsection, "accompanied" means being on the same snowmobile as the operator.

Sec. 10-3-6 Restrictions 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 City 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/she can do so without serious danger to his/her own snowmobile or to persons on board, the operator of a snowmobile involved in a snowmobile accident within the City shall stop his/her snowmobile and shall render to other persons affected thereby such assistance as snowmobiles 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/her 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 on the snowmobile at the time of the accident capable of making the report, he/she 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) **Use of Public Property Restricted; Routes.** Except as provided in Sections 350.02 and 350.045, Wis. Stats., or for a snowmobile event authorized in accordance with Sec. 350.04, Wis. Stats., no person shall operate a snowmobile, unless expressly authorized, upon any public right-of-way, in any public park or on any other public municipal property in the City except upon routes designated by Common Council resolution, and then only for ingress to or egress from the City and not for recreational purposes:
- (b) **Trail Markers.** The Director of Public Works is 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.
- (d) **Rules of Operation.** Snowmobiles operated on designated snowmobile routes over public highways shall observe the rules of the road for motor vehicles set forth in Chapter 346, Wis. Stats., and Title 10 of this Code of Ordinances, which is hereby adopted by reference and made part of this Chapter as if fully set forth herein. Any act required to be performed or prohibited by such laws is required or prohibited by this Section.
- (e) **Declaring Trails Closed.** Due to weather conditions or emergency, the Mayor or Chief of Police may declare snowmobile trails closed within the City.
- (f) **Snowmobile Access from a Residence or Lodging Establishment to a Snowmobile Route.**
 - (1) **Intent.** The intent of this Subsection is to provide a means for persons to travel from a residence or lodging establishment within the limits of the City of Westby, for the shortest distance that is necessary for a person to operate a snowmobile to the snowmobile route or trail that is closest to that residence or lodging establishment.
 - (2) **Statutory Authority.** This Subsection is adopted as authorized under Sec. 350.18(3)(a), Wis. Stats.
 - (3) **Designated Roadways and/or Highways.** This Subsection shall allow the operation on the right-hand side of any roadway or the right shoulder of any highway in the City. Snowmobiles shall *not* be operated in any fire lanes.

- (4) **Speed.** A snowmobile operated on a portion of the roadway or shoulder pursuant to this Subsection shall observe roadway speed limits.
- (5) **Penalties.** Wisconsin state snowmobile penalties as found in Sec. 350.11 (1)(a), Wis. Stats., are adopted by reference.

Cross Reference: Section 10-4-2.

Sec. 10-3-9 Penalty.

Any person who shall violate any provision of this Chapter shall, upon conviction thereof, forfeit not less than Twenty Dollars (\$20.00) and not more than Five Hundred Dollars (\$500.00), together with the costs of prosecution, 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 10, Chapter 1, of this Code of Ordinances.

Sec. 10-3-10 Enforcement.

- (a) **Uniform Citation for Highway Violations.** The uniform traffic citation promulgated under Sec. 345.11, Wis. Stats., shall be used for violations of this Chapter relating to highway use except as herein provided.
- (b) **Parking Violations.** The special traffic citation described 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 Secs. 66.0111 and 66.0114, Wis. Stats. Stipulations of guilt or no contest may be made as provided in Sec. 66.0114, Wis. Stats., in substantially the form provided in the uniform traffic citation within five (5) days of the date of the citation for such violation. Bail deposits may also be made under Sec. 66.0114, Wis. Stats.
- (d) **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.
- (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 thereunder, required penalties and deposits or bail not including costs or fees for violation of this Chapter shall be as established by the schedule adopted by the Common Council.

Title 10 – Chapter 4

All-Terrain Vehicles and Off-Road Motor Vehicle Operation

10-4-1	State All-Terrain Vehicle Laws Adopted
10-4-2	Unauthorized Operation of Motor Vehicles on Public or Private Property
10-4-3	Mini-Bikes and Self-Propelled Vehicles Regulated
10-4-4	Speed Limits

Sec. 10-4-1 State All-Terrain Vehicle Laws Adopted.

The provisions describing and defining regulations with respect to all-terrain vehicles in the following enumerated Subsections of Sec. 23.33, Wis. Stats., and any future amendments or revisions, are hereby adopted by reference and made part of this Section as if fully set forth herein. The statutory sections adopted by reference herein shall be designated as part of this Code by adding the prefix "10-4-1-" 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 [including Subsections (a) through (n)]
- 23.33(2) Registration
- 23.33(3) Rules of operation [including Subsections (a) through (i)]
- 23.33(4) Operation on or near highway [including Subsection (a) through (e)]
- 23.33(5)(a)(c) Age restrictions
- 23.33(6) Equipment requirements [including Subsections (a) through (e)]
- 23.33(7) Accidents [including Subsections (1) and (b)]
- 23.33(11)(am)(4) Authorize the operation of All-Terrain Vehicles on a roadway that has a speed limit of 35 mph or less, and is located within the territorial boundaries of the town, village or city regardless of who has jurisdiction over the roadway.

Sec. 10-4-2 Unauthorized Operation of Motor Vehicles on Public or Private Property.

- (a) **Purpose.**
 - (1) The unauthorized off-road operation of motor vehicles has resulted in serious damage to public and private lands including damage or destruction of vegetation, animal life and improvement to the lands; and
 - (2) The unauthorized off-road operation of motor vehicles has resulted in the permanent scarring of land and an increase in both erosion and air pollution; and
 - (3) The unauthorized off-road operation of motor vehicles has resulted in collisions and near collisions threatening the life and safety of the operators of such vehicles as well as of other persons; and
 - (4) The unauthorized off-road operation of motor vehicles has resulted in a loss of the privacy, quietude and serenity to which the owners and users of land are rightfully entitled.
- (b) **Definitions.** For purposes of this Section, the terms below shall be defined as follows:
 - (1) **Unauthorized.** 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 public street or alley; or
 - b. Is not used or maintained by the owner or lessee of land as a driveway, parking lot or other way for motor vehicles; or
 - c. Is a private trail for use only by the owner or his permittees for recreational or other vehicular use. Off-road shall not include any creek bed, riverbed or lake provided, however, that this Subsection shall not apply to snowmobiles or other vehicles being operated on the ice covering such creek bed, riverbed or lake.
- (3) **Operation.** The physical manipulation or activation of any of the controls of a motor 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, motorized three-wheeled vehicles, all-terrain vehicles, mopeds, snowmobiles, dune buggies and tractors. Motor vehicle shall not mean any airplane, railroad train, boat, wheelchair or bicycle. A vehicle which would otherwise be defined as a motor vehicle under this Section shall not be so defined while:
 - a. It is being operated solely for the purpose of construction or maintenance of an improvement to land or solely for access to construction or maintenance sites provided such operation is by persons having legitimate business on such lands or sites;
 - b. It is being operated by or at the direction of public employees or utility company employees as part of their employment duties.
 - c. It is being operated by the holder of an easement or right of access on or over the land on which operation is occurring or the holder's employees or agents.

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

- (1) The unauthorized off-road operation of a motor vehicle is prohibited.
- (2) Except for authorized maintenance vehicles and snowmobiles or all-terrain vehicles operating in areas authorized by the Common Council, 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 the City 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.

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

Under Wisconsin Act 193 ATV's and UTV's are allowed on any city street with a speed limit of 35 MPH or less, must obey posted speed limits and can only be operated between the hours of 4:00 a.m. to 11:00 p.m. Other than these restrictions, all other regulations under Section 23.33, Wisconsin Statute must be followed.

Sec. 10-4-3 Mini-Bikes and Self-Propelled Vehicles Regulated.

(a) **Definitions.** The following definitions shall be applicable in this Section:

- (1) **Mini-Bike.** Any motorized vehicle primarily used for transportation or sport, including, but not limited to, motorcycles, off-the-road trail bikes and motorized bicycles.
- (2) **Self-Propelled Vehicles.** Any motorized vehicle primarily used for off-the-road use, including but not limited to, go-carts, all-terrain vehicles and all other vehicles not registered pursuant to Chapter 341, Wis. Stats., but not snowmobiles.

- (3) **Motorized Vehicle.** Any self-propelled device in, upon or by which any person or property is or may be transported.
 - (4) **Highway.** All public ways and thoroughfares and bridges on the same. It includes the entire highway right-of-way width, not limited to the actual traveled portion, but also includes the shoulders, ditches and other areas adjacent thereto.
- (b) **Operation of Mini-Bikes and Self-Propelled Vehicles.** No person shall operate a mini-bike or self-propelled vehicle in the City of Westby in the following manner:
- (1) At a rate of speed that is unreasonable or imprudent under the circumstances.
 - (2) In any careless way so as to endanger the person or property of another.
 - (3) While under the influence of intoxicating liquor, fermented malt beverages, narcotics or other controlled substances.
 - (4) In such a way that the exhaust of the motor makes an excessive or unusual noise.
 - (5) Without a functioning muffler.
 - (6) Upon any public highway, street or alley, or upon any sidewalk or parkway in the City of Westby unless such vehicle is registered as required by Chapter 341, Wis. Stats., and its operation and operator are specifically permitted to operate the said vehicle by the Wisconsin Statutes or by Title 10, Chapter 3 of this Code of Ordinances.
 - (7) Upon any slide, ski or skating area, except for the purposes of serving the area or crossing the places where marked.
 - (8) Upon any lands owned, operated or leased by the City of Westby.
 - (9) Upon a cemetery, burial ground, school or church property, without the express consent of the owner.
- (c) **Liability of Parent or Guardian.** No parent or guardian of any child under the age of eighteen (18) years shall authorize or permit such child to violate any of the provisions of this Section. Any child under the age of eighteen (18) years who shall operate a mini-bike or self-propelled device shall be presumed to be operating said vehicle under the authority of a parent or guardian.
- (d) **Penalties.** Any person who shall violate this Section shall, upon conviction thereof, forfeit for each offense not less than Twenty-five Dollars (\$25.00) nor more than Two Hundred Dollars (\$200.00), together with the costs of prosecution and in default of payment of such forfeiture and costs of prosecution shall be imprisoned in the county jail not to exceed thirty (30) days.

Sec. 10-4-4 Speed Limits.

No person shall operate an all-terrain vehicle within the City, except on an all-terrain vehicle route established by resolution of the Common Boards. No person shall operate any all-terrain vehicle within the City of Westby at a speed in excess of twenty (20) miles per hour. No person may operate an all-terrain vehicle on a designated access route within the City of Westby at a speed in excess of ten (10) miles per hour.

Title 10 – 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, semitrailer or mobile home on any public street or highway or private or public property in the City of Westby 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 City of Westby 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.** A motor vehicle, trailer, semitrailer or mobile home, whether or not such vehicle is registered under Wisconsin Law.
 - (2) **Unattended.** Unmoved from its location with no obvious sign of continuous human use.
 - (3) **Street.** 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 City zoning regulations, or to a vehicle parked in a paid parking lot or space where the required fee has been paid, properly zoned for such use.

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 law enforcement officer who discovers any motor vehicle, trailer, semitrailer or mobile home on any public street or highway or private or public property in the City of Westby which has been abandoned shall cause the vehicle to be removed to a suitable place of impoundment.
 - (2) Upon removal of the vehicle, the law enforcement officer shall notify the Chief of Police or his/her 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/her 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 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/her 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 City of Westby;
 - (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 City 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 I Notice, including the description of the vehicles, the name(s) and addressee(s) 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 City 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 City 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 City 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 of Automobiles and Other Debris Restricted.**
 - (1) ***Prohibition; Time Limit; Screening.***
 - a. No disassembled, inoperable, unlicensed, junked or wrecked motor vehicles [including but not limited to, truck bodies, truck tractors, trailers, farm machinery, appliances, household furnishings, tires, old lumber, vehicle parts, recreational vehicles (boats, campers, snowmobiles, all-terrain vehicles, light utility vehicles, etc.), improperly stored refuse and recyclables, refuse, debris, abandoned mobile home or trailer, appliances, miscellaneous junk, or construction equipment/debris] shall be stored unenclosed outside of a building within the City of Westby for a period exceeding ten (10) days or outside an industrial or commercial property for more than 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, and fully in compliance with this Section and all other applicable City ordinances.

- b. No disassembled, inoperable or junked farm machinery shall be kept or stored outside upon property zoned agricultural for a period exceeding thirty (30) days. A one-time thirty (30) day storage extension may be granted by the Common Council pursuant to Subsection (c) below. Violations of this Subsection are deemed to be a public nuisance. For purposes of this Section, equipment primarily used with construction or commercial contractor work is not classified as agricultural equipment, even if occasional use of such equipment is made for agricultural purposes.
- c. Outside storage of items listed above (but not limited to) on a commercial or industrial property shall be enclosed by a fence or other enclosure of a design approved by the Common Council.
- d. Any business engaged in automotive sales or repair located in a properly zoned district may retain no more than three (3) disassembled, inoperable, unlicensed or wrecked vehicles, or other item(s) listed in Subsection (a)(1), in the open and/or outside its City-approved enclosure, for a period not to exceed thirty (30) days, after which such vehicles shall be removed.

(b) **Definitions.** In addition to the definitions in Section 10-5-1 (b), the following definitions shall be applicable in this Section:

- (1) ***Disassembled, inoperable, junked or wrecked motor vehicles, truck bodies, tractors, trailers.***
 - a. Motor vehicles, recreational vehicles (boats, campers, snowmobiles, all-terrain vehicles, etc.), truck bodies, tractors, construction/contractors equipment, farm machinery or trailers, and other items listed in Subsection (a), or defined in this Subsection, in such state of physical or mechanical ruin or disrepair as to be incapable of designed use or 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, or for the equipment's design purpose, due to missing or inoperative parts, flat or removed tires, expired or missing license plates, disrepair, or other defects. For purposes of this Section, may also be referred to as "nuisance motor vehicles".
 - b. Included in this definition are "junked motor vehicles" which are motor vehicles that are incapable of operation or use upon a highway, or for the equipment's design purpose, and that have no resale value except as a source of parts or scrap or a vehicle that an insurance company has taken possession of or title to if the estimated cost of repairing the vehicle exceeds its fair market value.
 - c. To be considered "operable" under this Section, non-automobile equipment, such as construction or contractor's equipment, must be fully capable of starting and performing design tasks, and must be in full operation as designed at least four (4) times per year, and off-site in the case of construction/contractors equipment.
- (2) ***Unlicensed - motor vehicles, truck bodies, tractors or trailers.*** Motor vehicles, truck bodies, tractors, recreational vehicles or trailers which do not bear lawful current license plates or registration stickers.
- (3) ***Motor vehicle.*** Is defined in Sec. 340.01(35), Wis. Stats. For purposes of this Section, "motor vehicle" includes, but is not limited to, all of the following:
 - a. *Aircraft* as defined in Sec. 29.001(16), Wis. Stats.
 - b. *All-Terrain vehicles* as defined in Sec. 340.01(2g), Wis. Stats.
 - c. *Antique vehicles* as described in Sec. 341.265, Wis. Stats.

- d. *Automobiles* as defined in Sec. 340.01(4), Wis. Stats.
 - e. *Boats* as defined in Sec. 29.001(16), Wis. Stats.
 - f. *Camping trailers* as defined in Sec. 340.01(6m), Wis. Stats.
 - g. *Farm equipment* as defined in Sec. 100.47(1), Wis. Stats.
 - h. *Farm tractors* as defined in Sec. 340.01(16), Wis. Stats.
 - i. *Hobbyist or homemade vehicles* as defined in Sec. 341.268, Wis. Stats.
 - j. *Junk vehicles* as defined in Sec. 340.01(25j), Wis. Stats.
 - k. *Implements of husbandry* as defined in Sec. 340.01(24), Wis. Stats.
 - l. *Manufactured homes* as defined in Sec. 101.91(2), Wis. Stats.
 - m. *Mobile homes* as defined in Sec. 340.01(29), Wis. Stats.
 - n. *Mopeds* as defined in Sec. 340.01(29m), Wis. Stats.
 - o. *Motor bicycles* as defined in Sec. 340.01(30), Wis. Stats.
 - p. *Motor buses* as defined in Sec. 340.01(31), Wis. Stats.
 - q. *Motor homes* as defined in Sec. 340.01(33m), Wis. Stats.
 - r. *Motor trucks* as defined in Sec. 340.01(34), Wis. Stats.
 - s. *Motorcycles* as defined in Sec. 340.01(32), Wis. Stats.
 - t. *Railroad trains* as defined in Sec. 340.01(48), Wis. Stats.
 - u. *Recreational vehicles* as defined in Sec. 340.01(481'), Wis. Stats.
 - v. *Road machinery* as defined in Sec. 340.01(52), Wis. Stats.
 - w. *Road tractors* as defined in Sec. 340.01(53), Wis. Stats.
 - x. *Salvage vehicles* as defined in Sec. 340.01(55g), Wis. Stats.
 - y. *School buses* as defined in Sec. 340.01(56), Wis. Stats.
 - z. *Semi trailers* as defined in Sec. 340.01(57), Wis. Stats.
 - aa. *Snowmobiles* as defined in Sec. 340.01(58), Wis. Stats.
 - bb. *Special interest vehicles* as defined in Sec. 341.266, Wis. Stats.
 - cc. *Trailers* as defined in Sec. 340.01(71), Wis. Stats.
 - dd. *Truck tractors* as defined in Sec. 340.01(73), Wis. Stats.
 - ee. *Unlicensed demolition motor vehicles, unlicensed racing motor vehicles, and go carts, garden tractors, riding lawn mowers, and other motorized tractors, motorized carts, and motorized utility vehicles* that require no registration or licensure by the State of Wisconsin.
- (4) ***Inoperable appliance.*** Any stove, washer, refrigerator or other appliance which is no longer operable in the sense for which it was manufactured.
 - (5) ***Junk.*** Worn out or discarded material of little or no value, including but not limited to, household appliances or parts thereof, tools, discarded building materials or any other unsightly debris, the accumulation of which has an adverse effect upon the neighborhood or City property values, health, safety or general welfare.
 - (6) ***Enclosure.*** Type of construction, enclosure or screening required to hide and harbor vehicles from public view, excluding tarps. The Common Council shall have sole authority to determine the adequacy of enclosures and their construction required under this Chapter, which may be a structure, fence, vegetative screening, or other type of acceptable enclosure.
 - (7) ***Owner.*** Considered to be the person(s) who occupies the premises and who may or may not be the responsible person(s) harboring such unlicensed motor vehicle.
 - (8) ***Abandoned mobile home or trailer.*** One which has not been used or occupied, or which due to dilapidated condition cannot be occupied in a healthful manner, within the past three hundred sixty-five (365) days.

- (9) **Repair Work.** Includes mechanical, electrical and body work, maintenance, construction, reconstruction, assembly, disassembly, restoration, painting, upholstering or any similar or related work performed on any motor vehicle.
- (10) **Street Repairs.** Means "temporary repair work" performed on a motor vehicle in a manner and place which will not create a danger or hazard to vehicular or pedestrian traffic.
- (11) **Temporary Repair Work.** Repair work which is performed within twenty-four (24) hours of a motor vehicle becoming unexpectedly unroadworthy on a street, highway or thoroughfare, which work will make, or attempt to make, said motor vehicle roadworthy.
- (12) **Public View.** Items stored or maintained outside of an approved enclosure which are visible from any direction from either public right-of-ways or from property in private ownership.
- (13) **Not Registered.** In reference to all-terrain vehicles, as defined in Sec. 340.01(2g), Wis. Stats., "snowmobiles" as defined in Sec. 340.01(58a), Wis. Stats., or "boat" as defined in Sec. 29.001(16), Wis. Stats., are those that are required to, but do not have nor bear any current and valid State of Wisconsin registrations.

(c) **Exceptions.**

- (1) **Exceptions Described.** This Section shall not apply to:
 - a. Any motor vehicle or motor vehicle accessories stored within an enclosed building or on the premises of a business enterprise operated in a lawful, properly zoned place, in such a manner as to not constitute a nuisance, when necessary to the operation of such business enterprise, in an enclosed storage place or depository maintained in a lawful place and manner.
 - b. A vehicle meeting the standards for a "repair work" exception under Subsection (d) below.
 - c. Any business engaged in the sale, repair or storage of such unlicensed vehicles may store such vehicles provided a public nuisance is not created and activities are in full compliance with this Section, the City Zoning Code, and pertinent City regulations. The Common Council may determine the necessity of such storage and may impose limitations or require fencing or other type of approved enclosure of such non-residential properties.
- (2) **Temporary Permit.** In other situations the Common Council may issue a one-time temporary permit permitting an extension of not to exceed an additional thirty (30) days' time to comply with this Section where exceptional facts and circumstances warrant such extension.
- (3) **Race Cars; Parts Cars; Collectible Vehicles.** No exceptions shall be recognized by the City under this Section for vehicles deemed by their owners to be race cars, parts cars, or collectible vehicles.

(d) **Vehicle Repair Work - Limitations.** "Repair work" of vehicles may only be performed upon observance of the following conditions and restrictions:

- (1) **Residential Property Limitations.** "Repair work" upon residential private property cannot be performed for financial gain or profit obtained through fees, barter, charges or appreciation in the value of a motor vehicle purchased for the purpose of resale. "Repair work" upon other than residential property shall be in accordance with applicable state, county and City ordinances, rules and regulations, licenses and permits.
- (2) **Time Restrictions.** Except when a temporary time extension has been granted per Subsection (c)(2) above, "repair work" which renders a motor vehicle inoperable for a period of more than three (3) days shall only be performed inside a garage, shed or

enclosed structure, or, in the case of a non-residential property, in a fenced area which fully screens repair work from the view of the owners, users and occupiers of abutting and neighboring properties and from the view of passersby using public thoroughfares, streets and highways.

(3) **Street Repairs.** "Street repairs" may be performed only within the scope of the definition thereof.

(e) **Enforcement.**

(1) **Notice; Citation.** Whenever the Police Department shall find any violation of this Section, the Police Department shall provide notice to the owner and/or occupant of the real estate upon which the violation exists, and/or to the owner and/or occupant of such nuisance property causing the violation, to remove such violating property, either immediately in the case of any emergency, or within one (1) to thirty (30) days in the case of a non-emergency situation. In the event there is not compliance at the expiration of the notice period set forth above, the Police Department shall cause to be issued a citation to the property owner and/or occupant of the property on which said violation exists and/or to the owner and/or occupant of such property causing the violation. Said citation shall provide that the violation shall be remedied:

a. In the case of an emergency immediately; or

b. In non-emergency situations, within one (1) to thirty (30) days. Such citation shall provide for a forfeiture pursuant to Section 1-1-7.

(2) **Removal of Violating Property.** If such violation is not remedied within the time set forth in the citation issued under Subsection (e)(1) above, the Police Department may cause the vehicle, appliance, or other property causing the violation 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 Police Department, or his/her duly authorized representative. Any costs incurred in the removal and sale of said vehicle, appliance, or other violating property shall be recovered from the tenant of the property from upon which it was removed and/or the owner of the property upon which it was removed. However, if the owner of the vehicle, appliance or other property cannot be readily 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 pursuant to Sec. 66.0627, Wis. Stats.

(3) **Each Day a Separate Offense; Remedies Not Limited.** Each day a violation exists after the expiration of time set forth in the citation above shall constitute a new and separate offense. Use of the abatement procedures in this Subsection shall not preclude the City's use of other enforcement measures, including, but not limited to, imposing a forfeiture under Section 1-1-7 pursuant to Subsection (f) below.

(f) **Penalty.** In addition to Subsection (e) above, any person violating this Section or 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 1-1-7. Each motor vehicle, appliance or other violating property involved shall constitute a separate offense.

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

Cross-Reference: Title 11, Chapter 6, Public Nuisances, and Title 15, Chapter 4, Property Maintenance Code