

TITLE 10

Motor Vehicles and Traffic

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Traffic and Parking

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

- (a) **Statutes Adopted.** Except as otherwise specifically provided in this Code, the statutory provisions in Chs. 340 through 349, Wis. Stats., describing and defining regulations with

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respect to vehicles, traffic, and powers of the state and local authorities, exclusive of any regulations for which the statutory penalty is a fine or term of imprisonment or exclusively state charges, are hereby adopted and by reference made a part of this Chapter as if fully set forth herein. Any act required to be performed or prohibited by any regulation incorporated herein by reference is required or prohibited by this Chapter. Any future amendments, revisions or modifications of the statutory regulations in 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 Washburn, Wisconsin, violate any provisions of any Statute incorporated herein by reference shall be deemed guilty of an offense under this Section.

- (b) **Statutes Specifically Incorporated by Reference.** Whenever this Chapter incorporates by reference specific sections of the Wisconsin Statutes, such references shall mean the Wisconsin Statutes 2013-2014 edition as amended from time to time; future amendments shall be incorporated herein.
- (c) **General References.** General references in this Chapter to Wisconsin statutory sections or chapters describing or defining procedures or authority for enactment or enforcement of local traffic regulations shall be deemed to refer to the most recent enactments of the Wisconsin Legislature describing or defining such procedures or authorities.

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

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

Wis. Adm. Code – MVD 3	Reciprocity - Nonresident Motor Carriers [Penalties of Wis. Stats. Sec. 341.04 apply]
Wis. Adm. Code – MVD 4	Lettering on Vehicles, Display of Evidence of Registration and Dual Permit
Wis. Adm. Code – MVD 5	Standards for Motor Vehicle Equipment
Wis. Adm. Code – MVD 6	Transportation of Explosives by Motor Vehicle
Wis. Adm. Code – MVD 17	Transportation of Explosives by Motor Vehicle
Wis. Adm. Code – MVD 18	Protective Headgear Standards and Specifications
Wis. Adm. Code – MVD 22	Standards and Specifications - Design and Mounting SMV Emblem

- (b) **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) **Owner's Liability.** Any owner of a vehicle not equipped as required by this Section who knowingly causes or permits such vehicle to be operated on a highway in violation of this Section is guilty of the violation the same as if he or she had operated the vehicle. The provisions of Sec. 347.04, Wis. Stats., relating to nonapplicability of demerit points shall apply to owners convicted of a violation of this Section.
- (d) **Safety Checks.**
- (1) **Operators to Submit to Inspection.** When directed to do so by any law enforcement officer, the operator of any motor vehicle shall stop and submit such vehicle to an inspection and such tests as are necessary to determine whether the vehicle meets the requirements of this Section or that the vehicle's equipment is in proper adjustment or repair. No person, when operating a motor vehicle, shall fail to stop and submit such vehicle to inspection when directed to do so by any law enforcement officer as herein provided.
 - (2) **Authority of Officer.** Any law enforcement officer serving 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.
- (e) **Penalty.** Penalty for violation of any provision of this Section, including the provisions of the Wisconsin Administrative Code, incorporated herein by reference, shall be as provided in Subsection (c) of this Section, together with the costs of prosecution and applicable penalty assessment.

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

- (a) **Installation of Uniform Traffic Control Devices.**
- (1) 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 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.

- (2) 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 and the Chief of Police, will carry out the purposes of this Chapter and give adequate warning to users of the streets and highways of the City of Washburn. Traffic control devices may also be removed by the same process and for the same purposes. Prior to the placement or removal of any traffic control device, the Chief of Police may, in the Chief's discretion, design and order a traffic study to determine the necessity or appropriateness of the action. In any case where the Director of Public Works and the Chief of Police disagree on the placement or removal of a traffic control device, the Common Council shall decide the question.
- (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 State Highway Commission. Any sign, signal, marker, mark or monument placed or maintained in violation of this Subsection shall be subject to removal as provided in Subsection (d).
- (d) **Removal of Unofficial Signs, Markers, Signals and Traffic Control Devices.** 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.

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

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

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

Sec. 10-1-5 School Bus Warning Lights.

- (a) Notwithstanding the provisions of Sec. 346.48(2)(b)2., Wis. Stats., adopted by reference in Section 10-1-1 to the contrary and except as provided in Subsection (b) below, school bus operators shall use flashing red warning lights in residential and business districts when pupils or other authorized passengers are to be loaded or unloaded at locations at which there are no crosswalk or traffic signals so that pupils must cross the street or highway before being loaded or after being unloaded.
- (b) Pursuant to Sec. 349.21(2), Wis. Stats., the use of flashing red warning lights by school bus operators is prohibited when pupils or other authorized passengers are loaded or unloaded directly from or onto the school grounds or that portion of the right-of-way between the roadway and the school grounds in a zone designated by "school" warning signs as provided in Sec. 118.08(1), Wis. Stats., in which a street or highway borders the grounds of a school.

Sec. 10-1-6 Operators to Obey Traffic Control Devices.

When official traffic regulatory signs or devices have been posted regulating the speed, direction, stopping, parking, turning or any other control over movement of traffic, every operator of a vehicle or bicycle shall observe the traffic regulation indicated.

Sec. 10-1-7 Restrictions on Parking; Posted Limitations.

- (a) **Removal of Vehicles in Violation.** When any law enforcement officer shall find a vehicle standing upon a public street or parking lot in violation of the provisions of this Section, he/she is authorized to move such a vehicle or to require the operator in charge thereof to

move such vehicle to a position permitted under this Chapter. The law enforcement officer may cause said vehicle to be removed to a proper impoundment and storage area 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/she 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 law enforcement officer or traffic control device, no person shall stop or park a vehicle in an established no stopping or standing zone when stopping or standing is prohibited. No vehicle shall be parked in a no parking zone during hours when parking is prohibited except physicians on emergency calls or as permitted by state law or elsewhere by this Code of Ordinances.
- (3) The Director of Public Works 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. 10-1-8 Temporary Parking for Special Events.

Pursuant to the provisions of Subsection 349.13, Wis. Stats., the Common Council is authorized to direct that temporary "No Parking" signs be erected by the Director of Public Works during parades, 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.

Sec. 10-1-9 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 complying with winter parking ordinances and parking in such place is clearly indicated by official traffic signs or markers or parking permits. "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 twenty (20) feet of the driveway entrance to a fire station.
 - (7) Upon any portion of a highway where and at the time when stopping or standing is prohibited by official traffic signs indicating the prohibition of any stopping or standing.
 - (8) In any place or manner so as to obstruct, block or impede traffic.
 - (9) Within ten (10) feet of a fire hydrant, unless a greater distance is indicated by an official traffic sign.
 - (10) Upon any portion of a highway where and at the time when parking is prohibited, limited or restricted by official traffic signs.
 - (11) Upon any bridge.
 - (12) Upon any street or highway within the City of Washburn 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 zone.
 - (14) Within four (4) 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) On railroad tracks and railroad spur lines.
 - (17) In any area where there are existing yellow curbs and where such motor vehicles abut, park parallel or angle park to such yellow curb.
 - (18) In any municipal parking area, having launched a boat without first having paid the required boat launch fee as established in Section 1-3-1 of the City of Washburn Code of Ordinances.

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- (19) In any municipal parking space designated, by an official traffic sign or by marking on the pavement, for a vehicle with an attached boat trailer, by any vehicle without an attached boat trailer.
- (b) **Blocking or Parking in Private Driveways.** No person shall park in any private driveway or park or leave standing any motor vehicle in such a manner as to unreasonably restrict the normal access to any private drive or driveway without the permission of the owner or lessee of the property. Said access shall be deemed unreasonably restricted if any vehicle is parked within four (4) feet of either side of said access.
- (c) **Parking Vehicle for Repair or to Display for Sale Prohibited.** No person shall park or leave standing any motor vehicle on any street, avenue, alley, municipal parking lot, terrace or public right-of-way for the purpose of conducting mechanical work or to display such vehicle for sale.

Sec. 10-1-10 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. 10-1-11 Leaving Keys in Vehicle Prohibited.

No person shall permit any motor vehicle to stand or remain unattended on any street, alley or other public 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.

Sec. 10-1-12 Angle Parking.

- (a) **Prohibition; Exceptions.**
- (1) Angle parking or parking diagonally is prohibited on all the streets, alleys and highways of the City of Washburn except in those places where vehicle parking markers indicate that angle parking is permissible. All vehicles shall park parallel to, and within one (1) foot of the curb except where streets and parking lots are so marked for angle parking.
- (2) Angle parking only is permitted in front of the Bayfield County Annex on the north side of the street on Sixth Avenue East and Saint Louis Church on the north side of Seventh Street West.

- (b) **Prohibited Angle Parking; Trailers.** No person shall at any time park any vehicle:
 - (1) In any direction other than the designated parking angle, where angle parking spaces are so designated and provided by appropriate markings.
 - (2) Backwards into angle parking spaces so designated and provided by appropriate markings.
 - (3) With a trailer attached or any vehicle longer than twenty (20) feet on any street where angle parking is so provided and allowed.
- (c) **Statutory Limitations.** It shall be unlawful for any person to stop or park any vehicle contrary to the provisions and restrictions contained in Sec. 346.54, Wis. Stats.

Sec. 10-1-13 Parking Prohibited Zones.

When signs or parking meters are erected in any block giving notice thereof, no person shall park a vehicle in violation of the information specified thereon, specifically, but not limited to the following:

- (a) One (1) hour parking permit on Bayfield Street between First Avenue West and Second Avenue West on both sides of the street between the hours of 7:00 a.m. and 6:00 p.m. daily, except Sundays and holidays.
- (b) Fifteen (15) minute parking on the lake side of Bayfield Street from the crosswalk in front of the Post Office Building, west to Fifth Avenue West, from 8:00 a.m. to 5:00 p.m., except Sundays and holidays.
- (c) Thirty (30) minute parking in front of City Hall on Washington Street.
- (d) No parking to the corner on Pine Street from the ambulance garage east to Washington Avenue.
- (e) No parking between the signs in the hospital parking lot as posted.
- (f) No parking at any time in front of the hospital emergency entrance.
- (g) No parking during school hours in front of the St. Louis School, between Seventh and Eighth Streets on Washington Avenue on the west side of the street.
- (h) Parking for funeral home only, as posted in front of the funeral home.
- (i) No parking on Woodland Drive between Eighth Avenue West and Washington Avenue between the hours of 10:00 a.m. and 6:00 p.m. daily, Sundays and holidays.
- (j) No parking at any time on Fifth Street from Fourth Avenue West to Third Avenue West, on the south side of the street.
- (k) No parking at any time on Third Avenue West between Fourth and Fifth Streets on the west side of the street.
- (l) No parking at any time on Fourth Street between Third Avenue West and Fourth Avenue West on the north side of the street.
- (m) No parking at any time this side on Fourth Avenue West between Fourth Street and Fifth Street on the east side of the street.
- (n) No parking in driveway in front of the fire department.
- (o) No parking in Memorial Park entrance on Highway 13 on the West side to the actual entrance of the park.

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- (p) No parking on Sixth Avenue West and Bayfield Street to the alley on Pine Street.
- (q) No parking on Eighth Street West between Third Avenue and Washington Avenue on the North side Monday through Friday, 7:00 a.m. to 4:00 p.m.
- (r) No parking on First Avenue East for the first one hundred and forty-three (143) feet south of Bayfield Street.
- (s) No parking on North 4th Avenue West between 7th and 8th Streets West.
- (t) No parking on Bayfield Street between 10th Avenue West and Fur Farm Road.

Sec. 10-1-14 Winter Parking.

- (a) **Seasonal Parking Prohibition.** It shall be unlawful for any person to park or leave standing any motor vehicle on any street or avenue in the City of Washburn between November 1st and April 1st contrary to the provisions of this Section:
 - (1) **Alternate Side Parking.** Upon those streets identified in Subsection (a)(2) below, parking shall be permitted as follows:
 - a. Parking shall be permitted only on that side of the street containing even-numbered street addresses on even calendar days.
 - b. Parking shall be permitted only on that side of the street containing odd-numbered street addresses on odd calendar days.
 - (2) **Exceptions.** The streets in which the provisions of Subsection (a)(1) applies include all municipal streets lying within the corporate boundaries of the City of Washburn, Wisconsin, except the following streets or portions of the following streets governed by the provisions of Subsection (b) below:
 - a. Bayfield Street.
 - b. Central Avenue from Bayfield Street to a point two hundred (200) feet north of Bayfield Street.
 - c. Washington Avenue from Omaha Street to East 7th Street.
 - d. 1st Avenue East from East 5th Street to Washington Avenue.
 - e. 2nd Avenue West from 3rd Street to Washington Avenue.
 - f. 3rd Avenue West from West 4th Street to West 6th Street.
 - g. West 3rd Street from Washington Avenue to a point two hundred (200) feet west of the centerline of Washington Avenue (Library diagonal parking).
 - h. West 4th Street from 3rd Avenue West to 4th Avenue West.
 - i. West 5th Street from 3rd Avenue West to 4th Avenue West.
 - j. East 6th Street from 1st Avenue East to 2nd Avenue East.
 - k. West 7th Street from Washington Avenue to a point two hundred and sixty (260) feet west of the centerline of Washington Avenue (St. Louis Church diagonal parking).
 - l. West 8th Street between Washington Avenue and 5th Avenue West (Elementary School diagonal parking and St. Louis School).
 - m. 1st Avenue West from Bayfield Street to a point two hundred and fifty (250) feet north of Bayfield Street.

- (b) **Seasonal Parking Prohibitions During Certain Hours.** It shall be unlawful for any person to park or leave standing any motor vehicle on the streets listed in Subsection (a)(2) above between November 1st and April 1st between the hours of 2:00 a.m. and 7:00 a.m.
- (c) **Violations; Penalties.**
- (1) **Forfeitures.** Any person violating this Section shall forfeit a sum as set forth in the Ordinance Deposit Schedule approved by the Common Council, as may be amended from time to time.
 - (2) **Removal of Violating Vehicle.** In addition to the forfeitures for violating this Section as set forth in the preceding Subsection, any person violating this Section shall be required to remove said motor vehicle within twenty-four (24) hours of said violation, or the vehicle shall be towed at the owner's expense.
- (d) **Warning Tickets.** The City of Washburn Police Department shall only issue warning tickets for violations of this Section from November 1st until December 1st annually or the first measurable snowfall, whichever comes first.
- (e) **Snow Emergency Situations.**
- (1) **Declaration.** The Public Works Director shall be permitted to declare a snow emergency for any snowfall exceeding four (4") inches in depth for the purpose of clearing public streets as efficiently and quickly as possible to permit the passage of emergency vehicles and public travel.
 - (2) **Distribution.** The declaration of such an emergency shall be distributed to the Sheriff's Department dispatcher and media outlets to permit the dissemination of the declaration to the public as quickly as possible.
 - (3) **Compliance to Facilitate Snow Removal Operations.** In the event of a snow emergency declaration, every vehicle shall immediately be removed from all City streets, alleys and parking lots to permit the inauguration and completion of snow removal activities.
 - (4) **Removal of Violating Vehicles.** The Police Department shall be empowered to order vehicles that are not removed from City streets, alleys and parking lots during a snow emergency towed at the owner's expense. The term "vehicle", as utilized in this Section, shall mean any car, truck, tractor, trailer, dumpster, or object parked or lying within a public right-of-way or property utilized as a public parking lot.

Sec. 10-1-15 Unlawful Removal of Parking Citations.

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

Sec. 10-1-16 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 or ramp held out for the use of parking for the general public.

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

Sec. 10-1-17 Removal of Illegally Parked Vehicles.

- (a) **Hazard to Public Safety.** Any vehicle parked, stopped or standing upon a highway, municipal parking lot or other public parking area 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.** Upon request of a law enforcement officer, the operator in charge of such vehicle shall remove or cause to be removed said vehicle to a position or location where parking is permitted.
- (c) **Removal by Enforcement Officer.** The law enforcement officer, after issuing a citation for illegal parking, stopping or standing of an unattended vehicle in violation of this Chapter, is authorized to remove or cause to be removed such vehicle to a position or location where parking is permitted.
- (d) **Removal by Private Service.** The law enforcement officer may contract with 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 area or rental parking area or any facility of the person providing the towing services.
- (e) **Towing and Storage Charges.** In addition to any other penalties provided in this Chapter, the registered owner of a vehicle so removed shall be responsible for the expense 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 area or rental facility, customary charges for such storage shall be paid. Upon payment by the owner or operator, a receipt shall be issued for the expense of moving, towing or storage and the vehicle shall be released.

Sec. 10-1-18 Inoperable, Wrecked or Discarded Vehicles.

No person owning or having custody of any partially dismantled, nonoperable, wrecked, junked or discarded motor vehicle shall allow such vehicle to remain on any public highway, parking lot or ramp, City right-of-way, or boulevard or terrace area, as defined in Section 6-4-2(e), longer than twenty-four (24) hours after notification thereof by the Common Council or a law enforcement officer. Notification shall be accomplished by placing in a conspicuous place on

the vehicle a written notice setting forth briefly the applicable provisions of this Section and the date of the notice. Any vehicle so tagged which is not removed within twenty-four (24) hours after notice is declared to be a public nuisance and may be removed as provided in Section 10-1-17.

Sec. 10-1-19 Speed Limits.

The Common Council of the City of Washburn hereby determines that the statutory speed limits on the following streets or portions thereof are unreasonable, unsafe or imprudent and modifies such speed limits under authority granted by Sec. 349.11, Wis. Stats. Speed limits established by Sec. 346.57(4)(e), (f) and (g), Wis. Stats., are increased as hereinafter set forth upon the following streets or portions thereof:

- (a) Traveling east on State Highway 13 from Ashland as follows:
 - (1) Begin thirty-five (35) miles per hour at Eleventh Avenue West.
 - (2) Begin thirty (30) miles per hour between Ninth and Eighth Avenue West.
 - (3) Begin twenty-five (25) miles per hour at Fourth Avenue West.
 - (4) Begin thirty-five (35) miles per hour at Third Avenue East.
 - (5) Forty-five (45) miles per hour between Seventh Avenue East and Brubaker's Corner.
- (b) In the West End and Memorial Park, the speed limit shall be ten (10) miles per hour.

Sec. 10-1-20 U-Turns Prohibited.

It shall be unlawful for the operator of a motor vehicle to turn his/her vehicle so as to proceed in the opposite direction upon Bayfield Street in the City of Washburn. This Section is intended to prohibit what is commonly known as a "U-Turn" at any place on Bayfield Street from Tenth Avenue West to Third Avenue East.

Sec. 10-1-21 Motor Vehicle Conduct Prohibited.

- (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 Washburn.
- (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 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 stones, gravel, soil, dirt, water, snow, slush, ice, rubber or any other debris to be thrown by the wheels of such motor vehicle upon the person or property of any person in the City of Washburn.
- (d) **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.
- (e) **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) City 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.
- (f) **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.
- (g) **Disorderly Conduct With a Motor Vehicle.** No person shall, within the City, on public or private property, by or through the use of a motor vehicle, motorcycle, snowmobile or mini-bike, under circumstances which tend to cause or provoke a disturbance or annoy one or more persons, engage in violent, abusive, unreasonably loud or otherwise disorderly conduct, including but not limited to, unnecessary or deliberate or intentional spinning of wheels, revving of engine, blowing of horns, causing the engine to backfire or causing the vehicle while commencing to move or while in motion to raise one or more of its wheels off the ground.
- (h) **Compression or "Jake" Brakes Regulated.**
 - (1) **Definition.** As used in this Section, the term "compression brake", sometimes referred to as a "Jacob's brake" or "Jake brake", means a device, primarily used on trucks, which enables the engine to be used as an air compressor for the purpose of activating

or operating brakes or slowing the vehicle without the use of, or in addition to, the use of wheel brakes.

- (2) **Use Regulated.** No person shall operate a motor vehicle within the City of Washburn while a compression brake is in any way engaged or activated on the vehicle, or any component of the vehicle, unless after complete utilization of all other braking devices available on the vehicle, the use of such brakes is necessary to avoid risk of harm to any person or property.

Sec. 10-1-22 Motor Vehicles on Pedestrian Ways and in Crosswalks.

- (a) No person shall operate or park any motor vehicle on any pedestrian way within the City of Washburn except municipal or county maintenance vehicles.
- (b) At an intersection or crosswalk where traffic is not controlled by traffic control signals or by a traffic officer, the operator of a vehicle shall yield the right-of-way to a pedestrian, or to a person riding a bicycle or electric personal assistive mobility device in a manner which is consistent with the safe use of the crosswalk by pedestrians, who are crossing the highway within a marked or unmarked crosswalk. The minimum and maximum forfeiture for a violation of this Subsection shall be the same as those prescribed by statute for a violation of Sec. 346.24(1), Wis. Stats.

Sec. 10-1-23 Driving Over Curbing or Safety Islands Prohibited.

- (c) **Driving Over Curbing Prohibited.** It shall be unlawful for any motor vehicle to be driven or backed over any curbing in the City of Washburn.
- (d) **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. 10-1-24 Parking of Vehicles Over 10,000 Pounds or 16 Feet Restricted.

- (a) **Street Parking.** Except by permission of the City of Washburn Police Department, no person shall park a vehicle, trailer, dumpster or boat in excess of ten thousand (10,000) pounds gross weight, or over sixteen (16) feet in length, or having a height of more than eight (8) feet from the roadway, in areas in the City of Washburn other than those areas zoned in commercial or industrial districts. School buses and motorhomes are exempt from

the provisions of this Section. The provisions of this Subsection shall not be deemed to prohibit the lawful parking of such equipment upon any street, avenue, or public way in the City for the actual loading or unloading of goods, wares, or merchandise, providing, however, the "loading" and "unloading", as used in this Section, shall be limited to the actual time consumed in such operation. The Common Council may, however, designate specific truck parking zones or by Council action granting a specific exception.

- (b) **Removal.** Any vehicle unlawfully parked under Subsection (a) above may be removed from the street by order of a law enforcement officer, pursuant to Section 10-1-18, and the expense of so moving and storing such vehicle shall be paid by the operator or owner of said vehicle as a forfeiture in addition to the penalties hereafter prescribed.

Sec. 10-1-25 One-Way Streets.

Any street listed below is designated a one-way street. The Department of Public Works shall erect and maintain appropriate signage:

- (a) On West Eighth Street from Washington Avenue to Fifth Avenue West, traffic is only permitted from east to west.

Sec. 10-1-26 Penalties.

- (a) **Forfeiture Penalty.** The penalty for violation of any provision of this Chapter shall be a forfeiture as hereafter provided, together with court costs and fees prescribed by Sections 814.63(1) and (2) or 814.65(1), Wis. Stats., the penalty assessment for moving traffic violations and the driver improvement surcharge imposed by Sections 165.87 and 346.655, Wis. Stats., where applicable. Payment of the judgment and applicable court costs, fees, assessments and surcharges may be suspended by the sentencing court for not more than sixty (60) days. Any person eighteen (18) years of age or older who shall fail to pay the amount of the forfeiture, court costs, any penalty assessment or driver surcharge or other penalty imposed for violation of any provision of this Chapter may, upon order of the court entering judgment therefor and having jurisdiction of the case, be imprisoned until such forfeiture, costs and assessment are paid, but not exceeding ninety (90) days.
- (b) **Other Sanctions.**
 - (1) **By Court.** Nothing herein shall preclude or affect the power of the sentencing court to exercise additional authorities granted by the Wisconsin Statutes to suspend or revoke the operating privileges of the defendant, order the defendant to submit to assessment and rehabilitation programs or to attend traffic safety school in addition to payment of a monetary penalty or in lieu 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 of Washburn, except

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

- (c) **Forfeitures For Violation of Uniform Moving Traffic Regulations.** Forfeitures for violations of any moving traffic regulation set forth in the Wisconsin Statutes adopted by reference in Section 10-1-1 shall conform to the forfeiture penalty permitted to be imposed for violations of the comparable Wisconsin Statute, including any variations or increases for subsequent offenses; provided, however, that this Subsection shall not be construed to permit prosecution under this Chapter for any offense described in Chapters 341 to 349, Wis. Stats., for which an imprisonment penalty or fine may be imposed upon the defendant.
- (d) **Forfeitures For Parking Violations.**
- (1) **Forfeitures for Uniform Statewide Parking, Stopping and Standing Offenses.** Minimum and maximum forfeiture for violation of non-moving traffic violations adopted by reference in Section 10-1-1 as described in Chapters 341 to 348, Wis. Stats., shall be as found in the current edition of the Revised Uniform State Traffic Deposit Schedule. Any person who shall violate Sections 10-1-20(a), 10-1-28 and 10-1-29 shall, upon conviction thereof, forfeit Ten Dollars (\$10.00) for each violation.
- (2) **Other Local Parking Violations.** The forfeiture for other parking violations shall be Five Dollars (\$5.00), plus the cost of prosecution should prosecution become necessary, and the costs of removal to a storage area designated by the City of Washburn. Each twenty-four (24) hour period shall be treated as a separate violation. In default of payment, the offender shall be imprisoned in the county jail until the forfeiture and costs are paid, but not to exceed five (5) days.
- (e) **Special Local Regulations.** The forfeiture for violation of any special local regulation contained in this Chapter other than those pertaining to parking shall be not less than Twenty-five Dollars (\$25.00) nor more than Two Hundred Dollars (\$200.00) for the first offense and not less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00) for the second offense within two (2) years.

Sec. 10-1-27 Enforcement.

- (a) **Enforcement Procedures.**
- (1) **How Enforced.** This Chapter shall be enforced in accordance with the applicable provisions of the Wisconsin Statutes and this Section.
- (2) **Applicable Court Procedures.** Except where otherwise specifically provided by the laws of the State of Wisconsin or this Code, the traffic regulations in this Code shall be enforced in the Bayfield County Circuit Court.
- (b) **Citations.**
- (1) **Uniform Citation and Complaint.** The Wisconsin Uniform Traffic Citation and Complaint described and defined in the Wisconsin Statutes shall be used for

enforcement of all provisions of this Chapter except those provisions which describe or define non-moving traffic violations and violations of Sections 346.71 through 346.73, Wis. Stats. Violations of Sections 346.71 through 346.73, Wis. Stats., shall be reported to the District Attorney and the Wisconsin Uniform Traffic Citation shall be used in such cases.

- (2) **Parking Citations.** Citations shall be used 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.

(c) **Deposits and Stipulations.**

(1) **Uniform Traffic Offenses.**

a. **Who May Make.** Persons arrested or cited for violation of moving traffic offenses created by this Chapter shall be permitted to make deposits and stipulations of no contest or released by the arresting officer in accordance with the applicable provisions of the Wisconsin Statutes. Stipulations of guilt or no contest may be made by persons arrested for violations of this Chapter in accordance with Sec. 66.12(1)(b) of the Wisconsin Statutes whenever the provisions of Sec. 345.27 of the Wisconsin Statutes are inapplicable to such violations. Stipulations shall conform to the form contained in the uniform traffic citation and complaint under Sec. 345.11 of the Wisconsin Statutes and may be accepted within five (5) days of the date of the alleged violation. Deposits are mailed directly to the Bayfield County Clerk of Courts. The arresting officer or the person receiving the deposit shall notify the arrested person, orally or in writing, that:

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

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, Wis. Stats., or if the deposit is not established under such Statute, shall deposit a forfeiture as provided in the schedule approved by the Common Council, plus the court costs, fees, and surcharges imposed under Ch. 814, Wis.

Stats., and as specified by the State of Wisconsin deposit schedules as approved by the Judicial Conference under Sec. 345.26(2), Wis. Stats., and in effect at the time of the offense. Unless modified by resolution of the Common Council, the Deposit Schedule effective June 11, 2002, shall remain in effect as to the forfeiture amount shown in the "deposit" column of the schedule, but the court costs, fees, and surcharges shall be as contained in the schedules approved by the Judicial Conference and in effect at the time of the offense.

- c. **Receipt Required.** Every officer accepting a stipulation under the provisions of this Chapter shall comply with the provisions of Sections 343.27, 343.28, 345.26(1)(a) and 345.27(2) of the Wisconsin Statutes and shall require the alleged violator to sign a statement of notice in substantially the form contained on the uniform traffic citation and complaint promulgated under Sec. 345.11, Wis. Stats. The official or person receiving the deposit shall furnish and deliver or mail an original receipt for such deposit to the alleged violator and shall deliver the deposit and stipulation, and a copy of the receipt within seven (7) days to the Bayfield County Clerk of Courts.

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

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

(3) **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. 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 City may refuse to notify the Wisconsin Department of Transportation of payment on a citation until all applicable fines and costs, including costs assessed under the preceding sentence, are paid.
- d. This Subsection shall not be interpreted as requiring that all unpaid citations for non-moving traffic violations be processed through the Wisconsin Department of Transportation Traffic Violation and Registration Program. The 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	Parking a Bicycle
10-2-4	Rules of the Road
10-2-5	Bicycle Regulations
10-2-6	Play Vehicles
10-2-7	In-Line Skate Regulations
10-2-8	Bicycle Penalties
10-2-9	Play Vehicle Penalties
10-2-10	In-Line Skate Penalties

Sec. 10-2-1 Definitions.

As used in this Chapter:

- (a) **Bicycle** means every device propelled by the feet acting upon pedals and having wheels, any two (2) of which are not less than fourteen (14) inches in diameter.
- (b) **Bicycles' Lane** means that portion of a roadway set aside for exclusive use of bicycles and so designated by appropriate signs and markings by the responsible governing body.
- (c) **Bike Route** means any bicycle lane, bicycle way or highway which has been duly designated by the responsible governing body and identified by appropriate signs and markings.
- (d) **Bicycle Way** means any path or sidewalk, or portion thereof, designated for the use of bicycles by the responsible governing body.
- (e) **Carrier** means any device attached to a bicycle designed for carrying articles.
- (f) **Right-of-Way** means the right of one vehicle or pedestrian to proceed in a lawful manner in preference to another vehicle or pedestrian approaching under such circumstances of direction, speed and proximity as to give rise to danger of collision unless one grants precedence to the other.
- (g) **Play Vehicles** means any coaster, skateboard, roller skates, sled, toboggan, unicycle or toy vehicle upon which a person may ride.

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 Parking a Bicycle.

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

Sec. 10-2-4 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.

Sec. 10-2-5 Bicycle Regulations.

(a) Rules for Turning.

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

- (b) **Trick Riding.** No person shall operate a bicycle in any manner which necessitates the element of unusual extraordinary skill and involves unnecessary risk. As used in this

Section, "trick riding" may include but not be limited to any of the following bicycle operations:

- (1) Operating a bicycle without manual steering control of the handle bars;
 - (2) Operating a bicycle without manual control of the hand or foot braking system;
 - (3) Operating a bicycle without manual control of the foot pedals;
 - (4) Operating a bicycle in any manner which causes either wheel to leave the ground; and
 - (5) Any unnecessary weaving or jumping of any curb, ramp or other object.
- (c) **Tandem Riding.** No person shall ride or propel a bicycle on a street in said City with another person upon said bicycle unless such bicycle is so constructed as to be a tandem bicycle.
- (d) **Emerging From Alley or Driveway.** The operator of a bicycle emerging from an alley, driveway or building shall, upon approaching a sidewalk or the sidewalk area extending across any alleyway, yield the right-of-way to all pedestrians and, upon entering the roadway, shall yield the right-of-way to all vehicles approaching on said roadway.
- (e) **Bicycles Not to be Pulled by Moving Vehicles.** No person riding upon a bicycle shall cling or attach himself/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.
- (f) **Speed.** No person shall operate a bicycle at a speed greater than is reasonable and prudent under existing conditions or in excess of any posted speed limit.
- (g) **Operation.** The riding or parking of any bicycles on the patio section around the fountain located at the entranceway of the Washburn City Hall is prohibited.

Sec. 10-2-6 Play Vehicles.

- (a) **Play Vehicle Streets Prohibited.** No person shall operate or make use of a play vehicle on any street in the City of Washburn.
- (b) **Play Vehicle Areas Prohibited.** No person shall operate or make use of a play vehicle on any public parking lot or tennis grounds, municipal campgrounds, the City Hall Plaza, upon any private parking lot held out for public use or upon any private driveway or private property without the owner's consent.
- (c) **Responsibility of Parent or Guardian for Violation of Play Vehicle Regulations.** No parent or guardian of any child shall authorize or knowingly permit such child to violate any of the provisions of this Section.
- (d) **Definitions.** As used in this Section, the following terms shall have the following meanings, unless the context clearly indicates that a different meaning is intended:
- (1) **Play Vehicle.** Any coaster, skateboard, roller skates, sled, toboggan, unicycle or toy vehicle upon which a person may ride.

Sec. 10-2-7 In-Line Skate Regulations.

- (a) **In-Line Skates on Streets Prohibited.** No person shall operate in-line skates or make use of in-line skates on State Highway 13/Bayfield Street in the City of Washburn.
- (b) **Prohibited Off-Street Areas.** No person shall operate or make use of in-line skates on any public parking lot or tennis grounds, municipal campgrounds, City Hall Plaza, upon any private parking lot held out for public use or upon any private driveway or private property without the owner's consent.

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. 340.01, Wis. Stats., for not less than thirty (30) days nor more than ninety (90) days.
- (c) Any person under fourteen (14) years of age who shall violate any provision of this Chapter may be issued a special Bicycle Violation Warning Notice along with the following additional actions:
 - (1) First offense in one (1) year: A warning letter sent to the parent or guardian.
 - (2) Second or third offense in the same year: The bicycle may be impounded by law enforcement authorities.
 - (3) Fourth and subsequent offense in the same year: Mandatory referral to Bayfield County Juvenile Court.
- (d) Any parent or guardian of any child who authorizes or knowingly permits such child to violate any of the provisions of this Chapter may be subject to the provisions of Sections 346.77 and 346.82(1), Wis. Stats.

Sec. 10-2-9 Play Vehicle Penalties.

- (a) Any person fourteen (14) years of age and over 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 costs of prosecution.

- (b) Any person under fourteen (14) years of age who shall violate any provisions of this Chapter may receive an officer's report 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 or third offense in the same year: The play vehicle may be impounded by law enforcement authorities.
 - (3) Fourth and subsequent offense in the same year: Mandatory referral to Bayfield County Juvenile Court.
 - (4) 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.

Sec. 10-2-10 In-Line Skate Penalties.

- (a) Any person fourteen (14) years of age and over who shall violate any provisions of Section 10-2-7 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 costs of prosecution.
- (b) Any person under fourteen (14) years of age who shall violate any provisions of Section 10-2-7 may receive an officer's report warning notice along with the following additional actions:
- (1) First offense in one (1) year: A warning sent to the parent or guardian.
 - (2) Second or third offense in the same year: The play vehicle may be impounded by law enforcement authorities.
 - (3) Fourth and subsequent offense in the same year: Mandatory referral to Bayfield County Juvenile Court.
 - (4) 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 Secs. 346.77 and 346.82(1), Wis. Stats.

Chapter 3

Snowmobiles

- 10-3-1** State Snowmobile Laws Adopted
- 10-3-2** Applicability of Traffic Regulations to Snowmobiles
- 10-3-3** Speed; Hours of Operation; Equipment
- 10-3-4** Unattended Vehicles
- 10-3-5** Operation on Sidewalks Prohibited
- 10-3-6** Snowmobile and Other Off-Highway Vehicle Operation Restricted
- 10-3-8** Snowmobile and ATV Routes and Trails Designated
- 10-3-9** Placement of Snowmobile Business Signs
- 10-3-10** Penalty
- 10-3-11** Enforcement
- 10-3-12** Snowmobile Residential Access

Sec. 10-3-1 State Snowmobile Laws Adopted.

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

- 350.01 Definitions.
- 350.02 Operation of Snowmobiles on or in the Vicinity of Highways.
- 350.03 Right-of-Way.
- 350.04 Snowmobile Races, Derbies and Routes.
- 350.045 Public Utility Exemption.
- 350.047 Local Utility Exemption.
- 350.05 Operation by Youthful Operators Restricted.
- 350.055 Safety Certification Program Established.
- 350.06 Firearms and Bows.
- 350.07 Driving Animals.

- 350.08 Owner Permitting Operation.
- 350.09 Head Lamps, Tail Lamps and Brakes, Etc.
- 350.10 Miscellaneous Provisions for Snowmobile Operation.
- 350.12 Registration of Snowmobiles.
- 350.125 Completion of Application for Registration by Snowmobile Dealers.
- 350.13 Uniform Trail Signs and Standards.
- 350.15 Accidents and Accident Reports.
- 350.17 Enforcement.
- 350.18 Local Ordinances.
- 350.19 Liability of Landowners.
- 350.99 Parties to a Violation.

Sec. 10-3-2 Applicability of Traffic Regulations to Snowmobiles.

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

Sec. 10-3-3 Speed; Hours of Operation; Equipment.

- (a) **Speed; Distance.** No person shall operate a snowmobile within the City or on any trail designated in Section 10-3-6 of this Chapter at a speed in excess of ten (10) miles per hour.
- (b) **Hours of Operation Restricted.** Except on a designated trail, no person shall operate a snowmobile or other off-highway vehicle anywhere within the City between the hours of 2:00 a.m. and 6:00 a.m., except for returning home via the most direct route.
- (c) **Restriction on Equipment.** No snowmobile or other vehicle operating on the snowmobile route shall be allowed if it has an expansion chamber or any muffler other than the type and size provided by the manufacturer. Each snowmobile must display a lighted headlight and taillight at all times and said lights must conform to the requirements of Section 350.09 of the Wisconsin Statutes.
- (d) **Lights.** All snowmobiles shall be required to have running lights on at all times while operating within the limits of the City of Washburn.
- (e) **Unplowed Roads.** Snowmobiles shall be allowed to operate on any unplowed roadway not ordinarily traveled.
- (f) **Miscellaneous Regulations.**
 - (1) All snowmobiles and ATVs shall yield to all vehicular traffic and pedestrian movement.

- (2) Snowmobile and ATV operation on a roadway is authorized only for the extreme right side of the roadway except that left turns may be made from any part of the roadway which is safe given prevailing conditions.
- (3) No operator under the age of eighteen (18) may carry a passenger.
- (4) Helmets must be worn for operators under the age of eighteen (18).

Sec. 10-3-4 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. 10-3-5 Operation on Sidewalks Prohibited.

No person shall operate a snowmobile upon any sidewalk, pedestrian way or upon the area between the sidewalk and the curb line of any street in the City, except as specifically authorized by Section 10-3-9 or for the purpose of crossing to obtain immediate access to an authorized area of operation.

Sec. 10-3-6 Snowmobile and Other Off-Highway Vehicle Operation Restricted.

- (a) **Permitting Operation by Improper Persons Prohibited.** No owner or person having charge or control of a snowmobile shall authorize or permit any person to operate such snowmobile who is not permitted under state law to operate such snowmobile or who is under the influence of an intoxicant or a dangerous narcotic drug.
- (b) **Operation While Under Influence Prohibited.** Section 346.63, Wis. Stats., shall apply to the operation of a snowmobile any place within the City.
- (c) **Operation in Parks.** No person shall drive a snowmobile in any park within the City except upon designated snowmobile trails as shall be designated by the Common Council.
- (d) **Written Consent of Owner Required.** The consent required under Sec. 350.10(6), (11), (12) and (13), Wis. Stats., and in Subsection (a) above shall be written consent dated and limited to the year in which the consent is given. If the property is owned or leased by more than one (1) person, the consent of each must be obtained.

Cross-Reference: Title 10, Chapter 4.

Sec. 10-3-7 Restrictions on Operators.

- (a) No person under the age of fourteen (14) years may operate a snowmobile. No person over the age of fourteen (14) 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 of Natural Resources.
- (b) No person under the age of sixteen (16) years old shall operate a snowmobile within the City of Washburn unless accompanied by an adult or unless having successfully completed a State of Wisconsin snowmobile safety school course.

State Law Reference: Sec. 350.05, Wis. Stats.

Sec. 10-3-8 Snowmobile and ATV Routes and Trails Designated.

(a) Definitions.

- (1) **Snowmobile and ATV Routes.** Routes are on State or County highways or City streets.
- (2) **Snowmobile and ATV Trails.** Trails are off highways or streets and are on public or private property.

(b) Routes and Trails for Both Snowmobiles and ATVs.

- (1) Fifth Avenue West from Wisconsin Street to Oak Road.
- (2) Oak Road from Fifth Avenue West to Grandview Boulevard.
- (3) Washington Avenue from Oak Road north to City limits.
- (4) Grandview Boulevard from Oak Road to Sixth Street East.
- (5) Shadow Drive from Grandview Boulevard to Bratley Drive.
- (6) Bratley Drive from Shadow Drive to East Fourth Street.
- (7) East Fourth Street from Bratley Drive to Central Avenue.
- (8) West Fourth Street from Central Avenue to Ninth Avenue West.
- (9) Sixth Avenue East from East Fourth Street to Memorial Park.
- (10) Woodland Drive from Fifth Avenue West to Eighth Avenue West.
- (11) Eighth Avenue West from Woodland Drive to Jackson Road.
- (12) Jackson Road from Eighth Avenue West to end at Tenth Avenue West.
- (13) Wisconsin Street from Sixth Avenue West to Fifth Avenue West.
- (14) Sixth Avenue West from Wisconsin Street to Railroad Grade.
- (15) First Avenue East from Railroad Grade to Coal Dock.
- (16) Railroad Grade from Sixth Avenue East to Fourth Avenue East.
- (17) Railroad Grade from First Avenue East to Bigelow Street.
- (18) Sixth Avenue West from Railroad Grade to Thompson West End Park (park access).

- (19) Eighth Avenue West from Railroad Grade to Thompson West End Park (park access).
 - (20) Extending across public lands from the existing trail within the former C&NW Railroad grade in the vicinity of extended and unopened 1st Avenue East across Harborview Drive to lands owned by the Washburn Inn and Harbor View Event Center.
 - (21) Extending across public lands from the existing trail within the former C&NW Railroad grade to West Omaha Street midway between South Central Avenue and South 1st Avenue East to West Omaha Street.
 - (22) Alley lying south of West Bayfield Street between South Central Avenue and 1st Avenue West (all within Block 50, Original Plat of Washburn).
 - (23) Memorial Drive from Central Avenue to First Avenue East.
 - (24) First Avenue East from Memorial Drive to Pumphouse Road.
 - (25) Pumphouse Road from First Avenue East to Fourth Avenue East.
 - (26) Fourth Avenue East from Pumphouse Road to the Railroad grade.
 - (27) Ninth Avenue West from Fourth Street West to Pine Street.
 - (28) Pine Street from Ninth Avenue West to Eleventh Avenue West.
- (c) **Routes and Trails Shall be Marked.** Snowmobile clubs or other private persons shall be permitted to mark all routes approved by the City. The City shall not have the duty to install and mark snowmobile routes. All routes and trail markings must be removed by the clubs or persons who originally installed such markings at the beginning of each snowmobile season. The Common Council shall have the power to declare snowmobile routes and trails closed.
- (d) **Rules of the Road.** Snowmobiles operated on designated snowmobile routes over public highways and streets shall observe the rules of the road for motor vehicles as set forth in Chapter 346, Wis. Stats., as amended, which is hereby adopted by reference as if set forth in full herein.

Cross-Reference: Section 10-4-4.

Sec. 10-3-9 Placement of Snowmobile Business Signs.

- (a) **Title.** This Section shall be known as the City of Washburn Snowmobile Business Sign Ordinance.
- (b) **Permit.** No person shall erect or maintain any business advertising sign on any snowmobile trail in the City of Washburn without first obtaining a permit from the City of Washburn Zoning Administrator. All signs permitted pursuant to this Section may be placed only on the former railroad right-of-way now owned by the City of Washburn which is located between Thompson's Creek and Superior Avenue.
- (c) **Permitted Signs.** Permitted signs shall be only for the purpose of directing trail users to places of business along the trail system. Information contained on signs shall be limited

to names of businesses, international symbols pertaining to types of business, directional arrows and distances to business. Distances where indicated shall be reasonably accurate.

(d) **Sign Standards.**

- (1) No business may have more than two (2) signs upon the trail system in the City and said signs shall not be more than five (5) feet in height from the railroad grade. Signs may be placed only at trail heads, intersections, and trail entrances to businesses. Signs shall be erected on four inch by four inch (4" x 4") wooded posts and located at least two (2) feet to the right of STOP or other official signs.
- (2) Signs shall be of material authorized by the City of Washburn Zoning Administrator and have a white legend on a brown background. They shall be rectangular in shape and twelve by thirty inches (12" x 30") in size. Sign letters shall be capital block letters three (3) inches in height and directional arrows shall be of the same size.

(e) **Violations.**

- (1) Any sign placed on said trail within the City of Washburn which is not in compliance with this Section shall be removed under the direction of the City Zoning Administrator.
- (2) Any person violating this Section shall be subject to the following:
 - a. For a first violation, the violator shall be given a written warning and five (5) days thereafter to correct the violation.
 - b. For a first violation if not corrected within a time period stated in Subsection (e)(2)a, and for a second violation, a forfeiture of Fifty Dollars (\$50.00) plus statutory costs, assessments and fees.
 - c. For a third or subsequent violation, a forfeiture of One Hundred Dollars (\$100.00) plus statutory costs, assessments and fees.

(f) **Enforcement.** This Section may be enforced by the City of Washburn Chief of Police and his/her deputies and by the City of Washburn Zoning Administrator. All citations for violations of this Section may be issued by said persons.

(g) **Exemption.** Signs authorized herein shall not constitute an "off premises" sign as elsewhere defined in the City's sign ordinance.

Sec. 10-3-10 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. 10-3-11 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 Sections 66.12 and 66.114 of the Wisconsin Statutes. Stipulations of guilt or no contest may be made as provided in Sec. 66.12(1)(b), Wis. Stats., in substantially the form provided in the uniform traffic citation within five (5) days of the date of the citation for such violation. Bail deposits may also be made under Sec. 66.12, Wis. Stats.

Sec. 10-3-12 Snowmobile Residential Access.

- (a) **Intent.** The intent of this Section is to provide a means for persons residing in and/or staying at a lodging establishment with the limits of the City of Washburn to travel for the shortest distance that is necessary for a person to operate a snowmobile route or trail that is closest to that residence or lodging establishment.
- (b) **Statutory Authority.** This Section is adopted as authorized under Sec. 350.18(3)(a), Wis. Stats.
- (c) **Designated Roadways and/or Highways.** No person shall operate a snowmobile on a roadway or shoulder of a highway not designated as a snowmobile route other than the following:
 - (1) All roadways or shoulders in the City of Washburn.
- (d) **Conditions.**
 - (1) This Section designates the roadways and/or shoulders of specific highways for snowmobile travel by persons residing in or staying at a lodging establishment within the limits of the City of Washburn to travel for the shortest distance that is necessary to reach the snowmobile trail or route that is closest to that residence or lodging establishment subject to the following conditions:
 - a. Snowmobiles shall be operated on the extreme right side of the roadway and travel with the flow of traffic.
 - b. Snowmobiles are to be operated in single file.
 - c. Headlights should be on at all times.
 - d. Snowmobile operators shall yield the right-of-way to other vehicular traffic and pedestrians.

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- (2) Snowmobiles violating any of the above conditions would be subject to the underlying violation of operating on the roadway.
- (e) **Speed.** A snowmobile operated on a portion of the roadway or shoulder of a highway pursuant to this Section shall observe roadway speed limits.
- (f) **Enforcement.** This Section shall be enforced by any law enforcement officer of the City of Washburn.
- (g) **Penalties.** Wisconsin state snowmobile penalties as found in Sec. 350.11(1)(a), Wis. Stats., are adopted by reference.

Title 10 ► Chapter 4

All-Terrain Vehicles and Utility Terrain Vehicles

10-4-1	State All-Terrain Vehicle Laws Adopted
10-4-2	ATV Use Regulations
10-4-3	UTV Use Regulations
10-4-4	Penalties

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

The provisions describing and defining regulations with respect to all-terrain vehicles (ATVs) and utility terrain vehicles (UTVs) in the following-enumerated Subsections of Sec. 23.33, Wis. Stats., and any future amendments or revisions, are hereby adopted by reference and made part of this Section as if fully set forth herein. Any acts required to be performed by the following Statutory Subsections or which are prohibited by such Statutory Subsections are required to be performed by this Section or are prohibited by this Section:

23.33(1)	Definitions
23.33(1m)	Utility Terrain Vehicle Program
23.33(2)	Registration
23.33(2j)	Non-Resident Trail Passes
23.33(2k)	Weekend Exemption
23.33(2m)	Rental of All-Terrain Vehicles and Utility Terrain Vehicles
23.33(3)	Rules of Operation
23.33(3c)	Firearms
23.33(3g)	Use of Headgear
23.33(4)	Operation On or Near highway
23.33(4c) through 23.33(4z)	Intoxicated Operation of an All-Terrain Vehicle or Utility Terrain Vehicle and Related Laws
23.33(5)	Age Restrictions
23.33(6)	Equipment Requirements
23.33(6m)	Noise Limits
23.33(7)	Accidents
23.33(8)(f)	Interference With Signs and Standards Prohibited

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- 23.33(12)(b) Refusal to Stop for Law Enforcement Officer
- 23.33(13) Penalties [subsections (a) – (b)1 and (b)4, (bg), (e), and (f)]

Sec. 10-4-2 ATV Use Regulations.

- (a) **Intent.** The intent of this Section is to establish routes within the City of Washburn whereby all-terrain vehicles may reach the trails and the all-terrain vehicle areas located outside of the City of Washburn. It is not the intent of this Section that the streets or avenues established as routes be used for purposes other than leaving or entering the City.
- (b) **Routes Designated – Generally.**
 - (1) All all-terrain vehicle routes within the City of Washburn shall be marked by uniform marking signs which conform with regulations of the Wisconsin Department of Transportation and Wisconsin Department of Natural Resources.
 - (2) All-terrain vehicles shall be allowed to operate on any roadway not ordinarily traveled.
- (c) **Stops Required at Intersections.** All all-terrain vehicles must stop at each and every intersection in the City of Washburn.
- (d) **Hours of Operation.** All-terrain vehicles shall not operate within the City of Washburn between the hours of 2:00 a.m. and 6:00 a.m.
- (e) **Yield to Traffic and Pedestrians.** All all-terrain vehicles shall yield to all vehicular traffic and pedestrian movement, and operators shall comply with the provisions of Section 10-3-3.
- (f) **Specific Routes Designated.** All-terrain vehicle (ATV) routes and trails are designated in Section 10-3-8.
- (g) **Designation of Destination Point.** A destination point has been established in the City of Washburn to the Washburn Coal Dock and West End Park for the purpose of fishing.
- (h) **Trail Use by Bicycles.** The use of bicycles is permitted on designated all-terrain vehicle routes and trails.

Sec. 10-4-3 UTV Use Regulations.

- (a) **Operation on Designated Routes.** Utility terrain vehicles may be operated on any City-designated all-terrain vehicle or utility terrain vehicle routes.
- (b) **Stops Required at Intersections.** All utility terrain vehicles must stop at each and every intersection in the City of Washburn.
- (c) **Hours of Operation.** No utility terrain vehicle shall be operated in the City of Washburn between the hours of 2:00 a.m. and 6:00 a.m.
- (d) **Yield to Traffic and Pedestrians.** All utility terrain vehicles shall yield to all vehicular traffic and pedestrian movement.

Sec. 10-4-4 Penalties.

Violation of this Chapter shall be punished as provided in the statutory penalty sections adopted under Section 10-4-1.

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 Washburn 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 Washburn 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 twenty-four (24) hours, the vehicle shall be deemed abandoned and constitutes a public nuisance.
- (b) **Definitions.** For purposes of this Chapter, the following definitions shall be applicable:
- (1) **Vehicle** shall mean a motor vehicle, trailer, semitrailer or mobile home, whether or not such vehicle is registered under Wisconsin Law.
 - (2) **Unattended** shall mean unmoved from its location with no obvious sign of continuous human use.
 - (3) **Street** shall mean any public highway or alley and shall mean the entire width between the boundary lines of any public way where any part thereof is open to the public for purposes of vehicular traffic.
- (c) **Presumptions.** For purposes of this Section, the following irrebuttable presumptions shall apply:
- (1) A vehicle shall be presumed unattended if it is found in the same position twenty-four (24) hours after issuance of a traffic ticket or citation and if such traffic ticket or citation remains placed upon the windshield during said twenty-four (24) hours.
 - (2) Any vehicle left unattended for more than twenty-four (24) hours on any public street or public ground or left unattended for more than twenty-four (24) 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 Common Council or a law enforcement officer.
- (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.

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.** 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 Washburn which has been abandoned shall cause the vehicle to be removed to a suitable place of impoundment.
- (c) **Storage and Reclaimer.** Any abandoned vehicle which is determined by the law enforcement authority serving the City 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 law enforcement authority serving the City 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 a 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 law enforcement authority serving the City 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 Washburn;
 - (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 address(es) of the Wisconsin titled owner and secured party of record, if known, and the time of sale shall be published before the sale.

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

Within five (5) days after the direct sale or disposal of a vehicle as provided for herein, the Chief of Police or his designee shall advise the State of Wisconsin Department of Transportation, Division of Motor Vehicles, of such sale or disposal on a form supplied by said Division. A copy of the form shall be given to the purchaser of the vehicle enabling the purchaser to obtain a regular certificate of title for the vehicle. The purchaser shall have ten (10) days to remove the vehicle from the storage area but shall pay a reasonable storage fee established by the 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 law enforcement officer serving the City.

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 Restricted.

- (1) The provisions of Sec. 175.25, Wis. Stats., are adopted by reference, as amended, and incorporated herein.
- (2) No disassembled, inoperable, unlicensed, junked or wrecked motor vehicles, truck bodies, tractors, trailers, farm machinery or appliances shall be stored unenclosed outside a building upon private property within the City for a period exceeding ten (10) days unless it is in connection with an authorized business enterprise located in a properly zoned area maintained in such a manner as to not constitute a public nuisance.
- (3) Motor vehicles registered pursuant to Secs. 341.265 and 341.266, Wis. Stats., shall not be stored on private or commercial property unless stored in an enclosed building out of public view.

(b) Definitions.

- (1) The term "disassembled, inoperable, junked or wrecked motor vehicles, truck bodies, tractors, trailers" as used in this Section is defined as follows: motor vehicles, recreational vehicles, truck bodies, tractors, farm machinery or trailers in such state of physical or mechanical ruin as to be incapable of propulsion, being operated upon the public streets or highways or which is otherwise not in safe or legal condition for operation on public streets or highways due to missing or inoperative parts, flat or removed tires, expired or missing license plates or other defects. This Section shall regulate all motor vehicles, whether being currently registered or not, which are in such a state of physical or mechanical ruin as to be incapable of self-propulsion or being operated upon the public streets and highways. Said term shall include any junked, ruined, dismantled or wrecked motor vehicle or any part thereof.
- (2) The term "unlicensed - motor vehicles, truck bodies, tractors or trailers" as used in this Chapter is defined as follows: motor vehicles, truck bodies, tractors, recreational vehicles or trailers which do not bear lawful current license plates.
- (3) The term "motor vehicle" is defined in Sec. 340.01(35), Wis. Stats.
- (4) The term "inoperable appliance" is defined as any stove, washer, refrigerator or other appliance which is no longer operable in the sense for which it was manufactured.

- (c) Exceptions.** This Section shall not apply to any motor vehicle or motor vehicle accessories stored within an enclosed building or on the premises of a business enterprise operated in a lawful place and manner in a properly zoned area when necessary to the operation of such business enterprise, in a storage place or depository maintained in a lawful place and manner, or seasonal use vehicles such as snowmobiles, motorcycles, motor scooters and nonmotorized campers, provided such vehicles are stored in compliance with the Ordinances of the City of Washburn. In other situations the Chief of Police may issue temporary permits permitting an extension of not to exceed ninety (90) days' time per each extension to comply with this Section where exceptional facts and circumstances warrant such extension. Such permits shall not be renewable.

(d) Enforcement.

- (1) Whenever the Common Council or a City law enforcement officer shall find any vehicles or appliances, as described herein, placed or stored in the open upon private property within the City, they shall notify the owner of

said property on which said vehicle or appliance is stored of the violation of this Section. If said vehicles or appliance is not removed within five (5) days, the Common Council or a City law enforcement officer shall cause to be issued a citation to the property owner or tenant of the property upon which said vehicle or appliance is stored.

- (2) If such vehicle or appliance is not removed within twenty (20) days after issuance of a citation, the Common Council or a City law enforcement officer shall cause the vehicle or appliance to be removed and impounded, and it shall thereafter be disposed of as prescribed in Sections 10-5-3 through 10-5-6. Any cost incurred in the removal and sale of said vehicle or appliance shall be recovered from the owner. However, if the owner of the vehicle or appliance cannot readily be found, the cost of such removal shall be charged to the property from which it is removed, which charges shall be entered as a special charge on the tax roll, pursuant to Sec. 66.60(16), Wis. Stats.
- (e) **Penalty.** Any person who shall interfere with the enforcement of any of the provisions of this Section and shall be found guilty thereof shall be subject to a penalty as provided in Section 1-1-7. Each motor vehicle or appliance involved shall constitute a separate offense.

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

Title 10 ► Chapter 6

Neighborhood Electric Vehicles

10-6-1 Neighborhood Electric Vehicles

Sec. 10-6-1 Neighborhood Electric Vehicles.

- (a) **Definitions.** The following definitions shall be applicable in this Section:
- (1) **Neighborhood Electric Vehicle.** A motor vehicle that is propelled by electric power and that 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 C.F.R. Sec. 571.3(b) and 49 C.F.R. Sec. 571.500. The term "neighborhood electric vehicle" does not include a golf cart.
 - (2) **Intersection.** The area embraced within the prolongation or connection of the curb lines or, if none, then within the boundary lines of the roadways of Bayfield Street and any other highway which joins it, whether or not Bayfield Street and the other such highway cross each other, or the area within which vehicles traveling upon Bayfield Street and another highway joining at any angle may come in conflict.
- (b) **Use Permitted Regulations.**
- (1) **Use Permitted Areas.** Except as provided below, any person with a valid driver's license may operate a neighborhood electric vehicle on any roadway in the City of Washburn where the speed limit is thirty-five (35) miles per hour or less.
 - (2) **Use Prohibited Areas.** No person may operate a neighborhood electric vehicle on Bayfield Street except while crossing Bayfield Street at an intersection between 11th Avenue West and 7th Avenue East, inclusive.
- (c) **Applicability of Other City Ordinances and State Laws.** Each operator of a neighborhood electric vehicle shall comply with all City ordinances and Wisconsin Statutes except as such ordinances and statutes by their express terms do not apply to a neighborhood electric vehicle, the operators thereof, or others.
- (d) **Penalties and Enforcement.**
- (1) **Forfeitures.** Any person violating any provision of this Section shall forfeit not less than Fifty Dollars (\$50.00) and not more the 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.

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- (2) **Applicability of Other Code Provisions.** All provisions of Sections 10-1-25 and 10-1-26 not in conflict with Subsection (d)(1) shall apply to penalties and enforcement of this Section.
- (e) **Original Effective Date of This Section.** The City Clerk-Treasurer shall submit a copy of this Section to the Wisconsin Department of Transportation upon original adoption. Upon approval by the Department, or upon the passage of twenty-one (21) days from the Department's date of receipt of the copy and failure of the Department to approve or object, whichever comes first, the Clerk-Treasurer shall order publication, and this Section shall take effect the day after publication.