



Village of Marathon City

Motor Vehicles & Traffic

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MOTOR VEHICLE AND TRAFFIC

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10.1.1 STATE TRAFFIC LAWS ADOPTED.

- (A) **Statutes Adopted.** Except as otherwise specifically provided in this Code, the statutory provisions in Chapters 110 (Motor Vehicles), 194 (Motor Vehicle Transportation), and 340 through 349 (Vehicles, Registration, Operators Licenses, Rules of the Road) of the Wisconsin Statutes, describing and defining regulations with respect to vehicles and traffic, for which the penalty is a forfeiture only, exclusive of any regulations for which the statutory penalty is a fine or term of imprisonment or exclusively state charges, are hereby adopted and by reference made a part of this Chapter as if fully set forth herein. The statutory sections listed shall be designated as part of this Code by adding the prefix "10.1." to each statute section number. Any act required to be performed or prohibited by any regulation incorporated herein by reference is required or prohibited by this Chapter. Any future amendments, revisions or modifications of the statutory regulations in Chapters 340 through 349 incorporated herein are intended to be made part of this Chapter in order to secure to the extent legally practicable uniform statewide regulation of vehicle traffic on the highways, streets and alleys of the State of Wisconsin. Any person who shall, within the Village of Marathon City, Wisconsin, violate any provisions of any Statute incorporated herein by reference shall be deemed guilty of an offense under this Section.
- (B) **Other State Laws Adopted.** There are also hereby adopted by reference the following sections of the Wisconsin Statutes, but the prosecution of such offenses under this Chapter shall be as provided in Chapters 340 through 349 of the Wisconsin Statutes and the penalty for violation thereof shall be limited to a forfeiture as hereinafter provided in this Chapter:
- 941.01 Negligent Operation of Vehicle
 - 943.11 Entry into Locked Vehicle
 - 943.23 Operating Motor Vehicles Without Owners Consent
- (C) **Statutes Specifically Incorporated by Reference.** Whenever this Chapter incorporates by reference specific sections of the Wisconsin Statutes, such references shall mean the Wisconsin Statutes of 2007-2008 as from time to time amended, repealed or modified by the Wisconsin Legislature.
- (D) **General References.** General references in this Chapter to Wisconsin statutory sections or chapters describing or defining procedures or authority for enactment or enforcement of local traffic regulations shall be deemed to refer to the most recent enactments of the Wisconsin Legislature describing or defining such procedures or authorities.

10.1.2 STATE ADMINISTRATIVE CODE PROVISIONS ADOPTED.

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

Wis. Adm. Code – MVD 5 Standards for Motor Vehicle Equipment

Wis. Adm. Code – MVD 6 Transportation of Explosives by Motor Vehicle

Wis. Adm. Code – MVD 12 Leasing of Vehicles by Private Carriers

Wis. Adm. Code – MVD 18 Protective Headgear Standards and Specifications

Wis. Adm. Code – MVD 22 Standards and Specifications – Design and Mounting SMV Emblem

- (B) **Non-Compliance Prohibited.** No person shall operate or allow to be operated on any highway, street or alley within the Village a vehicle that is not in conformity with the requirements of Subsection (a) or the provisions of Sec. 110.075 and Chapter 347, Wis. Stats., incorporated by reference in Section 10.1.1 of this Chapter.

- (C) **Safety Checks.**

- (1) Operators to Submit to Inspection. When directed to do so by any law enforcement officer, the operator of any motor vehicle shall stop and submit such vehicle to an inspection and such tests as are necessary to determine whether the vehicle meets the requirements of this Section or that the vehicle's equipment is in proper adjustment or repair. No person, when operating a motor vehicle, shall fail to stop and submit such vehicle to inspection when directed to do so by any law enforcement officer as herein provided.
- (2) Authority of Officer. Any law enforcement officer of the Village is hereby empowered whenever he or she shall have reason to believe that any provision of this Section is being violated to order the operator of the vehicle to stop and to submit such vehicle to an inspection with respect to brakes, lights, turn signals, steering, horns and warning devices, glass, mirrors, exhaust systems, windshield wipers, tires and other items of equipment.

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

(D) **Penalty.**

- (1) Penalty for violation of any provision of this Section, including the provisions of the Wisconsin Administrative Code, incorporated herein by reference, shall be as provided in Section 10.1.50, together with the costs of prosecution and applicable penalty assessment.
- (2) The Administrative Code sections adopted by reference in Subsection (a) above shall be designated as part of this Code by adding the prefix "10.1." to each statute or Administrative Code section number.

10.1.3 OFFICIAL TRAFFIC SIGNS AND CONTROL DEVICES; PROHIBITED SIGNS, SIGNALS AND MARKERS.

- (A) **Duty of Streets Superintendent to Erect and Install Uniform Traffic Control Devices.** Whenever traffic regulations created by this Chapter, including a State of Wisconsin traffic regulation adopted by reference in Section 10.1.1, require the erection of traffic control devices for enforcement, the Streets Superintendent with the cooperation of the Police Department, shall procure, erect and maintain uniform traffic control devices conforming to the Uniform Traffic Control Device Manual promulgated by the Wisconsin Department of Transportation, giving notice of such traffic regulation to the users of the streets and highways on which such regulations apply. Whenever State law grants discretion to local authorities in erecting or placement of a uniform traffic control device, devices shall be erected in such locations and in such a manner as, in the judgment of the Streets Superintendent, will carry out the purposes of this Chapter and give adequate warning to users of the streets and highways of the Village of Marathon City.
- (B) **Code Numbers to be Affixed to Official Traffic Control Devices.** The Streets Superintendent shall cause to be placed on each official traffic control sign a guide board, mile post, signal or marker erected under Subsection (a), a code number assigned by the Wisconsin Department of Transportation, and shall also place or direct the placing of code numbers on all existing official traffic control devices as required by the laws of the State of Wisconsin.

- (C) **Prohibited Signs and Markers in Highways.** No person other than an officer authorized by this Chapter to erect and maintain official traffic control devices or his or her designee shall place within the limits of any street or highway maintained by the Village any sign, signal, marker, mark or monument unless permission is first obtained from the Streets Superintendent 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) **Removal of Unofficial Signs, Markers, Signals and Traffic Control Devices.** The Streets Superintendent 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 Streets Superintendent to the Village Board for review and certification at its next regular meeting following the imposition of the charge. Any charge not paid on or before the next succeeding November 15 shall be placed upon the tax roll for collection as other special municipal taxes.

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

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.

10.1.5 SCHOOL BUS WARNING LIGHTS.

- (A) (1) Notwithstanding the provisions of Sec. 346.48(2)(b)2., Wis. Stats., adopted by reference in Section 10.1.1 to the contrary and except as provided in Subsection (B) below, school bus operators shall use flashing red warning lights in residential and business districts when pupils or other authorized passengers are to be loaded or unloaded at locations at which there are no crosswalk or traffic signals so that pupils must cross the street or highway before being loaded or after being unloaded.

- (2) The operator of a school bus equipped with flashing red warning lights shall actuate such lights at least one hundred (100) feet before stopping to load or unload pupils or other authorized passengers and shall not extinguish such lights until loading or unloading is completed and persons who must cross the street or highway are safely across.
 - (3) The operator of a school bus shall use the flashing red warning lights when loading or unloading passengers from either side where the curb and sidewalk are laid on one (1) side of the road only.
 - (4) The operator of a school bus shall use the flashing red warning lights when loading or unloading passengers in a residential or business district when the passengers are to be loaded or unloaded at a location at which there are:
 - (a) No traffic signals;
 - (b) Sidewalk and curb are laid on both sides of the street or highway; and
 - (c) Such persons must cross the street or highway before being loaded or after being unloaded.
 - (5) The operator of a motor vehicle which approaches from the front or rear of any school bus which has stopped on a street or highway when the bus is displaying flashing red warning lights shall stop the vehicle not less than twenty (20) feet from the bus and shall remain stopped until the bus resumes motion or the operator extinguishes the flashing red warning lights. The operator of a school bus, which approaches the front or rear of another school bus that has stopped and is displaying red warning lights, shall stop not less than twenty (20) feet from the other bus, display its red warning lights and remain stopped with red warning lights actuated until the other bus resumes motion or the other operator extinguishes the flashing red warning lights.
- (B) Pursuant to Sec. 349.21(2), Wis. Stats., the use of flashing red warning lights by school bus operators is prohibited when pupils or other authorized passengers are loaded or unloaded directly from or onto the school grounds or that portion of a right-of-way between the roadway and the school grounds designated by "school" warning signs as provided in Sec. 118.08(1), Wis. Stats.

10.1.6 BLUE WARNING LIGHTS ON POLICE VEHICLES.

- (A) Pursuant to Sections 346.03(3), 346.94(14), 346.95(3) and 347.25(1), (1m)(a) and (b) and (4), Wis. Stats., a marked police vehicle under Sec. 340.01(3)(a), Wis. Stats., may be equipped with a blue light and a red light which flash, oscillate or rotate.
- (B) If the vehicle is so equipped, the lights shall be illuminated when the operator of the police vehicle is exercising the privileges granted under Sec. 346.03, Wis. Stats. The blue light shall be mounted on the passenger side of the vehicle and the red light shall be mounted on the driver side of the vehicle. The lights shall be designed and mounted so as to be plainly visible and understandable from a distance of five hundred (500) feet during normal sunlight and during hours of darkness. No operator of a police vehicle may use the warning lights except when responding to an emergency call or when in pursuit of an actual or suspected violator of the law, when responding to but not upon returning from a fire alarm or when necessarily parked on a highway in a position which is likely to be hazardous to traffic using the highway.

10.1.7 ACCIDENT REPORTS.

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

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

10.1.10 OPERATORS TO OBEY TRAFFIC CONTROL DEVICES.

Every operator of a vehicle approaching an intersection at which an Official Traffic Control Device is erected in accordance with this Chapter shall obey the direction of such Official Traffic Control Device as required by the Wisconsin Statutes incorporated by reference in Section 10.1.1 of this Chapter. Operators of vehicles approaching a stop sign shall stop before entering a highway as required by Sec. 346.46, Wis. Stats. Operators approaching intersections at which a yield sign has been installed shall yield the right-of-way to other vehicles as required by Sec. 346.18(6), Wis. Stats.

10.1.11 HEAVY TRAFFIC ROUTES.

(A) **Definition.** For purposes of this Section, heavy traffic shall be defined as:

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

(B) **Prohibited Routes.** Heavy traffic is prohibited from using any Village of Marathon City street or highway not designated as a heavy traffic route. This Section shall not act to prohibit heavy traffic from using a Village street or highway for the purpose of obtaining orders for supplies or moving or delivering supplies or commodities to or from any place of business or residence which has an entrance on such street or highway, nor shall this Section apply to heavy traffic necessary to obtain orders, to make deliveries, or to move supplies or equipment for agricultural purposes. Furthermore, this Section will not act to prohibit heavy traffic from using any Village streets over which are routed state trunk highways. When being driven to the site of any construction, repair or maintenance of electric, gas or water service, vehicles owned and operated by a public utility will be exempt from the provisions of this Section.

(C) **Administration.** The Streets Superintendent in cooperation with the Police Department shall administer this Section. Administration shall include:

- (1) Posting of Signs. Appropriate signs shall be posted giving notice of this Section and of the heavy traffic routes established herein. Yellow sign posts may also be used to designate heavy traffic routes.
- (2) Maps. Maps of the Village showing heavy traffic routes shall be prepared and shall be available upon request by heavy traffic operators and owners.

(3) Construction Equipment.

- (a) The Chief of Police may grant temporary permits to allow heavy construction equipment to use Village streets or highways not designated as heavy traffic routes. These permits may be granted only when use of a non-designated route is necessary for the equipment to reach a construction site. No permit may be issued unless the person or corporation owning the equipment agrees to reimburse and hold the Village harmless for any damage done to the Village street by the equipment and/or any personal injury or property damage caused in part or in whole by the street damage.
 - (b) Village-owned or operated equipment is specifically excluded from the provisions of this Section.
- (D) **Liability.** Any operator, corporation, owner or agent whose heavy traffic vehicle damages any Village streets or highways in violating this Section shall be liable and required to pay the Village the cost of repair or replacement of the damaged street or highway.
- (E) **Streets Designated Class "B" Highways.** All streets and highways within the Village of Marathon City, Wisconsin, are hereby designated Class "B" highways subject to the weight limitations imposed on Class "B" highways by the Wisconsin Statutes adopted by reference in Section 10.1.1 except the highways or parts of highways designated as follows:
- (1) State Highway 107.

State Law Reference: Sec. 349.17, Wis. Stats.

10.1.12 SPEED LIMITS.

The provisions of Sections 346.57, 346.58, and 346.59 of the Wisconsin Statutes relating to the maximum and minimum speed of vehicles are hereby adopted, except as provided herein. All streets shall have a speed limit of twenty-five (25) miles per hour, except in the school zone boundaries, as marked by school signs, which areas the speed limit shall be fifteen (15) miles per hour when children are present.

10.1.13 ARTERIAL STREETS.

- (A) In the interest of public safety, the following streets or portions thereof are declared to be arterial highways for through traffic:
- (1) Main Street (State Highway 107) for its entire length.
 - (2) Fourth Street (County Highway NN) east and west of Main Street except traffic thereon shall stop for traffic on Pine Street.
 - (3) Second Street, one-way east-bound from Main Street to East Street.
 - (4) Third Street, one-way west bound from Chestnut Street to Main Street.
 - (5) First Street, east of Main Street.
 - (6) Market Street, from the south line of Fourth Street to the north line of Second Street.
 - (7) Eighth Street at its intersection with Chestnut Street.
 - (8) Tenth Street at its intersection with Chestnut Street.
 - (9) Weisenberger Road at its intersection with River Road.
 - (10) Fourth Street at its intersection with Spruce Street.
 - (11) Fourth at its intersection with Oak Street
 - (12) Eighth Street at its intersection with Hickory Street.
 - (13) Second Street at its intersection with Walnut Street.
 - (14) Third Street at its intersection with Municipal Drive.
 - (15) Fourth Street at its intersection with Westview Drive.
 - (16) Fourth Street at its intersection with Pheasant Lane.
 - (17) First Street at its intersection with Market Street.
 - (18) Second Street at its intersection with Chestnut Street.
 - (19) Krautkramer Road at its intersection with River Road.
 - (20) Maratech Drive, east of State Highway 107.
 - (21) South Road, from the east edge of the intersection of Vitello Lane to the intersection of County Highway B

10.1.14 PROHIBITED U-TURNS.

In the interest of public safety, U-turns shall be prohibited on the following streets:

- (A) Main Street (State Highway 107) for its entire length, including U-turns made by traffic on Main Street or traffic entering from any side street onto Main Street.

SEC. 10.1.20 RESTRICTIONS ON PARKING; POSTED LIMITATIONS.

- (A) **Forty-eight (48) Hour Limitation.** No person, firm or corporation shall park or leave standing any automobile, truck, tractor, trailer or vehicle of any description on any public streets or public parking lots in the Village of Marathon City for a period of forty-eight (48) or more consecutive hours in the same location at any time, except that where more restrictive parking limits have been established, the more restrictive limits shall apply. When any law enforcement officer shall find a vehicle standing upon a public street or parking lot in violation of the provisions of this Section, he is authorized to move such a vehicle or to require the operator in charge thereof to move such vehicle to a position permitted under this Chapter. The law enforcement officer may cause said vehicle to be removed to a proper impoundment and storage area within the Village where storage space is available and in such case the owner shall pay the costs of removing said vehicle and the storage fees on said vehicle before he may recover the possession thereof.
- (B) **Posted limitations.**
- (1) The Village Board may designate certain streets or portions of streets as no parking or no stopping or standing zones or as zones for parking by physically handicapped persons and may limit the hours in which the restrictions apply. The Village shall mark, by appropriate signs, each zone so designated in accordance with the provisions of Sec. 349.13, Wis. Stats.
 - (2) Except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic control device, no person shall stop or park a vehicle in an established no stopping or standing zone when stopping or standing is prohibited. No vehicle shall be parked in a no parking zone during hours when parking is prohibited except physicians on emergency calls or as permitted by state law or elsewhere by this Code of Ordinances.
 - (3) The Chief of Police is hereby granted the authority, within the reasonable exercise of police power to prohibit, limit the time or otherwise restrict the stopping, standing or parking of vehicles beyond the provisions of Chapter 346. The Village Board shall have the authority to restrict the turning or movement of heavy traffic and to impose special weight limitations on any highway or portions thereof which, because of the weakness of the roadbed due to deterioration or climatic conditions or other special or temporary conditions, would likely be seriously damaged or destroyed in the absence of any restrictions on heavy traffic movement or special weight limitations.
 - (4) No prohibition, restriction or limitation on parking or restriction on movement or turning of heavy traffic and imposition of special weight limits is effective unless official traffic control devices have been placed or erected indicating the particular prohibition, restriction or limitation.

- (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.

10.1.21 PARKING RESTRICTIONS DURING TEMPORARY SNOW REMOVAL OR STREET MAINTENANCE.

- (A) **Street Maintenance.** Whenever it is necessary to clear or repair a Village roadway or any part thereof, the Streets Department and/or Police Department shall post such highways or parts thereof with signs bearing the words "No Parking -Street Maintenance Work." Such signs shall be erected at least two (2) hours prior to the time that street maintenance work is to be commenced. No person shall park a motor vehicle in violation of such signs.
- (B) **Temporary Parking Restrictions for Special Events.** Pursuant to the provisions of Subsection 349.13, Wis. Stats., the Chief of Police is authorized to direct that temporary "No Parking" signs be erected by the Streets Superintendent during parades, festivals and other authorized events that require the regulating of vehicle stopping, standing or parking on Village roadways. The temporary regulation shall be limited to the time the event exists or is likely to exist.
- (C) **Parking During Snow Removal.** No person shall park, place or leave standing any automobile, truck or other vehicle on any street or public way after one (1) hour from the time such area has been designated and marked with signs or barriers by the Streets and/or Police Departments of the Village indicating no parking due to snow removal.

10.1.22 STOPPING OR PARKING PROHIBITED IN CERTAIN SPECIFIED PLACES.

- (A) **Parking Prohibited at All Times.** Except temporarily for the purpose of and while actually engaged in loading or unloading or in receiving or discharging passengers or property and while the vehicle is attended by a licensed operator so that it may be moved promptly in case of an emergency or to avoid obstruction of traffic, no person shall at any time park or leave standing any vehicle:
 - (1) Within an intersection.
 - (2) On a crosswalk.
 - (3) On a sidewalk or terrace area, except when parking in such place is clearly indicated by official traffic signs or markers or parking meters. "Terrace or Sidewalk Area" means that area between the sidewalk and the nearest curb line running parallel or generally parallel thereto or in the absence of a sidewalk ten (10) feet beyond the curb line.

- (4) Alongside or opposite any highway excavation or obstruction when such stopping or standing would obstruct traffic or when pedestrian traffic would be required to travel in the roadway
 - (5) On the roadway side of any parked vehicle unless double parking is clearly indicated by official traffic signs or markers.
 - (6) Within a fire lane consisting of either the driveway between the front doors of a Fire Station and the public street or in such places properly designated and marked as fire lanes ordered by the Fire Chief.
 - (7) Upon any portion of a highway where and at the time when stopping or standing is prohibited by official traffic signs indicating the prohibition of any stopping or standing
 - (8) In any place or manner so as to obstruct, block or impede traffic.
 - (9) Within ten (10) feet of a fire hydrant, unless a greater distance is indicated by an official traffic sign.
 - (10) Upon any portion of a highway where and at the time when parking is prohibited, limited or restricted by official traffic signs.
 - (11) Upon any bridge.
 - (12) Upon any street or highway within the Village limits any vehicle which faces a direction different from the direction of normal traffic flow for the lane of traffic in which said vehicle is stopped or standing.
 - (13) Upon any terrace or sidewalk in the Village at any time.
 - (14) In a loading zoning
 - (15) Within six (6) feet of the entrance to an alley, private road or driveway.
 - (16) In any municipal park when said park is closed to the public.
- (B) **Parking in Driveways.** No person shall park or leave standing any motor vehicle in any private driveway without the permission of the owner or lessee of the property which such driveway is located, whether or not such driveway is posted to limit or restrict parking.

- (C) **Vehicles Not to Block Private Drive, Alley or Fire Lane.** No vehicle shall, at any time, be parked so as to unreasonably restrict the normal access to any private drive, alley or fire lane. Said access shall be deemed to be unreasonably restricted if any vehicle is parked within four (4) feet of either side of said access. Upon discovery by a police officer or upon complaint by the owner of any such blocked drive, alley or fire lane, the Chief of Police may order said vehicle towed from such position at the risk and expense of the owner of said vehicle.
- (D) **Parking Vehicle for Repair or to Display for Sale Prohibited.**
- (1) No person shall stand or park a vehicle on any street, alley, public right-of-way or municipal parking lot in the Village of Marathon City for the purpose of repairing said vehicle or to display such vehicle for sale. No person shall park on any street or avenue any vehicles for the primary purpose of advertising.
 - (2) No person other than an owner and/or operator of a business located on business- engaged in the regular business of selling vehicles may display a vehicle for sale upon private premises unless the following conditions are met:
 - (a) Consent to display the vehicle has been given by the owner or lessee of the premises; and
 - (b) The owner of the vehicle is on the premises or resides there; and
 - (c) The vehicle displayed for sale is parked entirely on the premises; and
 - (d) The premises contains only one (1) vehicle displayed for sale; and
 - (e) The advertisement or sign for sale of the vehicle is not larger than two (2) square feet.

10.1.23 PARKING RESERVED FOR VEHICLES OF DISABLED.

When official traffic signs indicating such restriction have been erected in accordance with Section 10.1.3 of this Chapter, no person shall park, stop or leave standing any vehicle upon any portion of a street, highway or public or private parking facility reserved for vehicles displaying special registration plates or identification cards or emblems issued by the Wisconsin Department of Transportation or, for vehicles registered in another jurisdiction, by such other jurisdiction designating the vehicle as one used by a physically disabled person.

10.1.24 LEAVING KEYS IN VEHICLE PROHIBITED; PARKING VEHICLES WITH MOTOR RUNNING

- (A) **Leaving Keys in Vehicle.** No person shall permit any motor vehicle to stand or remain unattended on any street, alley or other public area, except an attended parking area, unless either the starting lever, throttle, steering apparatus, gear shift or ignition of the vehicle is locked and the key for such lock is removed from the vehicle. Whenever any police officer shall find any vehicle standing with the key in the ignition in violation of this Section, such officer is authorized to remove such key from the vehicle and deliver the key to the Police Department for safe custody.
- (B) **Parking Vehicles With Motor Running.** No person shall park or leave standing any motor vehicle with the motor or refrigerator unit running for more than thirty (30) minutes within three hundred (300) feet of any residence within the Village of Marathon City between the hours of 10:00 p.m. and 7:00 a.m.

10.1.25 UNATTENDED MOTORIZED MACHINERY.

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

10.1.26 ANGLE PARKING

- (A) Angle parking or parking diagonally is prohibited on all the streets, alleys and highways of the Village except as provided herein. All vehicles shall park parallel to, and within one (1) foot of, the curb except where streets and parking lots are so marked for angle parking.
- (B) No person shall at any time park any vehicle:
 - (1) In any direction other than the designated parking angle, where angle parking spaces are so designated and provided by appropriate markings.
 - (2) Backwards into angle parking spaces so designated and provided by appropriate markings.
 - (3) With a trailer attached or any vehicle longer than twenty (20) feet on any street where angle parking is so provided and allowed.

10.1.27 PARKING RESTRICTIONS.

- (A) **All Night Parking Prohibited from November 1 through April 1.** No person shall stop, park, or leave standing any vehicle or machinery, for a period of time longer than thirty (30) minutes between the hours of 2:00 a.m. and 6:00 a.m., between November 1 of each year and April 1 of the following year, on any of the public streets or alleys in the Village of Marathon City except under circumstances described in Sec. 346.50, Wis. Stats., and provided that this limitation shall not apply to physicians or surgeons when such parking is reasonably necessary while they are actually engaged in treating sick or injured persons and except upon written permission of the Village Police Department.
- (B) **Snow Emergency Restrictions.** Whenever circumstances require, the Village President, or Village Administrator, may declare that a state of snow emergency is deemed to exist in the Village of Marathon City. During the duration of such snow emergency, no person shall stop, park, or leave standing for a period of time exceeding thirty (30) minutes any vehicle or other machinery in any public alley or street.

10.1.28 PARKING OF CERTAIN VEHICLES RESTRICTED

- (A) **Street Parking.** No person owning or having control of any truck, trailer, truck power unit, tractor, bus or recreation vehicle or combination of vehicles weighing in excess of twelve thousand (12,000) pounds gross weight, or over nineteen (19) feet in length (including accessories, racks, or other physical extensions), or having a height of more than eight (8) feet from the roadway, or having a width greater than eight (8) feet, shall park the same upon any street, avenue, or public way in the Village of Marathon City in areas zoned residential or primarily residential in nature. The provisions of this Subsection shall not be deemed to prohibit the lawful temporary parking of such equipment upon any street, avenue or public way in the Village 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 Village Board may, however, designate specific truck parking zones.
- (B) **Main Street Parking.** No person owning or having control of any truck, truck power unit, tractor, bus or recreation vehicle or combination of vehicles weighing in excess of six thousand (6,000) pounds gross weight, or over twenty-one (21) feet in length (including accessories, racks, or other physical extensions), or having a height of more than eight (8) feet from the roadway, or having a width greater than eight (8) feet, shall park on Main Street (State Highway 107) in the Village of Marathon City. The parking on Main Street of any trailer, either attached or detached from its towing vehicle, shall also be prohibited. The provisions of this Subsection shall also be deemed to prohibit the temporary parking of such equipment on Main Street for the loading or unloading of goods, wares or merchandise, except upon written permission of the Village Police Department. Such loading or unloading to buildings located on Main Street shall be done from private drives, public alleys or side streets.

- (C) **Removal.** Any vehicle unlawfully parked under Subsection (A) and (B) above, may be removed from the street by order of a law enforcement officer, pursuant to Section 10.1.31, and the expense of so moving and storing such vehicle shall be paid by the operator or owner of said vehicle as a forfeiture in addition to the penalties hereafter prescribed.

10.1.29 UNLAWFUL REMOVAL OF PARKING CITATIONS.

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

10.1.30 OPERATION OF MOTOR VEHICLES IN PUBLIC PARKING LOTS.

- (A) **Unlicensed Operators Prohibited.** No person who does not hold a valid operator's license shall operate a vehicle in any public parking lot or ramp or 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

10.1.31 REMOVAL OF ILLEGALLY PARKED VEHICLES.

- (A) **Hazard to Public Safety.** Any vehicle parked, stopped or standing upon a highway or public parking lot or ramp in violation of any of the provisions of this Chapter is declared to be a hazard to traffic and public safety.
- (B) **Removal by Operator.** Such vehicle shall be removed by the operator in charge, upon request of any law enforcement officer, to a position where parking is permitted or to a private or public parking or storage premises.
- (C) **Removal by Police Officer.** Any 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 such vehicle to a position where parking is permitted.
- (D) **Removal by Private Service.** The officer may order a motor carrier holding a permit to perform vehicle towing services, a licensed motor vehicle salvage dealer or a licensed motor vehicle dealer who performs vehicle towing services to remove and store such vehicle in any public storage garage or rental parking grounds or any facility of the person providing the towing services.

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

10.1.32 INOPERABLE, WRECKED OR DISCARDED VEHICLES.

- (A) **Storage Prohibited.** No person owning or having custody of any partially dismantled, non-operable, wrecked, junked or discarded motor vehicle shall allow such vehicle to remain on any public street or highway, parking lot or ramp longer than forty-eight (48) hours after notification thereof by the Police Department. Notification shall be accomplished by placing in a conspicuous place on the vehicle and by mailing or serving upon the owner or occupant in charge of the premises a written notice setting forth briefly the applicable provisions of this Section and the date of the notice. Any vehicle so tagged which is not removed within forty-eight (48) hours after notice is declared to be a public nuisance and may be removed as provided in Section 10.1.31.
- (B) **Exemptions.** This Section shall not apply to a motor vehicle in an appropriate storage place or depository maintained in a lawful place and manner authorized by the Village of Marathon City.

Cross-Reference: Section 10.5.1.

10.1.33 TRAFFIC AND PARKING REGULATIONS ON SCHOOL DISTRICT GROUNDS

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

- (A) **Parking.** No person shall park any vehicle in any vehicular traveling area or parking area of the School District, except in conformity with posted parking regulations set forth for such vehicular travel and parking areas.
- (B) **Speed Limits.** No person shall, at any time, operate a motor vehicle upon any School District grounds at a speed in excess of ten (10) miles per hour.
- (C) **Vehicles Prohibited at Specified Times.** No person shall, at any time, operate a motor vehicle other than a school bus or emergency vehicle, in or upon any drive designated for buses only during the hours of 7:00 a.m. to 9:00 a.m., and during the hours of 3:00 p.m. to 4:30 p.m. on any weekday during the months school is in session.
- (D) **State Traffic Forfeiture Laws Adopted.** All provisions of Chapters 340 to 349 of the Wisconsin Statutes describing and defining regulations with respect to vehicles and traffic for which the penalty is a forfeiture only, including penalties to be imposed and procedures for prosecution, are hereby adopted and by reference made a part of this Section as if fully set forth herein. Such statutory sections shall be designated as part of this Code by adding the prefix "10.1.33-" to each state statute section number. Any act required to be performed or prohibited by any statute incorporated herein by reference is required or prohibited by this Section.
- (E) **Miscellaneous Rules.**
 - (1) No person shall operate a motor vehicle on such school premises at a rapid or sudden acceleration with the intent of squealing tires or leaving tire marks.
 - (2) No person shall operate a motor vehicle on such premises across parking lot islands or parking lot dividers.

10.1.40 DISTURBANCE OF THE PEACE WITH A MOTOR VEHICLE.

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

- (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 Village.
- (C) **Unnecessary Acceleration and Display of Power Prohibited.** It shall be unlawful for any person to operate any vehicle, including motorcycles, all-terrain vehicles and bicycles, in such a manner as to cause, by excessive and unnecessary acceleration, the tires of such vehicle or cycle to spin or emit loud noises or to unnecessarily throw stones or gravel; nor shall such driver cause to be made by excessive and unnecessary acceleration any loud noise as would disturb the peace.
- (D) **Disorderly Conduct with a Motor Vehicle.**
- (1) Conduct Prohibited. No person shall, within the Village of Marathon City, by or through the use of any motor vehicle, including but not limited to, an automobile, truck, motorcycle, mini-bike or snowmobile, cause or provoke disorderly conduct with a motor vehicle, cause a disturbance or annoy one or more persons, or disturb or endanger the property or the safety of another's person or property.
- (2) Definition. "Disorderly conduct with a motor vehicle" shall mean the engaging in violent, abusive, unreasonably loud conduct, or disturbing or endangering the property or the safety of another's person or property, or otherwise disorderly conduct, including but not limited to, unnecessary, deliberate or intentional spinning of wheels, squealing of tires, revving of engine, blowing the horn, causing the engine to backfire or causing the vehicle, while commencing to move or in motion, to raise one or more wheels off the ground.
- (E) **Avoidance of Traffic Control Device Prohibited.** It shall be unlawful for any person to operate a motor vehicle in such a manner as to leave the roadway and travel across private property to avoid an official traffic control device, sign, or signal.
- (F) **Operation in Restricted Area Prohibited.** It shall be unlawful for any person to operate a motor vehicle in such a manner as to leave the roadway and park, stop, or travel upon or across any public or private property, parking lot, driveway, or business service area for any purpose except the official conduct of business located on said property without the consent of the owner or lessee of the property. This Section shall specifically include, but not be limited to:
- (1) Public park property;
- (2) Cemetery properties;
- (3) School District property;

- (4) Medical facilities;
 - (5) Funeral homes;
 - (6) Service stations;
 - (7) Grocery stores;
 - (8) Restaurants;
 - (9) Financial institutions; and
 - (10) Other similar-type businesses with service driveways or drive-up or drive-through facilities.
- (G) **Stopping and Parking Prohibited.** It shall be unlawful for any person to stop or park a motor vehicle in any manner on any public or private property or parking lot contrary to a regulatory sign posted thereon which may permit parking by certain persons and limits, restricts, or prohibits parking as to other persons without the consent of the owner or lessee of the property. Any vehicle parked in violation of this Section may be removed or towed by the property owner at the vehicle owner's expense.

10.1.41 PEDESTRIAN REGULATIONS.

(A) Pedestrian Obedience to Traffic Control Devices and Regulations.

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

10.1.42 MOTOR VEHICLES ON PEDESTRIAN WAYS AND OVER PASSES.

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

10.1.43 SCHOOL CROSSING GUARDS.

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

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

10.1.44 DRIVING OVER CURBING OR SAFETY ISLANDS PROHIBITED.

- (A) **Driving Over Curbing Prohibited.** It shall be unlawful for any motor vehicle to be driven or backed over any curbing in the Village of Marathon City.
- (B) **Driving Over Safety Zones or Islands Prohibited.** Whenever safety zones or safety islands are marked in accordance with the Wisconsin Uniform Traffic Control Device Manual, no operator of a vehicle shall at any time drive through or over a safety zone or safety island.

10.1.45 THROUGH 10.1.49 RESERVED FOR FUTURE USE.

10.1.50 PENALTIES.

- (A) **Forfeiture Penalty.** The penalty for violation of any provision of this Chapter shall be a forfeiture as hereafter provided, together with court costs and fees prescribed by Sections 814.63(1) and (2) or 814.65(1), Wis. Stats., the penalty assessment for moving traffic violations and the driver improvement surcharge imposed by Sections 165.87 and 346.655, Wis. Stats., where applicable. Payment of the judgment and applicable court costs, fees, assessments and surcharges may be suspended by the sentencing court for not more than sixty (60) days. Any person eighteen (18) years of age or older who shall fail to pay the amount of the forfeiture, court costs, any penalty assessment or driver surcharge or other penalty imposed for violation of any provision of this Chapter may, upon order of the court entering judgment therefore 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 Village, except a dog license, until the forfeiture imposed for such violation and any penalty assessment, court costs and fees or surcharge is paid.
- (C) **Forfeitures for Violation of Uniform Moving Traffic Regulations.** Forfeitures for violations of any moving traffic regulation set forth in the Wisconsin Statutes adopted by reference in Section 10.1.1 shall conform to the forfeiture penalty permitted to be imposed for violations of the comparable Wisconsin Statute, including any variations or increases for subsequent offenses; provided, however, that this Subsection shall not be construed to permit prosecution under this Chapter for any offense described in Chapters 341 to 349, Wis. Stats., for which an imprisonment penalty or fine may be imposed upon the defendant.
- (D) **Forfeitures for Parking Violations.**
- (1) Forfeitures for Uniform Statewide Parking. Stopping and Standing Offenses minimum and maximum forfeiture for violation of non-moving traffic violations adopted by reference in Section 10-1-1 as described in Chapter 341 to 349, Wis. Stats., shall be as found in the current edition of the Revised Uniform State Traffic Deposit Schedule.
- (2) Penalty for Other Parking Violations. The forfeiture for violation of parking regulations in Sections 10.1.20 through 10.1.33 shall be:
- a. A forfeiture of Ten Dollars (\$10.00) if paid within forty-eight (48) hours of the issuance of the citation.
- b. Thereafter legal process shall be issued, and the forfeiture shall be Twenty Dollars (\$20.00) plus the costs of the action.
- (E) **Other Violations.** Any person who shall violate any provision of this Chapter for which a penalty is not otherwise established by this Section shall be subject to a forfeiture of not less than Twenty Dollars (\$20.00) nor more than One Hundred Dollars (\$100.00).

10.1.51 ENFORCEMENT.

(A) **Enforcement Procedures.**

- (1) How Enforced. This Chapter shall be enforced in accordance with the applicable provisions of the Wisconsin Statutes and this Section.
- (2) Applicable Court Procedures. Except where otherwise specifically provided by the laws of the State of Wisconsin or this Code, the traffic regulations in this Code shall be enforced in accordance with the provisions of Sec. 345.20(2)(b) and Chapter 800, Wis. Stats.

(B) Citations.

- (1) Uniform Citation and Complaint. The Wisconsin Uniform Traffic Citation and Complaint described and defined in the Wisconsin Statutes shall be used for enforcement of all provisions of this Chapter except those provisions which describe or define non-moving traffic violations and violations of Sections 346.71 through 346.73, Wis. Stats. Violations of Sections 346.71 through 346.73, Wis. Stats., shall be reported to the District Attorney and the Wisconsin Uniform Traffic Citation shall not be used in such cases except upon written request of the District Attorney.
- (2) Parking Citations. The Village Attorney and Chief of Police shall recommend to the Village Board a citation for use in enforcing the non-moving traffic offenses in this Chapter. Such citation shall be used for enforcement of non-moving traffic regulations created or adopted by this Chapter, including violations of non-moving traffic regulations defined and described in the Wisconsin Statutes, adopted by reference in Section 10.1.1, and all provisions regarding non-moving traffic violations in this Chapter. The citation for non-moving traffic violations shall contain a notice that the person cited may discharge the forfeiture for violation of a non-moving traffic regulation and penalty thereof by complying with Subsection (c) (2) of this Section. Non-moving traffic citations may be issued by law enforcement officers or by civilian employees of the Police Department.

(C) Deposits and Stipulations.

- (1) Uniform Traffic Offenses.
 - (a) **Who May Make.** Persons arrested or cited for violation of moving traffic offenses created by this Chapter shall be permitted to make deposits and stipulations of no contest or released by the arresting officer in accordance with the applicable provisions of the Wisconsin Statutes. Stipulations of guilt or no contest may be made by persons arrested for violations of this Chapter in accordance with Sec. 66.12(1)(b) of the Wisconsin Statutes whenever the provisions of Sec. 345.27 of the Wisconsin Statutes are inapplicable to such violations. Stipulations shall conform to the form contained in the uniform traffic citation and complaint under Sec. 345.11 of the Wisconsin Statutes.
 - (b) **Delivery or Mailing of Deposit and Stipulation.** Any person stipulating guilt or no contest under the preceding Subsection must make the deposit required under Sec. 345.26 of the Wisconsin Statutes or, if the deposit is not established under such Statute, shall deposit a forfeited penalty as provided in the schedule established by the Chief of Police and approved by the Village Board. Deposits may be brought or mailed to the Police Department within five (5) days of the issuance of the citation in lieu of court appearance.

(2) Non-Moving Traffic Offense.

- (a) Direct Payment of Penalty Permitted. Persons cited (summons not issued) for violation of non-moving traffic offenses described and defined in this Chapter may discharge the penalty thereof and avoid court prosecution by mailing or forwarding within five (5) days of the issuance of the citation to the Police Department the minimum forfeiture specified for the violation. When payment is made as provided in this paragraph, no court costs shall be charged.
- (b) Court Prosecution. If the alleged violator does not deliver or mail a deposit as provided in Subsection a. within fifteen (15) days of the date of the citation, the Chief of Police shall forward a copy of the citation to the Village Attorney for prosecution.
- (c) Registration Suspension. If the alleged violator does not pay the forfeiture or appear in court in response to the citation for a nonmoving traffic violation on the date specified in the citation or, if no date is specified on the citation, within twenty-eight (28) days after the citation is issued, the Village may ask the Wisconsin Department of Transportation to suspend the registration of the vehicle involved or refuse registration of any vehicle owned by the person pursuant to the provisions of Sec. 345.28(4), Wis. Stats., and Subsection(c)(3) below.
- (d) Bond. Any official authorized to accept deposits under Sec. 345.26, Wis. Stats., or this Section, shall qualify by taking the oath prescribed by Sec. 19.01, Wis. Stats.

(3) Notice of Demerit Points and Receipt. Every officer accepting a forfeited penalty or money deposit under this Section shall receipt therefore in triplicate as provided in Sec. 345.26(3)(b), Wis. Stats. Every officer accepting a stipulation under the provisions of this Section shall comply with the provisions of Sections 343.27, 343.28, 345.26(1)(a) and 345.27(2), Wis. Stats., and shall require the alleged violator to sign a statement of notice in substantially the form contained on the uniform traffic citation and complaint promulgated under Sec. 345.11, Wis. Stats.

(4) Registration Suspension Program.

- (a) The Village shall participate in the Wisconsin Department of Transportation Traffic Violation and Registration Program as set forth in Sec. 345.28, Wis. Stats., and Wis. Adm. Code Trans. 128 and all amendments or changes thereto.
- (b) The 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 and/or Village Attorney are authorized to perform, on behalf of the Village, all functions required of a local authority under said Statutes and Code including, but not limited to:

1. Preparing and completing all forms and notices, notifying the Wisconsin Department of Transportation of unpaid citations for non-moving traffic violations;
 2. Specifying whether the registration of vehicles involved in unpaid citations for non-moving traffic violations should be suspended and/or whether registration should be refused for any vehicle owned by persons with unpaid citations for non-moving traffic violations.
 3. Determining the method by which the Village will pay the Wisconsin Department of Transportation for administration of the program; establishing the effective date for participation;
 4. And taking such other action as is necessary to institute and continue participation in the Wisconsin Department of Transportation Traffic Violation and Registration Program.
- (c) The Chief of Police is hereby authorized to assign a member of the Police Department to perform such acts as are necessary to effectuate this Subsection.
- (d) In addition to all applicable fines and court costs, the cost of using the Wisconsin Department of Traffic Violation and Registration Program shall be assessed as permitted by Sec. 345.28(4)(d), Wis. Stats. The Police may refuse to notify the Wisconsin Department of Transportation of payment on a citation until all applicable fines and costs, including costs assessed under the preceding sentence, are paid.
- (e) This Subsection shall not be interpreted as requiring that all unpaid citations for non-moving traffic violations be processed through the Wisconsin Department of Transportation Traffic Violation and Registration Program. The Village's participation in such program shall be in addition to any and all other means legally available to enforce such citations.

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

ARTICLE 2 Bicycles and Play Vehicles

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| 10.2.1 | Definitions |
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| 10.2.3 | Rules of the Road |
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| 10.2.7 | Play Vehicle Penalties |

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 twenty (20) 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.

10.2.2 LIGHTING AND OTHER EQUIPMENT.

No person shall operate a bicycle upon a highway after dusk and before dawn unless equipped with lights and reflective devices that can be seen by the operators of other vehicles on the highway.

10.2.3 RULES OF THE ROAD.

The provisions of Chs. 346 and 347, Wis. Stats., and applicable Village ordinances shall govern the operation of bicycles where appropriate. Every person driving a bicycle upon a roadway shall be granted all the rights and shall be subject to all the duties applicable to the driver of a vehicle by the laws of the State declaring rules of the road applicable to vehicles or by the traffic ordinances of the Village applicable to the driver of the vehicle, except as to those provisions of laws and ordinances which by their nature can have no application.

10.2.4 REGULATION OF SKATEBOARDS, ROLLER SKATES AND ROLLER SKIS.

- (A) **Regulations.** It shall be unlawful for any person in the Village of Marathon City to operate or ride a skateboard, roller skates, or roller skis ("play vehicles") in any of the following places:
 - (1) On the sidewalk in a business district or along side of a business.
 - (2) In any public parking ramp or parking lot
 - (3) On private property, unless permission has been received from the owner, lessee or person in charge of that property.
- (B) **Where Allowed.** Skateboarding on sidewalks is permitted, except as prohibited in this Section and otherwise regulated. The operators of skateboards must yield to all pedestrians.
- (C) **Yield to Pedestrians.** Operators or riders of skateboards, roller skates, roller skis, or other play vehicles shall yield the right-of-way to other pedestrians using Village sidewalks, and shall not otherwise endanger or interfere with normal pedestrian traffic on those sidewalks.
- (D) **Play Vehicles Not To Be Pulled By Moving Vehicles.** No person riding upon any coaster, roller skates, skateboard, roller ski's, sled, toboggan or play vehicle shall attach the same or himself to any vehicle upon a roadway.

(E) **Penalties.** The following penalties shall be applicable for violations of this Section:

- (1) Any person sixteen (16) years of age or older who shall violate any provisions of this Section may be issued a Uniform Traffic Citation and be subject to the penalties provided by the Uniform State Traffic Deposit schedule.
- (2) Any person fourteen (14) years of age through fifteen (15) years of age who shall violate any provisions of this Section 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.
- (3) Any parent or guardian of any child who authorized or knowingly permits such child to violate any of the provisions of this Section may be subject to the provisions of Sections 346.77 and 346.82(1), Wis. Stats.

10.2.5 GENERAL BICYCLE REGULATIONS.

(A) **Parental Responsibility.** No parent or guardian of any child shall authorize or knowingly permit such child to violate any of the provisions of Sections 10.2.3, 10.2.4 and this Section.

(B) **Street Operation.**

- (1) Unless preparing to make a left turn, every person operating a bicycle upon a roadway carrying two-way traffic shall ride as near as possible to the right edge of the unobstructed traveled roadway. On one-way roadways, the operator of the bicycle shall ride as near as possible to the right edge or left edge of the unobstructed traveled roadway. Every person operating a bicycle upon a roadway shall exercise due care when passing a standing vehicle or one proceeding in the same direction, allowing a minimum of three (3) feet between his bicycle and the vehicle.
- (2) Every person when operating a bicycle upon a roadway shall ride such bicycle in single file.
- (3) It shall be unlawful for any person riding upon a bicycle to cling to or attach himself or the bicycle to any other moving vehicle upon a street or highway.

- (4) No bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped. Infant seats are permitted if securely attached to the frame at the top mount and to the axle and frame at the rear bottom mount and if provided with hand holds, foot rests, foot guards and safety belt. The use of a back pack for carrying an infant is permitted. Persons are not permitted to be located on a bicycle in front of the operator of the bicycle.
- (5) No person operating a bicycle shall carry any package, bundle or article which prevents the safe operation of the bicycle with at least one hand on the handlebars at all times.
- (6) No rider of a bicycle shall remove both hands from the handlebars or feet from the pedals, or practice any acrobatic or fancy riding on any street.
- (7) Whenever a usable path for bicycles has been provided adjacent to a roadway, bicycle riders shall use such path and shall not use the roadway.
- (8) No person may operate a bicycle or moped upon a roadway where a sign is erected indicating that bicycle riding is prohibited.
- (C) **Bicycle Parking.** No bicycle shall be parked in front of or adjacent to any commercial establishment unless the bicycle is parked on the sidewalk parallel to the street and as close as possible to the curb. No person shall leave a bicycle at such a place or in such a way as to create a hazard to pedestrians, automobile operators or to anyone else.
- (D) **Required Equipment.** Every bicycle, when operated upon a highway, shall be equipped with a brake adequate to control the movement of and to stop such vehicle whenever necessary. Such brake shall be maintained in good working order at all times.
- (E) **Bicycles Not to be Pulled by Moving Vehicles.** No person riding upon a bicycle shall cling or attach himself or his bicycle to any other moving vehicle upon a street or highway, nor shall the operator of any such bicycle tow or draw any coaster wagon, sled, person on roller skates, toy vehicles or any other similar vehicle on such highway.
- (F) **Speed.** No person shall operate a bicycle at a speed greater than is reasonable and prudent under existing conditions or in excess of any posted speed limit.
- (G) **Operation on Sidewalks**
 - (1) No person over the age of ten (10) shall ride or propel any bicycle upon any public sidewalk or thoroughfare of the Village set apart for pedestrians, except bicycles having wheels sized twenty (20) inches or under. This exception shall not apply to twenty (20) inch or under bicycles designed or modified to BMX specifications.

- 2) No person shall ride or propel any bicycle upon any public street, alley, boulevard or sidewalk of the Village in such manner as to interfere with the rights of other persons using such street, alley, boulevard, or sidewalk.
- (H) **Bicycle Operation While Hearing Obstructed.** No person may operate a bicycle upon a highway while such operator is using any audio device attached directly to ear or ears of such operator that materially impairs the ability of such operator to hear traffic signals or warnings.
- (I) **Mopeds Prohibited on Bicycle Ways.** No person may ride a moped or motor bicycle with the power unit in operation upon a bicycle way.
- (J) **Riding Bicycle on Bicycle Lane.**
- (1) Unless two-way traffic is authorized by the Village Board on any portion of a roadway which it has set aside as a bicycle lane and appropriate traffic signs are installed, every person operating a bicycle upon a bicycle lane shall ride in the same direction in which vehicular traffic on the lane of the roadway nearest the bicycle lane is traveling.
- (a) Unless otherwise provided under Subsection (k)(2)b below, a person operating a bicycle may enter or leave a bicycle lane only at intersections or at driveway driveways adjoining the bicycle lane.
- (b) A person may leave a bicycle at any point by dismounting from the bicycle and walking it out of the lane. A person may enter a bicycle lane at any point by walking his bicycle into the lane and then mounting it.
- (2) Every person operating a bicycle upon a bicycle lane shall exercise due care and given an audible signal when passing a bicycle rider proceeding in the same direction.
- (3) Every operator of a bicycle entering a bicycle lane shall yield the right-of-way to all bicycles in the bicycle lane. Upon leaving a bicycle lane, the operator of a bicycle shall yield the right-of-way to all vehicles and pedestrians.
- (K) **Riding Bicycle on Bicycle Way.**
- (1) Every person operating a bicycle upon a bicycle way shall:
- (a) Exercise due care and give an audible signal when passing a bicycle rider or a pedestrian proceeding in the same direction.
- (b) Obey each traffic signal or sign facing a roadway which runs parallel and adjacent to a bicycle way.

- (2) Every person operating a bicycle upon a bicycle way open to two-way traffic shall ride on the right side of the bicycle way.
- (3) Every operator of a bicycle entering a bicycle way shall yield the right-of-way to all bicycles and pedestrians in the bicycle way.

10.2.6 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 offense in the same year: The violator shall be prohibited from using this vehicle or any other vehicle for a period of not longer than fifteen (15) days as the Chief of Police may deem necessary.
 - (3) Third offense in the same year: The violator shall be prohibited from using this vehicle or any other vehicle for a period of not less than fifteen (15) days or more than thirty (30) days as the Chief of Police may deem necessary.
 - (4) Fourth and subsequent offense in the same year: Mandatory referral to Marathon County Juvenile Court.
- (D) All violations shall be determined based on the preceding twelve (12) month period to establish which violation has occurred.
- (E) Any parent or guardian of any child who authorizes or knowingly permits such child to violate any of the provisions of this Chapter may be subject to the provisions of Sections 346.77 and 346.82(1), Wis. Stats.

10.2.7 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 Marathon 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.

ARTICLE 3

Snowmobiles

- 10.3.1 State Snowmobile and All-Terrain Vehicles Laws Adopted
- 10.3.2 Applicability of Traffic Regulations to Snowmobiles
- 10.3.3 Unattended Vehicles
- 10.3.4 Operation Regulated
- 10.3.5 Speed; Unattended Snowmobiles
- 10.3.6 Restrictions on Operators
- 10.3.7 Accidents and Accident Reports
- 10.3.8 Snowmobile Routes and Trails Designated
- 10.3.9 Penalty
- 10.3.10 Enforcement

10.3.1 STATE SNOWMOBILE AND ALL-TERRAIN VEHICLES LAWS ADOPTED.

Except as otherwise specifically provided in this Chapter, the statutory provisions describing and defining regulations with respect to snowmobiles in all sections of Chapter 350 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.

10.3.2 APPLICABILITY OF TRAFFIC REGULATIONS TO SNOWMOBILES.

No person shall operate a snowmobile upon any street, highway or alley within the Village of Marathon City 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.

10.3.3 UNATTENDED VEHICLES.

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

10.3.4 OPERATION REGULATED.

- (A) Except as provided in Section 10.3.8 no person shall operate a snowmobile upon any streets or sidewalks within the Village of Marathon City other than to drive directly across a street or sidewalk and then only after stopping and yielding the right-of-way to all pedestrians and vehicles approaching on said street or sidewalk.
- (B) No person shall drive or operate a snowmobile on private or Village property within the Village of Marathon City without consent or permission of the property owner.
- (C) No person shall operate a snowmobile within the Village of Marathon City at speeds in excess of ten miles per hour (10 mph) during the hours from 10:30 p.m. to 7:00 a.m.

10.3.5 SPEED; UNATTENDED SNOWMOBILES.

- (A) Speed. No person shall operate a snowmobile upon any public highway within the Village at a speed in excess of fifteen (15) miles per hour. No person shall operate a snowmobile on any trail designated in Section 10.3.8 of this Chapter or in any public park or recreation area at a speed in excess of the posted limit.
- (B) Unattended Snowmobiles. No person shall leave or allow a snowmobile to remain unattended on any public highway or public property while the motor is running or with the starting key in the ignition.

10.3.6 RESTRICTIONS ON OPERATORS.

- (A) No person under the age of twelve (12) years may operate a snowmobile. No person over the age of twelve (12) years and born after January 1, 1985, may operate a snowmobile unless he holds a valid snowmobile safety certificate issued by the Department of Natural Resources.

10.3.7 ACCIDENTS AND ACCIDENT REPORTS.

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

- (B) If the snowmobile accident results in death or injury to any person, every operator of a snowmobile involved in such accident shall, as soon as possible, notify the Police Department of the accident and shall, within ten (10) days after the accident, file a written report thereof with the department on forms prescribed by it.
- (C) If the operator of a snowmobile is physically incapable of making the report required by this Section and there was another occupant on the snowmobile at the time of the accident capable of making the report, he shall make such report.
- (D) "Snowmobile Accident" means a collision; accident or other casualty involving a snowmobile.

10.3.8 SNOWMOBILE ROUTES AND TRAILS DESIGNATED.

- (A) **Routes Designated.** Except as provided in Sections 350.02, 350.03, and 350.18(3)(a) Wis. Stats., no person shall operate a snowmobile on any public right-of-way or public grounds, except upon Board designated snowmobile routes.
- (B) **Residential or Lodging Access.** In accordance with Statute 350.18(3)(a) the operation of snowmobiles is allowed on a roadway and shoulder of a highway for any portion of a highway that lies within the boundaries of the village for the purpose of residential access or for the purpose of access to and from lodging within the village.
- (C) **Trail Markers.**
 - (1) Area snowmobile clubs shall be responsible for procuring, erecting and maintaining all necessary signs on all approved routes by the Village Board.
 - (2) The Chief of Police shall have the power to declare the stated snowmobile routes and trails either open or closed.
- (D) **Markers to be Obeyed.** No person shall fail to obey any route or trail sign, marker or limit erected in accordance with this Section.

Cross Reference: Section 10.4.2.

10.3.9 PENALTY.

Any person who shall violate any provision of this Chapter shall, upon conviction thereof, forfeit not less than Twenty Dollars (\$20.00) and not more than Five Hundred Dollars (\$500.00), together with the costs of prosecution, and, in default of payment thereof, may be imprisoned in the county jail for not exceeding ten (10) days, provided no person shall forfeit an amount in excess of the maximum fine or forfeiture allowed in the Wisconsin Statutes for the same offense and further provided that the penalty and forfeiture for parking violations on highways shall be the amount applicable to such violations by owners or operators of motor vehicles under Title 10, Chapter 1, of this Code of Ordinances.

10.3.10 ENFORCEMENT.

- (A) **Uniform Citation for Highway Violations.** The uniform traffic citation promulgated under Sec. 345.11, Wis. Stats., shall be used for violations of this Chapter relating to highway use except as herein provided.
- (B) **Parking Violations.** The special traffic citation described and defined in Title 10, Chapter 1, of this Code of Ordinances shall be used for enforcement of violations of rules of the road relating to parking of vehicles adopted by reference in Section 10.3.1 of this Chapter.
- (C) **Other Violations.** All violations of this Chapter not described in Subsections (a) or (b) shall be enforced in accordance with 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.
- (D) **Police Department to Receive Stipulations and Penalties.** Stipulations, forfeited penalties and deposits for obtaining release from arrest authorized under this Chapter may be accepted at the Police Department offices.
- (E) **Forfeited Penalties and Deposits.** Except as otherwise provided in Sec. 345.26, Wis. Stats., and the deposit schedule adopted by the State Board of Circuit Court Judges thereunder, required penalties and deposits or bail not including costs or fees for violation of this Chapter shall be as established by the schedule adopted by the Village Board.

ARTICLE 4
All-Terrain Vehicles and Off-Road Motor Vehicle Operation

- 10.4.1 State All-Terrain Vehicle Laws adopted
- 10.4.2 Unauthorized Operation of Motor Vehicles on Public or Private Property
- 10.4.3 ATV/UTV Routes

10.4.1 STATE ALL-TERRAIN VEHICLE LAWS ADOPTED.

The provisions describing and defining regulations with respect to all-terrain vehicles in the following-enumerated Subsections of Sec. 23.33, Wis. Stats., and any future amendments or revisions, are hereby adopted by reference and made part of this Section as if fully set forth herein. The statutory sections adopted by reference herein shall be designated as part of this Code by adding the prefix "10.4.1" to each statute section number. Any acts required to be performed by the following Statutory Subsections or which are prohibited by such Statutory Subsections are required to be performed by this Section or are prohibited by this Section:

- 23.33(2) Registration
- 23.33(3) Rules of operation [including Subsections (a) through (i)]
- 23.33(4) Operation on or near highway [including Subsections (a) through (e)]
- 23.33(5)(a)(c) Age restrictions
- 23.33(6) Equipment requirements [including Subsections (a) through (e)]
- 23.33(7) Accidents [including Subsections (a) and (b)]
- 23.33(1) Definitions [including Subsections (a) through (n)]

10.4.2 UNAUTHORIZED OPERATION OF MOTOR VEHICLES ON PUBLIC OR PRIVATE PROPERTY

(A) Purpose.

- (1) The unauthorized off-road operation of motor vehicles has resulted in serious damage to public and private lands including damage or destruction of vegetation, animal life and improvement to the lands; and
- (2) The unauthorized off-road operation of motor vehicles has resulted in the permanent scarring of land and an increase in both erosion and air pollution; and
- (3) The unauthorized off-road operation of motor vehicles has resulted in collisions and near collisions threatening the life and safety of the operators of such vehicles as well as of other persons; and
- (4) The unauthorized off-road operation of motor vehicles has resulted in a loss of the privacy, quietude and serenity to which the owners and users of land are rightfully entitled.

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

- (1) Unauthorized shall mean without the express prior consent of the owner, lessee, manager or other person authorized to give consent by the owner or lessee of land. Authorization shall not be implied from a failure to post private or public land.
- (2) Off-Road shall mean any location which:
 - (a) Is not a paved or maintained public street or alley; or
 - (b) Is not used or maintained by the owner or lease holder of the land as a driveway, parking lot or other way for motor vehicles; or
 - (c) Is a private trail for use only by the owner or his permittee for recreational or other vehicular use. Off-road shall not include any creek bed, river bed or lake provided, however, that this Subsection shall not apply to snowmobiles or other vehicles being operated on the ice covering such creek bed, river bed or lake.
- (3) Operation shall mean the physical manipulation or activation of any of the controls of a motor vehicle necessary to put it in motion.

- (4) Motor Vehicle shall mean, for purposes of this Section, any vehicle which is self-propelled and shall include but not be limited to automobiles, trucks, jeeps, vans, motorcycles, motorbikes, go-karts, motorized three-wheeled vehicles, all-terrain vehicles, mopeds, snowmobiles, dune buggies and tractors. Motor vehicle shall not mean any airplane, railroad train, boat, wheelchair or bicycle. A vehicle which would otherwise be defined as a motor vehicle under this Section shall not be so defined while:
- (a) It is being operated solely for the purpose of construction or maintenance of an improvement to land or solely for access to construction or maintenance sites provided such operation is by persons having legitimate business on such lands or sites;
 - (b) It is being operated by or at the direction of public employees or utility company employees as part of their employment duties.
 - (c) It is being operated by the holder of an easement or right of access on or over the land on which operation is occurring or the holder's employees or agents.

(C) **Unauthorized Off-Road Operation Prohibited.**

- (1) The unauthorized off-road operation of a motor vehicle is prohibited.
- (2) Except for authorized maintenance vehicles and snowmobiles or all-terrain vehicles operating in areas authorized by the Village Board, it shall be unlawful to operate any mini bike, go-kart, all-terrain vehicle or any other motor-driven craft or vehicle principally manufactured for off-highway use on the Village streets, alleys, parks, sidewalks, bikeways, parking lots or on any public lands or any parking lots held open to the public. The operator of such off-road motor vehicle shall, at all times, have the written consent of the owner of any private land before operating such vehicle on that private land.

10.4.3 ALL TERRAIN VEHICLE/UTILITY TERRAIN VEHICLE ROUTE

- (A) **Intent.** To create uniform procedures and requirements for the use and operation of all terrain vehicles and utility terrain vehicles on Village routes and trails.
- (B) **Definitions.** In this section, words and phrases used herein shall have the meaning as defined by Wis. Stat. § 23.33(1) unless otherwise defined herein. All-terrain vehicles (“ATVs”) shall have the definition given in Wis. Stat. § 340.01(2g). Utility terrain vehicles (“UTVs”) shall have the definition given in Wis. Stat. § 23.33(1)(ng). Street shall have the definition given in Section 1.1.2 of this Code.

- (C) **Statutory Authority.** The Village is authorized to designate highways as ATV/UTV routes pursuant to Wis. Stat. § 23.33(8)(b) and (11), and is authorized to enact ordinances regulating ATVs and UTVs on designated routes and trails pursuant to Wis. Stat. § 23.33(11)(a).
- (D) **Designation of ATV/UTV Routes.** The Village reserves the right to close or modify ATV/UTV routes at any time. Permanent closure will be complete through removal of signage and public notice. All streets in the Village shall be designated as ATV/UTV routes except for the following:
- (1) State Highway 107 (Main Street) throughout the village limits;
 - (2) Any street that does not meet the designation of a route as set forth in Marathon County, WI Ord. § 7.125(4)(a).
- (E) **Temporary Closure of Routes.** The Village President or their designated appointee has the authority to temporarily close or modify any Village route for a maximum of 30 days at any time due to an emergency, construction, or any other necessary condition.
- (F) **Operator and Rider Requirements.** In addition to those regulations identified in Wis. Stat. §§ 23.33 and 346.02(11), and Wis. Admin. Code § NR 64, any person who operates or rides as a passenger on an ATV or UTV must meet the following requirements:
- (1) No person may operate an ATV or UTV without having attained the age of 16, except as set forth in Wis. Stat. § 23.33(5).
 - (2) No person may operate an ATV or UTV without a valid driver's license, except as set forth in Wis. Stat. § 23.33(5).
 - (3) No person under the age of 18 may operate an ATV or UTV without their ATV certification, except as set forth in Wis. Stat. § 23.33(5).
 - (4) All operators shall have a liability insurance policy in force on any ATV or UTV operated on an ATV/UTV route. The liability insurance policy must have the minimum coverages as follows or the current limits as required by state statute for operation of a motorized vehicle:
 - a. Ten thousand dollars for property damage;
 - b. Twenty-five thousand dollars for the injury or death of one person; and
 - c. Fifty thousand dollars for the injury or death of more than one person.

- (G) **Rules of Operation.** The operation of an ATV or UTV on a Village route is subject to the following rules of operation in addition to those outlined in Wis. Stat. §§ 23.33 and 346.02(11), and Wis. Admin. Code § NR 64:
- (1) Operators may only operate on a designated ATV/UTV route if said route or trail is signed in accordance with Wis. Stat. §§ 23.33(8)(e) and Wis. Admin. Code § NR 64.12(7).
 - (2) Property owners / tenants residing on Main Street may traverse Main Street within one (1) block of their residence to the nearest approved ATV/UTV Route.
 - (3) Operators on ATV/UTV trails shall observe a speed limit not to exceed 25 miles per hour or the posted speed limit on the route, whichever is less.
 - (4) No operator shall drive an ATV/UTV at a speed greater than what is reasonable and prudent under the conditions and having regard for the actual and potential hazards then existing. The speed of an ATV/UTV shall be so controlled as may be necessary to avoid colliding with any object, person, vehicle or other conveyance on or entering the route in compliance with legal requirements and using due care.
 - (5) Operators shall ride in single file on the far right edge of the pavement.
 - (6) Operators may not operate an ATV or UTV on any Village route at any time before or after Operating Hours. Operating Hours are designated as 5:00 AM through 10:00 PM.
 - (7) All ATV's and UTV's must operate with fully functional headlamps, tail lamps and brake lights.
 - (8) Every ATV or UTV shall be equipped, maintained, and operated to prevent excessive or unusual noise. No person shall operate an ATV or UTV on a Village route unless the vehicle is equipped with a muffler or other effective noise-suppression system in good working order and in constant operation.
 - (9) Operators and Passengers under the age of 18 must wear a helmet when operating on a Village route.
 - (10) Every occupant of an ATV or UTV must be seated on a seat that is original to the vehicle as manufactured. No occupant may ride on any part of an ATV or UTV not designed or intended to be used by passengers.
 - (11) If a trailer is towed behind an ATV /UTV, the trailer must comply with the towing capacity of the vehicle. The trailer shall comply with the lighting requirements of ATV's /UTV's and the trailer shall not obstruct visibility of the operator. Trailers shall not obstruct the ability to see the operator from the rear

of the vehicle.

- (H) **Intoxicants in or on an ATV or UTV.** No person may consume alcoholic beverages or possess any bottle or receptacle containing alcoholic beverages if the bottle or receptacle has been opened, the seal has been broken, or the contents of the bottle or receptacle have been partially removed or released while he or she is in or on any ATV/UTV when the vehicle is on a Village route or street.
- (I) **Penalties.** The penalties under Wis. Stat. § 23.33(13) are adopted by reference. Any violation of this section without a penalty specified by statute or administrative code shall have a penalty set forth in the fee schedule established by the Village Board.

SECTION 2: If any provision of this Ordinance is invalid or unconstitutional, or if the application of this Ordinance to any person or circumstances is found invalid or unconstitutional by a Court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the provisions or application of this Ordinance which can be given effect without the invalid or unconstitutional provision or application.

ARTICLE 5
Abandoned and Junked Vehicles

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| 10.5.1 | Abandoned Vehicles; Definitions |
| 10.5.2 | Removal and Impoundment of Vehicles |
| 10.5.3 | Removal, Storage, Notice or Reclaiming 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 |

10.5.1 ABANDONED VEHICLES; DEFINITIONS

- (A) **Abandonment of Vehicles Prohibited.** No person shall leave unattended any motor vehicle, trailer, semi-trailer or mobile home on any public street or highway or private property in the Village of Marathon City 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 unattended on any street or highway in the Village of Marathon City or upon private or public property without the permission of the property owner or other person charged with the lawful jurisdiction thereof for more than forty-eight (48) hours, the vehicle shall be deemed abandoned and constitutes a public nuisance.
- (B) **Definitions.** For purposes of this Chapter, the following definitions shall be applicable.
- (1) Vehicle shall mean a motor vehicle, trailer, semi-trailer, camper 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 presumptions shall apply
- (1) A vehicle shall be presumed unattended if it is found in the same position forty-eight (48) hours after issuance of a traffic ticket or citation and if such traffic ticket or citation remains placed upon the windshield during said forty-eight (48) hours.

- (2) Any vehicle left unattended for more than forty-eight (48) hours on any public street or public ground or left unattended for more than forty-eight (48) hours on private property without the consent of the property owner is deemed abandoned and constitutes a nuisance; provided, that the vehicle shall not be deemed abandoned under this Subsection if left unattended on private property outside of public view and is enclosed within a building, or if designated as not abandoned by the Chief of Police.
- (D) **Exceptions.** This Section shall not apply to a vehicle in an enclosed building or a vehicle stored on premises licensed for storage of junk or junked vehicles and fully in compliance with Village zoning regulations, or to a vehicle parked in a paid parking lot or space where the required fee has been paid. Whenever any vehicle has been left unattended without the permission of the property owner 48 hours the vehicle is deemed abandoned and constitutes a public nuisance.

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.

10.5.3 REMOVAL, STORAGE, NOTICE OR RECLAIMING OF ABANDONED VEHICLES.

- (A) **Applicability.** The provisions of this Section shall apply to the removal, storage, notice, reclaiming or disposal of abandoned vehicles as defined in Section 10.5.1.
- (B) **Removal.**
 - (1) Any police officer who discovers any motor vehicle, trailer, semi-trailer or mobile home on any public street or highway or private or public property in the Village of Marathon City which has been abandoned shall cause the vehicle to be removed to a suitable place of impoundment.
 - (2) Upon removal of the vehicle, the police officer shall notify the Chief of Police or his designee of the abandonment and of the location of the impounded vehicle.
- (C) **Storage and Reclaiming.** Any abandoned vehicle which is determined by the Chief of Police or his designee to be abandoned shall be retained and disposed of as set forth in Wis. Stats. § 342.40.

10.5.4 CONFLICT WITH OTHER CODE PROVISIONS

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

10.5.5 JUNKED VEHICLES AND APPLIANCES ON PRIVATE PROPERTY

- (A) **Storage of Automobiles Restricted.** No disassembled, inoperable, unlicensed, junked or wrecked motor vehicles, truck bodies, tractors, trailers, farm machinery, vehicle parts or tires, or appliances shall be stored upon any property in Village of Marathon 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.
- (B) **Definitions.**
- (1) The term disassembled, inoperable, junked or wrecked motor vehicles, truck bodies, tractors, trailers, in whole or in part as used in this Section is defined as follows: motor vehicles, recreational vehicles, truck bodies, tractors, farm machinery or trailers in such state of physical or mechanical ruin as to be incapable of propulsion, being operated upon the public streets or highways or which is otherwise not in safe or legal condition for operation on public streets or highways due to missing or inoperative parts, flat or removed tires, expired or missing license plates or other defects.
 - (2) The term “unlicensed – motor vehicles, truck bodies, tractors for 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 in a non-nuisance 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 non-motorized campers, provided such vehicles are stored in compliance with the ordinances of the Village. Also excepted are motor vehicles registered pursuant to Sections 341.265 and 341.266, Wis. Stats. In other situations the Village Board may issue temporary permits permitting an extension of not to exceed an additional thirty (30) days' time to comply with this Section where exceptional facts and circumstances warrant such extension.
- (D) **Enforcement.**
- (1) Whenever the Police Department shall find any vehicles, vehicle parts or tires, or appliances, as described herein, placed or stored in the open upon private property within the Village, it shall notify the owner of said property on which said vehicle or appliance is stored of the violation of this Section. If said vehicles, part thereof or appliance is not removed within five (5) days, the Police Department shall cause to be issued a citation to the property owner or tenant of the property upon which said vehicle or appliance is stored.
 - (2) If such vehicle or appliance is not removed within twenty (20) days after issuance of a citation, the Chief of Police shall cause the vehicle 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 by the Chief of Police or his duly authorized representative. Any cost incurred in the removal and sale of said vehicle or appliance shall be recovered from the owner. However, if the owner of the vehicle 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.
- (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 1.1.12. Each motor vehicle or appliance involved shall constitute a separate offense.

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