

TITLE 10

Motor Vehicles and Traffic

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Traffic and Parking

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Article A: General Provisions

Sec. 10-1-1 State Traffic Laws Adopted

- (a) **Statutes Adopted.** Except as otherwise specifically provided in this Code, the statutory provisions in Chapters 110, 194, and 340 through 349 of the Wisconsin Statutes, describing and defining regulations with respect to vehicles and traffic, for which the penalty is a forfeiture only, exclusive of any regulations for which the statutory penalty is a fine or term of imprisonment or exclusively state charges, are hereby adopted and by reference made a part of this Chapter as if fully set forth herein. The statutory sections listed shall be designated as part of this Code by adding the prefix "10-1-" to each statute section number. Any act required to be performed or prohibited by any regulation incorporated herein by reference is required or prohibited by this Chapter. Any future amendments, revisions or modifications of the statutory regulations in Chapters 340 through 349 incorporated herein are intended to be made part of this Chapter in order to secure to the extent legally practicable uniform statewide regulation of vehicle traffic on the highways, streets and alleys of the State of Wisconsin. Any person who shall, within the Town of Stephenson, Marinette County, Wisconsin, violate any provisions of any Statute incorporated herein by reference shall be deemed guilty of an offense under this Section.
- (b) **Other State Laws Adopted.** There are also hereby adopted by reference the following sections of the Wisconsin Statutes, but the prosecution of such offenses under this Chapter shall be as provided in Chapters 340 through 349 of the Wisconsin Statutes and the penalty for violation thereof shall be limited to a forfeiture as hereinafter provided in this Chapter:
- 941.01 Negligent Operation of Vehicle Off Highway
 - 941.03 Highway Obstruction
 - 943.11 Entry into Locked Vehicle
 - 943.23 Operating Motor Vehicles Without Owners Consent
 - 947.045 Drinking in Motor Vehicle on Highway
- (c) **Statutes Specifically Incorporated by Reference.** Whenever this Chapter incorporates by reference specific sections of the Wisconsin Statutes, such references shall mean the Wisconsin Statutes of 2005-2006 as from time to time amended, repealed or modified by the Wisconsin Legislature.
- (d) **General References.** General references in this Chapter to Wisconsin statutory sections or chapters describing or defining procedures or authority for enactment or enforcement of local traffic regulations shall be deemed to refer to the most recent enactments of the Wisconsin Legislature describing or defining such procedures or authorities.

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

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

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

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

- (b) **Non-Compliance Prohibited.** No person shall operate or allow to be operated on any highway, street or alley within the Town of Stephenson a vehicle that is not in conformity with the requirements of Subsection (a) or the provisions of Sec. 110.075 and Chapter 347, Wis. Stats., incorporated by reference in Section 10-1-1 of this Chapter.
- (c) **Safety Checks.**
 - (1) **Operators to Submit to Inspection.** When directed to do so by any law enforcement officer, the operator of any motor vehicle shall stop and submit such vehicle to an inspection and such tests as are necessary to determine whether the vehicle meets the requirements of this Section or that the vehicle's equipment is in proper adjustment or repair. No person, when operating a motor vehicle, shall fail to stop and submit such vehicle to inspection when directed to do so by any law enforcement officer as herein provided.
 - (2) **Authority of Officer.** Any law enforcement officer is hereby empowered whenever he or she shall have reason to believe that any provision of this Section is being violated to order the operator of the vehicle to stop and to submit such vehicle to an inspection with respect to brakes, lights, turn signals, steering, horns and warning devices, glass, mirrors, exhaust systems, windshield wipers, tires and other items of equipment.
 - (3) **Vehicle to be Removed From Highway.** Whenever, after inspection as provided by this Section, a law enforcement officer determines that a vehicle is unsafe for operation, he or she may order it removed from the highway and not operated, except for purposes of removal and repair until the vehicle has been repaired as directed in a repair order. Repair orders may be in the form prescribed by the secretary of the Wisconsin 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 Wisconsin Administrative Code sections adopted by reference in Subsection (a) above shall be designated as part of this Code by adding the prefix "10-1-" to each statute or Administrative Code section number.

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

- (a) **Duty to Erect and Install Uniform Traffic Control Devices.** Whenever traffic regulations created by this Chapter, including a State of Wisconsin traffic regulation adopted by reference in Section 10-1-1, require the erection of traffic control devices for enforcement, the Town Board shall procure, erect and maintain uniform traffic control devices conforming to the Uniform Traffic Control Device Manual promulgated by the Wisconsin Department of Transportation, giving notice of such traffic regulation to the users of the streets and highways on which such regulations apply. Whenever State law grants discretion to local authorities in erecting or placement of a uniform traffic control device, devices shall be erected in such locations and in such a manner as, in the judgment of the Town Board, will carry out the purposes of this Chapter and give adequate warning to users of the streets and highways of the Town of Stephenson.
- (b) **Prohibited Signs and Markers in Highways.** No person other than the Town Board or an official authorized by this Chapter to erect and maintain official traffic control devices or his or her designee shall place within the limits of any street or highway maintained by the Town any sign, signal, marker, mark or monument unless permission is first obtained from the Town Board or, where applicable, the State Highway Commission. Any sign, signal, marker, mark or monument placed or maintained in violation of this Subsection shall be subject to removal as provided in Subsection (c).
- (c) **Removal of Unofficial Signs, Markers, Signals and Traffic Control Devices.** The Town Board, or its designee, may remove any sign, signal, marking or other device which is placed, maintained or displayed in violation of this Chapter or state law. Any charge imposed against premises for removal of a prohibited or illegal sign, signal, marking or device shall be reported to the Town Board for review and certification at its next regular meeting following the imposition of the charge. Any charge not paid on or before the next succeeding November 1 shall be placed upon the tax roll for collection as other special municipal taxes.

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

Sec. 10-1-4 Cost of Enforcement Towing

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

Sec. 10-1-5 through Sec. 10-1-9 Reserved for Future Use.

Article B: Street Traffic Regulations

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

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

Sec. 10-1-11 Vehicle Weight Limitations

- (a) **Authority.** The Town Board of the Town of Stephenson has specific statutory authority, powers and duties, pursuant to the specific statutory sections noted in this Section and/or by its adoption of Village powers under Sec. 60.10, Wis. Stats., to establish, regulate, control, and enforce weight limits in the Town of Stephenson.
- (b) **Authorization.** Proper Town officers and their designees are authorized and directed to install official "Vehicle Weight Restriction" signs on the Town highways, roads and streets designated in this Section below indicating such requirements.
- (c) **Weight Restrictions; Signage.** Every operator of a vehicle with a gross vehicle weight of fifteen thousand (15,000) pounds or greater shall be prohibited from traveling or using surfaced highways, roads or streets within the Town of Stephenson, as prescribed by Sec. 349.16(1), Wis. Stats.
- (d) **Exemptions.** Town officers and their designees in charge of maintenance of Town highways, roads and streets may exempt vehicles carrying certain commodities or which are used to perform certain services specified by the authority, from the special weight limitations imposed above or may set different weight limitations than those imposed under the above provisions if such exemption or limitation is reasonable and necessary to promote the public health, safety and welfare

State Law Reference: Secs. 348.21 and 349.16(1), Wis. Stats.

Sec. 10-1-12 Speed Limits

- (a) **Speed Limits Established.** Traffic and engineering investigations have been made on the following described Town of Stephenson highways, roads and streets on the maximum

permissible speed at which vehicles may be operated on said highways, which speed is herewith established as reasonable and safe pursuant to Sec. 349.11, Wis. Stats., and shall be as set forth below, subject to approval by the State Highway Commission, and upon erection of standard signs giving notice thereof:

- (b) **Forty-Five (45) Miles Per Hour.** Forty-five (45) miles per hour for all vehicles on the following specified highways, roads and streets:
 - (1) **Airport Road.** From USH 141 to CTH W.
 - (2) **Boat Landing #3 Road.**
 - (3) **Caldron Falls Road.** In its entirety.
 - (4) **Eagle Road.** From Evans Hill Road to Deer Lake Road.
 - (5) **High Falls Road.** From Boat Landing 3 Road to Parkway Road.
 - (6) **Left Foot Lake Road.** From CTH W to the Beaver Line.
 - (7) **Moonshine Hill Road.** In its entirety
 - (8) **Newton Lake Road.** CTH A – 100 yards south of Army Lane
 - (9) **Parkway Road:** CTH W South to the town line
 - (10) **Ranch Road.** From Parkway Road to Caldron Falls Road
 - (11) **St. Paul Road.** That portion lying south of CTH W, in its entirety

- (c) **Thirty-Five (35) Miles Per Hour.** Thirty-five (35) miles per hour for all vehicles on the following specified highways, roads and streets:
 - (1) **Boat Landing Seven Rd:** Entire length of roadway
 - (2) **Deer Lake Road:** From CTH X to High Falls Road
 - (3) **Eagle Road:** From Parkway Road to Evans Hill Road
 - (4) **East 32nd Road:** Entire length of roadway
 - (5) **High Falls Road.** From Newton Lake Road to Boat Landing 3 Road.
 - (6) **Old Highway W:** From CTH W to CTH W
 - (7) **Parkway Road:** From CTH W North to town line
 - (8) **Senator Lake Lane:** Entire length of roadway
 - (9) **Shaffer Road:** From CTH A to CTH W
 - (10) **Sikowski Lane:** From CTH W to Kutcha Road
 - (11) **Sunset Valley Road:** From CTH W East to Acorn Lane

- (d) **Twenty-Five (25) Miles Per Hour - Specified Zones.** Twenty-five (25) miles per hour for all vehicles on the following specified highways, roads and streets, in designated portions thereof:
 - (1) **Newton Lake Road.** 100 Yards South of Army Lane North to the town line
 - (2) **Peshtigo River Lane.** From Parkway Road, North, to the end

- (e) **Signage Authorization.** Proper Town officers and their designees are authorized and directed to install official signs on the above listed Town highways, roads and streets indicating such speed restriction requirements.

State Law Reference: Sees. 346.57 and 349.11, Wis. Stats.

Sec. 10-1-13 Stop Sign Locations

- (a) **Official Stop Sign Compliance.** Every operator of a vehicle approaching an official stop sign shall stop in the manner prescribed in Sec. 346.46, Wis. Stats. Proper Town officers/employees and their designees are authorized and directed to install official stop signs on the below designated Town highways, roads and streets indicating such requirements.
- (b) **Stop Signs Enumerated.** Additional stop signs shall be placed at the following locations to control the movement of vehicles as indicated:
- (1) Peshtigo River Lane, 0.6 mile from Parkway Road.
 - (2) Old Highway W at S1. Paul Road (4-way stop).
 - (3) Parkway Road, Northbound at intersection with CTH X

Sec. 10-1-14 through Sec. 10-1-19 Reserved for Future Use

Article C: Parking Regulations

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

- (a) **Seventy-two (72) Hour Limitation.** No person, firm or corporation shall park or leave standing any automobile, truck, tractor, trailer or vehicle of any description on any public streets or public parking lots in the Town of Stephenson for a period of seventy-two (72) 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 enforcement officer shall find a vehicle standing upon a public street or parking lot in violation of the provisions of this Section, he/she is authorized to move such a vehicle or to require the operator in charge thereof to move such vehicle to a position permitted under this Chapter. The enforcement officer may cause said vehicle to be removed to a proper impoundment and storage area where storage space is available and in such case the owner shall pay the costs of removing said vehicle and the storage fees on said vehicle before he/she may recover the possession thereof.
- (b) **Posted Limitations.**
- (1) The Town Board may designate certain streets or portions of streets as no parking or no stopping or standing zones or as zones for parking by physically handicapped persons and may limit the hours in which the restrictions apply. The Town shall mark, by appropriate signs, each zone so designated in accordance with the provisions of Sec. 349.13, Wis. Stats.
 - (2) Except when necessary to avoid conflict with other traffic or in compliance with the directions of a enforcement officer or traffic control device, no person shall stop or park a vehicle in an established no stopping or standing zone when stopping or standing is prohibited. No vehicle shall be parked in a no parking zone during hours when parking is prohibited except physicians on emergency calls or as permitted by state law or elsewhere by this Code of Ordinances.
 - (3) The Town Board shall have the authority to restrict the turning or movement of heavy traffic and to impose special weight limitations on any highway or portions thereof which, because of the weakness of the roadbed due to deterioration or climatic conditions or other special or temporary conditions, would likely be seriously damaged or destroyed in the absence of any restrictions on heavy traffic movement or special weight limitations.
 - (4) No prohibition, restriction or limitation on parking or restriction on movement or turning of heavy traffic and imposition of special weight limits is effective unless official traffic control devices have been placed or erected indicating the particular prohibition, restriction or limitation.

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

- (a) **Parking Prohibited at All Times.** Except temporarily for the purpose of and while actually engaged in loading or unloading or in receiving or discharging passengers or property and while the vehicle is attended by a licensed operator so that it may be moved promptly in case of an emergency or to avoid obstruction of traffic, no person shall at any time park or leave standing any vehicle:
- (1) Within an intersection.
 - (2) On a crosswalk.
 - (3) On a sidewalk or terrace area, except when parking in such place is clearly indicated by official traffic signs or markers or when temporarily engaged in parking for an event. "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 road edge 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) 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.
 - (7) In any place or manner so as to obstruct, block or impede traffic.
 - (8) Upon any portion of a highway where and at the time when parking is prohibited, limited or restricted by official traffic signs.
 - (9) Upon any bridge.
 - (10) Upon any street or highway within the Town any vehicle which faces a direction different from the direction of normal traffic flow for the lane of traffic in which said vehicle is stopped or standing.
 - (11) **In** any public park when said park is closed to the public and if so posted.
- (b) **Vehicles Not to Block Private Drive, Alley or Fire Lane.** No vehicle shall, at any time, be parked so as to unreasonably restrict the normal access to any private drive, alley or fire lane. Said access shall be deemed to be unreasonably restricted if any vehicle is parked within four (4) feet of either side of said access. Upon discovery by a law enforcement officer or upon complaint by the owner of any such blocked drive, alley or fire lane, the law enforcement officer may order said vehicle towed from such position at the risk and expense of the owner of said vehicle.

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

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

Sec. 10-1-23 Parking Regulations

- (a) **Parking Regulations Related to Heavy or Large Vehicles.** No operator of a motortruck, truck-tractor, trailer, semi-trailer, tractor/semi-trailer combination, motor home, mobile home, motor bus, fifth-wheel mobile home, dual purpose motor home, commercial motor vehicle, farm truck, or any other vehicle or combination of vehicles weighing more than fifteen thousand (15,000) pounds, or exceeding sixteen (16) feet in length or exceeding eight (8) feet in height, shall park any such vehicle on any Town of Stephenson street, road or highway, except for such time as is reasonably necessary to facilitate the loading or unloading of the vehicle. The terms used in this Subsection shall be as defined as set forth in Section 340.01, Wis. Stats.
- (b) **Night Parking Restrictions on Town Roads, Streets or Highways.** When signs have been erected at or reasonably near the corporate limits of the Town as provided in Section 349.13, Wis. Stats., no person shall park any vehicle between the hours of 2:00 a.m. and 6:00 a.m.
- (c) **Prohibition of Parking.** Parking is prohibited on the following streets:
 - (1) On both sides of Left Foot Road, from Oak Lake south to the Town line.
 - (2) On Big Newton Lake Road, and proceeding north to the Town line: Those portions fronting Secs. 3 and 4, T33N, R 19E, described as starting at the quarter corner of Secs. 3 and 4, T33N, R19E.
 - (3) Both sides of the roadway starting at the junction of Cty. Hwy. X and Parkway Road in Sec. 25, T33N, R18E and proceeding north to the section line between Section 24 and Section 25 of T33N, R18E.
 - (4) On the South side of Boat Landing 6 Road from Parkway Road to Boat Landing 6 and that portion of the North side of Boat Landing 6 Road commencing at the East boundary of Boat Landing 6 and continuing approximately 200 feet East on Boat Landing 6 Road, as designated by “No Parking” signs.
 - (5) On both sides of Parkway Road South from CTH X to a point 150’ South of the southern entrance to Boat Landing 5.
- (d) **Exemptions.** Town officers and their designees in charge of the maintenance of Town highways, streets and roads may exempt vehicles if such exemption or limitation is reasonable and necessary to promote the public health, safety and welfare.

Sec. 10-1-24 Removal of Illegally Parked Vehicles

Any vehicle parked or left standing upon a street, highway or alley or other public grounds in violation of any of the provisions of this Chapter is declared to be a hazard to traffic and public safety. Such vehicle shall be removed by the operator, upon request of any enforcement officer, to a position where parking, stopping or standing is not prohibited. Any 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 not prohibited. The enforcement officer may order a motor carrier holding a permit to perform vehicle towing services, a licensed motor vehicle salvage dealer, or a licensed motor vehicle dealer who provides garage or rental parking grounds, or any facility of the person providing towing services to remove the illegally parked vehicle. In addition to other penalties provided by this Chapter, the owner or operator of a vehicle so removed shall pay the cost of towing and storage.

Sec. 10-1-25 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 subject to the appropriate penalty.

Sec. 10-1-26 Unlawful Removal of Citations; Statutory Authority

- (a) **Unlawful Removal of Parking Citations.** No person other than the owner or operator thereof shall remove from any motor vehicle, a parking violation citation issued by an authorized law enforcement agency, for a Town of Stephenson parking violation.
- (b) **Statutory Authority.** The parking regulations in this Article are enacted and enforced pursuant to Chapter 340, Wis. Stats., and, in particular, Sections 349.13 and 346.50 to 346.55, Wis. Stats., which are adopted herein by reference, as may be amended from time to time.

Sec. 10-1-27 through Sec. 10-1-39 Reserved for Future Use

Article D: Miscellaneous Provisions

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

- (c) **Unnecessary Noise Prohibited.** It shall be unlawful for any person to operate a motor vehicle in such a manner which shall make or cause to be made any loud, disturbing, or unnecessary sounds or noises such as may tend to annoy or disturb another in or about any public or private area in the Town of Stephenson.
- (d) **Unnecessary Smoke Prohibited.** It shall be unlawful for any person to operate a motor vehicle in such a manner which shall make or cause to be made any smoke, gases, or odors which are disagreeable, foul, or otherwise offensive which may tend to annoy or disturb another in or about any public or private area in the Town.
- (e) **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.
- (f) **Disorderly Conduct with a Motor Vehicle.**
 - (1) **Conduct Prohibited.** No person shall, within the Town of Stephenson, by or through the use of any motor vehicle, including but not limited to, an automobile, truck, motorcycle, minibike or snowmobile, cause or provoke disorderly conduct with a motor vehicle, cause a disturbance or annoy one or more persons, or disturb or endanger the property or the safety of another's person or property.
 - (2) **Definition.** "Disorderly conduct with a motor vehicle" shall mean the engaging in violent, abusive, unreasonably loud conduct, or disturbing or endangering the property or the safety of another's person or property, or otherwise disorderly conduct, including but not limited to, unnecessary, deliberate or intentional spinning of wheels, squealing of tires, revving of engine, blowing the horn, causing the engine to backfire or causing the vehicle, while commencing to move or in motion, to raise one or more wheels off the ground.
- (g) **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.
- (h) **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:

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

Sec. 10-1-41 Engine Compression Braking Prohibited

- (a) Where signs are erected, it shall be unlawful for any vehicle equipped with a compression braking device (commonly known as a jake brake) to use this device to contain the engine's compression, thus rapidly slowing the engine's revolutions per minute and the vehicle's speed, except in cases of extreme emergency.
- (b) The penalty for violation of this Section shall be a forfeiture as prescribed in Sec. 10-1-50, together with the costs of prosecution imposed as provided in Sections 345.20 to 345.53, Wis. Stats., which are hereby adopted and incorporated herein by reference.

Sec. 10-1-42 Golf Cart Use on Town Streets and Public Property

- (a) **Intent.** The Town of Stephenson adopts the following regulations creating a route and standards for the operation of golf carts upon the roadways of the Town of Stephenson. Following due consideration of the value to provide recreational opportunities and weighed against the possible dangers, public health, liability aspects, terrain involved, traffic density, and history of automobile traffic, routes may be established by the Town Board.
- (b) **Statutory Authority; Conflicts.** This Section, and any special routes created hereunder, is created pursuant to Town authority under Section 349.18(1), 349.23 and 349.26, Wis. Stats.; this Section is intended to facilitate the implementation of these statutory provisions.

To the extent necessary to accomplish this, Sections 349.18(1), 349.23 and 349.26, Wis. Stats., are hereby adopted by reference. In the event that any provision of this Section is inconsistent or conflicts with such statutes, that statute(s), and not this Section, shall control and be applied. The Town of Stephenson does hereby provide for golf cart access into and from residential areas, stores, lodging establishments, and golf courses within the Town of Stephenson according to the standards herein.

- (c) **Operation Authorized.** This Section allows for the operation of golf carts on designated streets, roadways and/or shoulders of a street or highway by persons residing in, or staying within the limits of the Town of Stephenson, or to travel to or from an established trail, route, or golf course within or connected to the limits of the Town of Stephenson. Under this Section, the operation of golf carts of the type and kind equipped without modified drive trains will be allowed to operate upon Town of Stephenson streets and roads under the conditions prescribed herein.
- (d) **Conditions of Operation.** The following conditions of operation shall apply to all operators and passengers of golf carts:
 - (1) **Speed.** No person shall operate a golf cart within the Town of Stephenson at a speed in excess of 25 m.p.h., including on any street, trail or other public way, including road shoulders.
 - (2) **Restrictions on Equipment.** No golf cart may be operated on any street or public way within the Town of Stephenson unless it complies with all noise, registration, and other equipment standards as established in the Wisconsin Statutes or this Code of Ordinances.
 - (3) **Safety Signage.** All golf carts shall display at all times a Slow-Moving Vehicle Sign as prescribed by Section 347.245(1), Wis. Stats.
 - (4) **Headlight and Taillight Requirements.**
 - Every golf cart operating within the Town of Stephenson upon any public street or way shall display a lighted headlight and taillights at all times, day and night, and said lights
 - a shall conform to the requirements of this Section. Headlights shall be of a white or clear light and be capable of illuminating the road ahead during the hours of darkness and be observed at a distance of five hundred (500) feet. Headlights shall be properly adjusted so as to not interfere with the operation of other vehicles on the roadway.
 - Taillights (two in number) shall be red in color and be observable to a distance of five hundred (500) feet at night and located on the outer edges of the cart. Reflectorized tape
 - b strips shall be installed on the sides of the golf cart. If a trailer is towed behind a golf cart, the trailer shall conform with all lighting requirements applicable to golf carts.
 - (5) **Operations Restrictions.** Golf carts operating on Town streets, roads, and other public property shall comply with the following:
 - a. Golf carts shall be operated on the extreme right side of the roadway and travel with the flow of traffic.

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- b. Golf carts shall be operated in single-file, with headlights and taillights in operation at all times, day or night. [See Subsection (d)(4) above].
- c. Golf cart operators shall yield the right-of-way to all other vehicular traffic and pedestrians.

(e) Registration/Permit Requirement; Inspection.

(1) General Requirement. In addition to any other registration requirements that may be imposed by the State of Wisconsin, an annual Town Trail Use Permit is required to operate any golf cart within the Town of Stephenson. The nonrefundable fee for this permit shall be as prescribed in Section 1-3-1, payable upon application. The application form is available from the Town Clerk, and shall be fully completed and signed.

(2) Inspection Requirements.

- a. The owner of the golf cart shall present proof of ownership and valid insurance at the time of inspection by the Town or its designee.
- b. A registration application shall be completed in full and signed.
- c. The golf cart shall meet all inspection requirements prior to a permit being issued.
- d. No racing-type golf carts, golf cart conversions, or converted golf cart drive trains will be allowed on Town streets or public ways.
- e. No dirt bikes or other vehicles that are not considered to be standard golf carts will be allowed as golf carts.
- f. The owner shall provide proper identification and proof of registration and sufficient liability insurance shall be provided at time of inspection. Uninsured golf carts are not eligible for registration.
- g. Golf carts shall have a properly functioning muffler that meets the original manufacturer's specifications and is sufficiently quiet. No specially tuned or expansion-type mufflers are permitted.
- h. Brakes and other safety equipments shall be properly functioning, and tires shall be in good condition. All equipment shall be properly installed and functioning.
- i. The required Slow Moving Vehicle sign shall be installed at time of inspection.
- J. No golf cart shall have broken, loose or unsafe parts improperly attached or be loose from the cart, and all lights shall be functioning properly.

(3) Permit Conditions.

- a. Upon satisfactory inspection of the golf cart, a Town Trail Use Permit may be issued allowing the golf cart to be operated upon Town of Stephenson streets and public ways for a period of two (2) years. Such permit shall be placed to be plainly visible on the cart's front cowling so as to be clearly visible to any enforcement official.
- b. The annual Town Trail Use Permit shall be valid from May 1st through April 31st of the subsequent year.

- c. The Town Trail Use Permit does not authorize golf cart use outside of the Town of Stephenson or on private property. Operators in those areas shall conform to applicable local regulations and state laws governing those areas.
- (f) **Registration/Permit Exemption.** A golf cart may be exempt from the registration and permit requirements of this Section if its operator meets the definition of a person with a disability as described in Section 340.01 (43g), Wis. Stats. Proof of disability shall be carried by the driver of the golf cart while the cart is in operation.
- (g) **Unattended Golf Carts.** No person shall leave or allow any golf cart owned or operated by him/her to remain unattended on any public highway, public way or public property.
- (h) **Licensed Operator Requirements.** No person who is not lawfully licensed, or is under a current driver's license suspension, revocation or cancellation for any reason, may operate a golf cart upon a public street or public way in the Town of Stephenson. Operators shall also be governed by the additional restrictions and requirements of Section 23.35(5), Wis. Stats.
- (i) **Routes.**
- (1) **Routes Designated.** The Stephenson Town Board shall establish designated routes/trails within the Town for golf cart operation on Town streets, public property or public ways. Except as provided in the Wisconsin Statutes or herein, no person shall operate a golf cart upon any public right-of-way, public park or cemetery, on any other public property in the Town, or on private property without the owner's express permission except upon routes and trails designated by the Town Board as golf cart routes. These routes shall be designated as golf cart routes/trails and to be used for that purpose under all circumstances, including day or night operation.
- (2) **Designation of Golf Cart Routes on Town Roads.** The following Town road(s) or portion's thereof, are hereby designated as golf cart routes for golf cart operation, subject to the limitations set forth hereunder to wit:

Abbey Road
Archer Lane
Army Lane
Baker Lane
Bedora Court
Bedora Lane
Boat Landing 6 Road
Boat Landing 7 Road
Boat Landing 8 Road
Boat Landing 10 Road
Boat Landing 13 Road
Center Avenue
Deer Lake Road from Kottke Road south to High Falls Road
Fabian Lane
High Falls Road from Newton Lake Road Johnston Lane
Karen Drive
Kiss Lake Lane
Lakeside Lane
Meadowlark Lane
Nelson Road
Nesters Road
North Avenue
Oak Lane
Penny Lane
Popp Lane

Popps Court
Shady Lane
South Avenue
Remington Way
Tanonka Lane
Wagner Lane
Winchester Trail
Wruk Lane

(3) Operation Prohibited Areas.

- a. No person may operate a golf cart for any reason on the following, except any of the following roads/streets may be driven across from one side to the other, from a legal area to reach a street that is legally designated to operate upon:
 1. No operation is permitted on a state trunk highway within the Town of Stephenson.
 2. No operation is permitted in a county trunk highway within the Town of Stephenson.
- b. No person may operate a golf cart in the following Town-owned areas, unless authorization is first obtained from the Town Board; Town property need not be posted regarding this regulation:
 1. Any Town of Stephenson park except that golf carts may be operated in the parking lot and on properly posted roadways/trails of such parks.
 2. Any Town of Stephenson cemeteries.
 3. Any property owned or leased by the Town of Stephenson.
- c. It is the responsibility of golf cart operators to know whether they are operating on public or private property.

(j) Trail Markers.

- (1) Erection of Trail Markers.** The Director of Public Works is directed and authorized to procure, erect and maintain appropriate route, trail, and speed limit signs and markers as required by the Wisconsin Statutes and according to Wisconsin Department of Transportation standards.
- (2) Trail Status/Closure.** The Town Board shall have the power to declare designated golf cart routes and trails open or closed. Such closure and openings information may be posted on the Town of Stephenson website.
- (3) Signs and Markers to be Obeyed.** No person shall fail to obey any route or trail sign, marker or speed limit or other control device erected in accordance with this Section or traffic sign or signal under authority of the Wisconsin Statutes.

Sec. 10-1-43 through Sec. 10-1-49 Reserved for Future Use.

Article E: Enforcement and Penalties

Sec. 10-1-50 Penalties.

- (a) **Forfeiture Penalty.** The penalty for violation of any provision of this Chapter shall be a forfeiture as hereafter provided, together with court costs and fees prescribed by Sections 814.63(I) and (2) or 814.65(I), Wis. Stats., the penalty assessment for moving traffic violations and the driver improvement surcharge imposed by Sections 165.87 and 346.655, Wis. Stats., where applicable. Upon a conviction for violation of Section 10-1-1 adopting Sec. 346.63(1)(a) or (b), Wis. Stats., a court shall impose all actual costs chargeable to the Town as a disbursement, including, but not limited to, costs for the withdrawal or analysis of blood, breath, urine and, in all cases, actual costs of service of process. Payment of the judgment and applicable court costs, fees, assessments and surcharges may be suspended by the sentencing court for not more than sixty (60) days. Any person eighteen (18) years of age or older who shall fail to pay the amount of the forfeiture, court costs, any penalty assessment or driver surcharge or other penalty imposed for violation of any provision of this Chapter may, upon order of the court entering judgment 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 Town, except a dog license, until the forfeiture imposed for such violation and any penalty assessment, court costs and fees or surcharge is paid.
 - (3) **Alcohol-Related Offenses.** Upon conviction of any alcohol-related offense for which the Town has expended funds or incurred expense for the withdrawal or testing of blood or urine, the cost of such service to the Town shall be added to any forfeiture, court costs, and fees imposed by the court.
- (c) **Forfeitures for Violation of Uniform Moving Traffic Regulations.** Forfeitures for violations of any moving traffic regulation set forth in the Wisconsin Statutes adopted by reference in Section 10-1-1 shall conform to the forfeiture penalty permitted to be imposed for violations of the comparable Wisconsin Statute, including any variations or increases for subsequent offenses; provided, however, that this Subsection shall not be construed to permit prosecution under this Chapter for any offense described in Chapters 341 to 350, Wis. Stats., for which an imprisonment penalty or fine may be imposed upon the defendant.

- (d) **Forfeitures for Parking Violations.** The penalty for violation of any parking regulation of this Chapter shall be a forfeiture as hereinafter provided, together with the costs of prosecution imposed as provided in Sections 345.20 to 345.53, Wis. Stats., which are hereby adopted by reference:
- (1) **Forfeitures for Uniform Statewide Parking, Stopping and Standing Offenses.** The 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 350, 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 10-1-26 shall be for the first offense not less than Ten Dollars (\$10.00) nor more than Two Hundred Dollars (\$200.00) and for a second offense within one (1) year not less than Twenty Dollars (\$20.00) nor more than Four Hundred Dollars (\$400.00).
- (e) **Other Violations.** Any person who shall violate any provision of this Chapter for which a penalty is not otherwise established by this Section shall be subject to a forfeiture of not less than Thirty Dollars (\$30.00) nor more than Three Hundred Dollars (\$300.00).

Title 10 ► Chapter 2

Bicycles and Play Vehicles

10-2-1	Definitions
10-2-2	Lighting and Other Equipment
10-2-3	Rules of the Road
10-2-4	Use of Motor Assisted Scooters
10-2-5	General Bicycle Regulations
10-2-6	Penalties

Sec. 10-2-1 Definitions.

The following definitions shall be applicable in this Chapter:

- (a) **Bicycle.** Every device propelled by the feet acting upon pedals and having wheels, any two (2) of which are not less than fourteen (14) inches in diameter.
- (b) **Bicycles' Lane.** That portion of a roadway set aside for exclusive use of bicycles and so designated by appropriate signs and markings by the responsible governing body.
- (c) **Bike Route.** 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.** Any path or sidewalk, or portion thereof, designated for the use of bicycles by the responsible governing body.
- (e) **Carrier.** Any device attached to a bicycle designed for carrying articles.
- (f) **In-Line Skates.** Skates with wheels arranged in a single line rather than in pairs.
- (g) **Play Vehicles.** Any coaster, skateboard, roller skates, sled, toboggan, in-line skates, roller skis, scooter, electric-driven scooter, unicycle or toy vehicle upon which a person may ride.
- (h) **Right-of-Way.** The right of one vehicle or pedestrian to proceed in a lawful manner in preference to another vehicle or pedestrian approaching under such circumstances of direction, speed and proximity as to give rise to danger of collision unless one grants precedence to the other.
- (i) **Roller Skates.** A pair of shoes with a set of wheels attached for the purpose of moving by alternate action of the legs.
- (j) **Roller Skis.** A pair of narrow strips of wood, metal, or plastic curving upward in the front with a set of wheels attached for the purpose of moving by alternate action of the legs.

- (k) **Skate Board.** A toy consisting of a short, oblong board with a pair of wheels at each end, ridden in a standing position.

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

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

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

The provisions of Chs. 346 and 347, Wis. Stats., and applicable Town ordinances shall govern the operation of bicycles and play vehicles where appropriate. Every person driving a bicycle or play vehicle 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 Town applicable to the driver of the vehicle, except as to those provisions of laws and ordinances which by their nature can have no application.

Sec. 10-2-4 Use of Motor Assisted Scooters.

(a) **Definitions.**

(1) As used in this Section, "motor assisted scooter means a self-propelled device with:

- a. Two (2) wheels in tandem in contact with the ground during operation;
- b. A braking system capable of stopping the device under typical operating conditions;
- c. An electric or gas motor not exceeding forty (40) cubic centimeters;
- d. An unoccupied weight of less than seventy-five (75) pounds;
- e. A deck designed to allow a person to stand or sit while operating the device; and
- f. The ability to be propelled by human power alone.

(2) Included in this definition are devices commonly known as motor- or electric-assisted scooters, mini-motorcycles, and pocket bikes.

(b) **Exception.** This Section does not include "personal assistive mobility devices" as defined in Section 340.01(15pm), Wis. Stats.

(c) **Prohibition on Use in Certain Places.** No person may operate or ride a motor assisted scooter in any of the following places:

- (1) On a public highway, street, road or alley;
- (2) On any public property where signs prohibit it;
- (3) On any designated bicycle path/way with the power unit in operation; or

- (4) On any private property unless written permission has been received from the owner, lessee or person in charge of that property. Written permission must be carried with the person operating the motor assisted scooter on that property during such use.
- (d) **Sidewalk Use Limited.** It shall be unlawful for operators of motor assisted scooters to use Town-owned sidewalks with the power unit in operation provided they shall ride in a careful and prudent manner and with due regard under the circumstances for the safety of all persons using the sidewalk. Such operators shall yield the right of way to pedestrians using sidewalks and shall not otherwise endanger or interfere with pedestrian traffic on those sidewalks.
- (e) **Crosswalk Exception.** This Section shall not apply to or restrict a person from riding upon a motor assisted scooter while crossing a roadway at a crosswalk.

Sec. 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/her 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/herself 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) **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. The use of bicycle lights is required during hours of darkness - a front white light, rear red light and reflectors.
- (d) **Bicycles Not to be Pulled by Moving Vehicles.** No person riding upon a bicycle shall cling or attach himself/herself or his/her bicycle to any other moving vehicle upon a street or highway, nor shall the operator of any such bicycle tow or draw any coaster wagon, sled, person on roller skates, toy vehicles or any other similar vehicle on such highway.
- (e) **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.
- (f) **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.

Cross-Reference: Section 12-1-1.

Sec. 10-2-6 Penalties.

The following penalties shall be applicable for violations of this Chapter:

- (a) **Persons 12 Years Old and Younger.**
 - (1) **First Offense.** A warning letter shall be sent to the parent or guardian of the child requiring the parent's signature and return of the warning letter to the Town.
 - (2) **Second Offense (within one year).** Forfeiture of Twenty-five Dollars (\$25.00), plus costs.
- (b) **Persons Over Age 12.**
 - (1) **First Offense.** A warning letter shall be sent to the person requiring signature and return of the warning letter to the Town.
 - (2) **Second Offense (within one year).** Forfeiture of Twenty-five Dollars (\$25.00), plus costs.
- (c) **Miscellaneous Provisions.**
 - (1) 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.

- (2) All violations shall be determined based on the preceding twelve (12) month period to establish which violation has occurred.
- (3) 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.

State Law Reference: Sees. 346.78 and 340.01(43m)(a) and (d), Wis. Stats.

Title 10 ► Chapter 3

Snowmobiles

- 10-3-1 State Snowmobile Laws Adopted
- 10-3-2 Snowmobile Trails and Operation
- 10-3-3 Snowmobile Access from Residence or Place of Lodging

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

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

- 350.1 Definitions
- 350.2 Operation of Snowmobiles on or in the Vicinity of Highways
- 350.3 Right-of-Way
- 350.04 Snowmobile Races, Derbies and Routes
- 350.045 Public Utility Exemption
- 350.047 Local Utility Exemption
- 350.05 Operation by Youthful Operators Restricted
- 350.055 Safety Certification Program Established
- 350.6 Firearms and Bows
- 350.7 Driving Animals
- 350.8 Owner Permitting Operation
- 350.9 Head Lamps, Tail Lamps and Brakes, Etc.
- 350.10 Miscellaneous Provisions for Snowmobile Operation
- 350.101 Intoxicated Snowmobiling
- 350.102 Preliminary Breath Screening Test
- 350.1025 Application of Intoxicated Snowmobiling Law
- 350.104 Chemical Tests
- 350.106 Report Arrest to Department

Snowmobiles

10-3-1

350.107	Officer's Action After Arrest for Operating a Snowmobile While Under Influence of Intoxicant
350.12	Registration of Snowmobiles
350.125	Completion of Application for Registration by Snowmobile Dealers
350.13	Uniform Trail Signs and Standards
350.15	Accidents and Accident Reports
350.17	Enforcement
350.18	Local Ordinances
350.19	Liability of Landowners
350.99	Parties to a Violation

Sec. 10-3-2 Snowmobile Trails and Operation.

(a) Town Roads Designated as Snowmobile Routes.

- (1) **Purpose; Statutory Authority.** The purpose of this Subsection is to designate certain roads and streets in the Town of Stephenson as snowmobile routes. This Subsection is adopted as authorized under Sections 350. 18(3)(a) and 350.04(2), Wis. Stats.
- (2) **Applicability.** The requirements of this Subsection apply to all persons within the Town of Stephenson, including non-residents using Town streets and roads.
- (3) **Definitions.** For the purposes of this Subsection:
 - a. "Snowmobile" has the meaning designated in Section 340.01(58a), Wis. Stats., and as it may be amended.
 - b. "Snowmobile route" means a highway, road, street or sidewalk designated for use by the Town Board as authorized under this Subsection.
 - c. "Snowmobile season" shall refer to those months, or portions thereof, wherein snow covers the ground so as to allow the safe operation of a snowmobile.
- (4) **Designation of Snowmobile Routes on Town Roads.** The following Town road(s) or portion's) thereof, are hereby designated as snowmobile routs for snowmobile operation during the snowmobile season, subject to the limitations set forth hereunder to wit:
 - *1. Newton Lake Road from Town Line Road south to Moonshine Hill Road.
 - *2. Moonshine Hill Road east to the Town line.
 - *3. All of Orlando Road - Newton Lake Road east to Cty. Hwy. A.
 - *4. All of Boat Landing #7 Road.
 - *5. All of Shady Lane (groom off road).
 - *6. Deer Lake Road from High Falls Road north to Eagle Road.
 - *7. Eagle Road from Deer Lake Road west to Parkway Road (lower speed limit from Dockside Bar to Parkway Road
 - *8. Boat Landing #9 Road.
 - *9. Parkway Road north from Eagle Road one-quarter mile and Parkway Road north from Boat Landing Road #13 to Eagle Road.
 - *10. Boat Landing #10 Road.
 - *11. Boat Landing #13 Road.

- *12. Boat Landing #8 Road.
- *13. Parkway Road over the Thunder River.
- *14. Parkway Road south from Engel Road to Ranch Road.
- *15. All of Engel Road.
- *16. All of Ranch Road.
- *17. All of First Street.
- *18. Thunder Mountain Road from Parkway Road west to the park entrance.
- *19. East Butler Rock Road to Butler Rock Road.
- *20. West Butler Rock Road from power lines south to Butler Rock Road
- **21. All of Smith Creek Road.
- *22. All of Caldron Falls Road from Cty. Hwy. W north to the Town line.
- **23. Noquebay Road east to the Town line.
- *24. All of Valarie Road.
- *25. High Falls Road from Deer Lake Road to 1 mile W of Duch Lane and from new Boat Landing #3 Road to the High Falls school house.
- *26. All of Boat Landing #6 Road.
- *27. All of Acorn Lane and Fire Service Roads 1629 and 1630 to Bushman Road.
- *28. All of Molly Four Road.
- *29. Boat Landing #11 Road north from Caldron Falls Road to the creek/trail.
- *30. All of Hillside Lane.
- *31. All of Popp Lane.
- *32. Shaffer Road from the motel to Samsa Lane to Independence Lane.
- *33. Parkway Road north from Crossroads Bar north one (1) mile to trail.
- *34. All of Kirby Lake Lane.
- *35. All of Huigen Lane.
- *36. The Town portion of Kitty Dell.
- **37. 6th Road north of Beaver town line one-half mile.
- **38. 32nd Road from 6th Road to School Forest Road.
- **39. School Forest Road north from 6th Road approximately one-half mile.
- *40. Peshtigo River Lane approximately one-eighth mile.
- **41. Loop Lake Road from 32nd Road to Airport Road.
- **42. Airport Road from Cty. Hwy. W to Peshtigo River Inn, just east of U.S. Hwy. 141.
- *43. Lands End Road.
- *44. Kottke Road.

* Iron Snowshoe

** Other Clubs

- (5) **Limitations for Snowmobiles.** Snowmobile operation on the above snowmobile routes is subject to the following limitations:
- a. Snowmobiles shall be operated on the extreme right side of the roadway.
 - b. Left turns shall be made as safely as possible from any position depending on snow cover and other prevailing conditions.
 - c. Snowmobile operators shall yield right-of-way to other vehicular traffic and pedestrians.
 - d. Town roads and streets designated for snowmobile operation shall be marked in accordance with Section 350.13, Wis. Stats., and as the same may be amended. Signs shall be of a type approved by the Wisconsin Department of Natural Resources and Wisconsin Department of Transportation.
 - e. Snowmobile operation is not permitted on state trunk highways or connecting highways, except as provided in Section 350.02, Wis. Stats.
 - f. All operation of snowmobiles under this Subsection shall comply and conform with all of the previous provisions of Chapter 350, Wis. Stats., as well as the provisions of Chapter 346, Wis. Stats., as designated in Section 346.02(10), Wis. Stats.
 - g. Snowmobiles are to be operated in a single-file fashion.
 - h. Headlights shall be on at all times.
 - i. A snowmobile operated on a portion of the roadway or shoulder of a highway pursuant to this Subsection shall observe roadway speed limits.
 - J. No person shall leave or allow a snowmobile to remain unattended on any public highway or property while the motor is running or with the starting key in the ignition.
 - k. Snowmobile operation is permitted along:
 1. U.S. numbered highways, state and county highways at a distance of ten (10) or more feet from the roadway. Travel upon the median of a divided highway is prohibited except to cross.
 2. Town highways outside of the roadway on the shoulder or berm alongside a Town road.
 - I. No portion of the snowmobile may be on the improved portion which is the asphalt, cement or gravel.
 - m. During daylight hours travel may be in either direction regardless of the flow of vehicular traffic. All night travel shall conform to the direction of vehicular traffic in the nearest lane.
 - n. Efforts will be made by the Town of Stephenson, the Iron Snowshoe Club and other local snowmobile clubs to minimize roadways as trails.
 - o. Trail markings shall be the responsibility of the Iron Snowshoe Club and other local snowmobile clubs. Stop and warning signs (i.e. curves, sharp corners, crossings, stay on trail, etc.) will be posted prior to the snowmobile trails opening

for the season. The Iron Snowshoe Club and other local snowmobile clubs shall promote good safety practices on their trail system by posting said rules. **(6) State Notification.** The Town Clerk has sent a copy of this Subsection, following original adoption, to the Wisconsin Department of Natural Resources and the Marinette County Sheriffs Department pursuant to Section 350.047, Wis. Stats.

- (b) **Other Town Roads.** Roads, other than those designated above, shall not lawfully be used for snowmobiling except those shown on the snowmobile route map, a copy of which is on file with the Town Clerk and made a part of this Section by reference. The operation of snowmobiles on any roadway in the Town other than the prescribed routes is declared unlawful.
- (c) **Speed Limits.** No person shall operate a snowmobile over the designated snowmobile routes at a rate of speed that exceeds the maximum speed limit posted thereon.
- (d) **Trail Markers.** The Town shall mark the prescribed snowmobile routes in accordance with Sec. 350.13, Wis. Stats., and any acts amendatory thereto.
- (e) **Improper Operation.** No person shall operate a snowmobile at a rate of speed that is unreasonable or improper under the conditions, and having regard for the actual and potential hazards then existing, or in any careless way so as to endanger the person or property of another or while under the influence of intoxicating liquor, fermented malt beverages or controlled substance.
- (f) **Penalties.** The penalty for violation of any provision of this Section shall be a forfeiture and shall conform to the forfeitures for a violation of the comparable state offense, together with the costs of prosecution thereof, and in default of payment of such forfeiture and cost of prosecution, the defendant shall be imprisoned in the Marinette County Jail until such forfeiture and costs are paid, but not exceeding ninety (90) days.

Sec. 10-3-3 Snowmobile Access from Residence or Place of Lodging.

- (a) **Intent.** The intent of this Section is to provide a means for persons to travel from a residence and/or lodging establishment within the limits of the Town of Stephenson for the shortest distance that is necessary for a person to operate a snowmobile to the snowmobile route or trail that is closest to that residence and/or lodging establishment.
- (b) **Statutory Authority.** The Stephenson Town Board has the specific statutory authority, powers and duties pursuant to Sec. 350.18, Wis. Stats.
- (c) **Designated Roadways and/or Highways.** No person shall operate a snowmobile on the roadway or shoulder of a highway not designated as a snowmobile route except that snowmobiles may be operated from private residences and/or lodging establishments only for the purpose of going to or returning from the closest designated trail and/or route.

Title 10 ► Chapter 4

All-Terrain Vehicles and Off-Road Motor Vehicle Operation

10-4-1 State All-Terrain Vehicle Laws Adopted; ATV Regulations

10-4-2 All-Terrain Vehicle Use;

Designated Road Routes

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

(a) **Authority.**

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

(2) The provisions of this Chapter shall apply to all of the roadways in the Town of Stephenson, Marinette County, within the jurisdiction of the Town Board. The provisions of this Chapter shall be enforced by the Marinette County Sheriff's Department, *Town of Stephenson Water Safety Patrol Unit* and such other officers as may be authorized by law.

(b) **Statutes Adopted.** The provisions describing and defining regulations with respect to all-terrain vehicles in the following-enumerated Subsections of Sec. 23.33, Wis. Stats., and any future amendments or revisions, are hereby adopted by reference and made part of this Section as if fully set forth herein. The statutory sections adopted by reference herein shall be designated as part of this Code by adding the prefix "10-4-1-" 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)]

- (c) **Applicability of Rules of the Road to All-Terrain Vehicles.** The operator of an all-terrain vehicle upon a roadway shall, in addition to the provisions of Sec. 23.33, Wis. Stats., be subject to Secs. 346.04, 346.06, 346.11, 346.14(1), 346.18, 346.19, 346.20, 346.21, 346.26, 346.27, 346.33, 346.35, 346.37, 346.39, 346.40, 346.44, 346.46, 346.47, 346.48, 346.50(1)(b), 346.51, 346.52, 346.53, 346.54, 346.55, 346.71, 346.87, 346.88, 346.89, 346.90, 346.91, 346.92(1), and 346.94(1) and (9), Wis. Stats.
- (d) **Penalties.**
 - (1) Forfeitures for violation of this Chapter as set forth in Sec. 23.33(13), Wis. Stats., are adopted by reference, exclusive of any penalty for imprisonment.
 - (2) The State of Wisconsin Bond Schedule for the statutory counterparts are adopted herein, as it may be amended from time to time, is adopted as the Deposit Schedule for violations of this Chapter.
 - (3) Citation procedure as set forth in Secs. 23.53 and 23.54, Wis. Stats., is adopted as the enforcement procedure for this Chapter as expressed in Sec. 23.53, Wis. Stats.

Sec. 10-4-2 All-Terrain Vehicle Use.

- (a) **Adoption Authority.** The Stephenson Town Board has, by adoption of this Section, confirmed the specific statutory powers and duties noted in Sec. 10-4-1 and has established by this Section regulation and enforcement of the operation of ATV's in the Town of Stephenson pursuant to Sec. 23.33, Wis. Stats.
- (b) **Use of Designated Routes.**
 - (1) No person may operate an all-terrain vehicle on a highway (including the entire right-of-way) except in the following situations:
 - a. To cross a roadway. The crossing of a roadway is authorized only if the crossing is done in the most direct manner possible.
 - b. On any roadway which is seasonally not maintained for motor vehicle traffic. Operation of an ATV on this type of roadway is authorized only during the seasons when no maintenance occurs and only if the roadway is not officially closed to ATV traffic.
 - c. To cross a bridge, culvert or railroad right-of-way unless the roadway is officially closed to ATV traffic.
 - d. On roadways which are designated as ATV routes.
 - (2) A person may operate an ATV adjacent to a roadway on a trail or route if the person operates the ATV in the following manner:
 - a. At a distance of ten (10) or more feet from the roadway along U.S. numbered highways, and state and county highways. Travel on the median of a divided highway is prohibited except to cross.

- b. Outside of the roadway along Town highways.
 - c. During daylight hours travel may be in either direction regardless of the flow of motor vehicle traffic.
 - d. At night travel shall conform to the direction of traffic in the nearest lane.
 - e. Not in excess of the speed limits of the adjacent roadway.
- (3) Authorized ATV travel routes on Town of Stephenson roads are indicated in Subsection (d), and as follows:
- a. The Town may designate corridors through lands which it owns or controls or for which it obtains leases, easements or permission for use as ATV trails.
 - b. Trails shall be properly marked with standardized trail signs which will be the responsibility of local ATV clubs.
 - c. ATV clubs shall promote good safety practices on their trail system by posting said rules at sponsorships.
 - d. An effort will be made by ATV clubs and the Town to minimize use of roadways as trails.
 - e. Riding will be authorized only on designated trails/routes subject to penalty.
 - f. No person shall operate an ATV within one hundred fifty (150) feet of a dwelling at a speed in excess of ten (10) mph or on a frozen surface of public waters within one hundred (100) feet of a person not in or on an ATV, snowmobile, or any motor vehicle.
- (4) The Iron Snowshoe Club and other local clubs shall determine the opening and closing dates of the trails.
- (c) **Operation Of An ATV While Intoxicated.** No person may engage in the operation of an ATV while under the influence of an intoxicant to a degree to which he/she is incapable of safe ATV operation, per Section 23.33(13)a-b, Wis. Stats.
- (d) **Authorized Roads for ATV Operation.** The following roads are designated as all-terrain vehicle routes:
- (l) Snow Season Roads.**
- a. Newton Lake Road from Town Line Road south to Moonshine Hill Road.
 - b. Moonshine Hill Road east to the Town line.
 - c. All of Orlando Road - Newton Lake Road east to CTH A.
 - d. Karen Drive to Nelson Lane.
 - e. All of Boat Landing #7 Road.
 - f. All of Shady Lane (groom off road).
 - g. Deer Lake Road from Boat Landing #7 north to Eagle Road.
 - h. Eagle Road from Deer Lake Road west to Parkway Road (lower speed limit from Dockside Bar to Parkway Road).
 - i. Boat Landing #9 Road.
 - j. Parkway Road north from Eagle Road one-quarter mile and Parkway Road north from Boat Landing Road #13 to Eagle Road.
 - k. Boat Landing #10 Road.
 - l. Boat Landing #13 Road
 - m. Boat Landing #8 Road.
 - n. Veterans Park from Parkway Road south to Boat Landing #6.
 - o. Parkway Road South from Engel Road to Ranch Road

- p.** All of Engel Road.
- q.** All of First Street.
- r.** East Butler Rock Road to Butler Rock Road.
- s.** West Butler Rock Road from power lines south to Butler Rock Road.
- t.** All of Smith Creek Road.
- u.** All of Caldron Falls Road from CTH W north to the Town line.
- v.** Noquebay Road east to the Town line.
- w.** All of Valarie Road.
- x.** High Falls Road from Newton Lake Road to Duch Lane and from new Boat
- y.** Landing #3 Road to the High Falls school house.
- z.** All of Boat Landing #6 Road.
- aa.** All of Acorn Lane and Fire Service Roads 1629 and 1630 to Bushman Road.
- bb.** All of Molly Four Road.
- cc.** Boat Landing #11 Road north from Caldron Falls Road to the creek/trail.
- dd.** All of Hillside Lane.
- ee.** All of Popp Lane.
- ff.** Shaffer Road from the motel to Samsa Lane to Independence Lane.
- gg.** Parkway Road north from Crossroads Bar north one (1) mile to trail crossing.
- hh.** All of Kirby Lake Lane.
- ii.** All of Meeders Lane.
- jj.** The Town portion of Kitty Dell.
- kk.** 6th Road north of Beaver town line one-half mile.
- ll.** All of Tanonka Lane.
- mm.** 32nd Road from 6th Road to School Forest Road.
- nn.** School Forest Road north from 6th Road approximately one-half mile.
- oo.** Peshtigo River Lane approximately one-eighth mile.
- pp.** Loop Lake Road from 32nd Road to Airport Road.
- qq.** Airport Road from CTH W to Peshtigo River Inn, just east of USH141.
- rr.** Kottke Road

(2) ATV Season Roads

- a. All town roads within the Town of Stephenson are designated as ATV routes subject to the guidelines of chapter 23.33, Wisconsin statutes in addition to the following restrictions:
- b. All ATV operators on a town road designated as an ATV route must hold a valid ATV safety certificate. Those operators between the ages of 12 and 15 years of age, inclusive, must be accompanied by a parent, legal guardian or adult designated in writing by a parent or legal guardian.
- c. All dead-end roads are authorized as “local access routes” only.
- d. ATV shall travel on the paved portion of all paved roads and on the travelled portion of all gravel roads.
- e. ATV season roads are only authorized ATV routes at those times when the ATV trails are open as per section 10-4-2(b)(4) Stephenson town ordinances.

Title 10 ► Chapter 5

Abandoned and Junked Vehicles

10-5-1	Abandoned Vehicles; Definitions
18-5-2	Removal and Impoundment of Vehicles
10-5-3	Removal, Storage, Notice or Reclaimer of Abandoned Vehicles
10-5-4	Disposal of Abandoned Vehicles
18-5-5	Report of Sale or Disposal
18-5-6	Owner Responsible for Impoundment and Disposal Costs
10-5-7	Conflict with Other Code Provisions
10-5-8	Junked Vehicles and Appliances on Private Property

Sec 10-5-1 Abandoned Vehicles; Definitions.

- (a) **Abandonment of Vehicles Prohibited.** No person shall leave unattended any motor vehicle, trailer, semitrailer or mobile home on any public street or highway or private or public property in the Town of Stephenson for such time and under such circumstances as to cause the vehicle to reasonably appear to have been abandoned. Whenever any such vehicle has been left unattended on any street or highway in the Town of Stephenson 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 seventy-two (72) hours, the vehicle shall be deemed abandoned and constitutes a public nuisance.
- (b) **Definitions.** For purposes of this Chapter, the following definitions shall be applicable:
- (1) **Vehicle** shall mean a motor vehicle, trailer, semitrailer or mobile home, whether or not such vehicle is registered under Wisconsin Law.
 - (2) **Unattended** shall mean unmoved from its location with no obvious sign of continuous human use.
 - (3) **Street** shall mean any public highway or alley and shall mean the entire width between the boundary lines of any public way where any part thereof is open to the public for purposes of vehicular traffic.
- (c) **Presumptions.** For purposes of this Section, the following irrebuttable presumptions shall apply
- (1) A vehicle shall be presumed unattended if it is found in the same position seventy-two (72) hours after issuance of a traffic ticket or citation and if such traffic ticket or citation remains placed upon the windshield during said seventy-two (72) hours.

- (2) Any vehicle left unattended for more than seventy-two (72) hours on any public street or public ground or left unattended for more than seventy-two (72) 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 an enforcement officer.
- (d) **Exceptions.** This Section shall not apply to a vehicle in an enclosed building or a vehicle stored on a premises licensed for storage of junk or junked vehicles and fully in compliance with applicable zoning regulations, or to a vehicle parked in a paid parking lot or space where the required fee has been paid.

Sec. 10-5-2 Removal and Impoundment of Vehicles.

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

Sec. 10-5-3 Removal, Storage, Notice or Reclaimer of Abandoned Vehicles.

- (a) **Applicability.** The provisions of this Section shall apply to the removal, storage, notice, reclaimer or disposal of abandoned vehicles as defined in Section 10-5-1.
- (b) **Removal.** Any enforcement officer who discovers any motor vehicle, trailer, semitrailer or mobile home on any public street or highway or private or public property in the Town of Stephenson which has been abandoned shall cause the vehicle to be removed to a suitable place of impoundment.
- (c) **Storage and Reclaimer.** Any abandoned vehicle which is determined by a Town enforcement officer to be abandoned shall be retained in storage for a period of fourteen (14) days after certified mail notice, as hereinafter provided, has been sent to the Wisconsin titled owner and/or secured party of record with the Wisconsin Motor Vehicle Division, except that if a Town enforcement officer determines an abandoned vehicle to have a value of less than One Hundred Dollars (\$100.00), or that the cost of towing and storage charges for impoundment will exceed the value of the vehicle, it may be junked or sold by direct sale to a licensed salvage dealer after having been retained in storage for a period of forty-eight (48) hours and after certified mail notice, as hereinafter provided, has been sent to the Wisconsin titled owner or secured party of record with the Wisconsin Motor Vehicle

Division, provided that it is first determined that the vehicle is not reported stolen or wanted for evidence or other reason. All substantially complete vehicles in excess of nineteen (19) model years of age shall be deemed as a having value in excess of One Hundred Dollars (\$100.00). Any such vehicle which may be lawfully reclaimed may be released upon the payment of all accrued charges, including towing, storage and notice charges and upon presentation of the vehicle title or other satisfactory evidence to a Town enforcement officer to prove an ownership or secured party interest in said vehicle. (d) **Notice to Owner or Secured Party.** Certified mail notice, as referred to herein, shall notify the Wisconsin titled owner of the abandoned vehicle, if any, and/or the secured party of record with the Wisconsin Motor Vehicle Division, if any, of the following:

- (1) That the vehicle has been deemed abandoned and impounded by the Town of Stephenson;
- (2) The "determined value" of the abandoned vehicle;
- (3) If the cost of towing and storage costs will exceed the determined value of the vehicle;
- (4) That if the vehicle is not wanted for evidence or other reason, the vehicle may be reclaimed upon the payment of all accrued charges, including towing, storage and notice charges, within fourteen (14) days of the date of notice, unless the vehicle has been determined to have a value less than One Hundred Dollars (\$100.00) or that the cost of towing and storage charges for impoundment will exceed the value of the vehicle, in which case the vehicle may be reclaimed within seven (7) days upon the payment of the aforesaid charges; and
- (5) That the owner or aforesaid secured party may, upon request, be granted a hearing relating to the determinations made with respect to said vehicle within the period that such vehicles may be reclaimed.

Sec. 10-5-4 Disposal of Abandoned Vehicles.

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

Sec. 10-5-5 Report of Sale or Disposal.

Within five (5) days after the direct sale or disposal of a vehicle as provided for herein, the Town enforcement official shall advise the State of Wisconsin Department of Transportation, Division

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

Sec. 10-5-6 Owner Responsible for Impoundment and Disposal Costs.

- (a) The owner of any abandoned vehicle, except a stolen vehicle, is responsible for the abandonment and all costs of impounding and disposing of the vehicle. Costs not covered from the sale of the vehicle may be recovered in a civil action by the Town against the owner.
- (b) Payment of removal and impoundment costs is not required when the vehicle has been impounded for purposes of law enforcement investigation.

Sec. 10-5-7 Conflict with Other Code Provisions.

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

Sec. 10-5-8 Junked Vehicles and other Public Nuisances.

SECTION 1 - Title and Purpose

This ordinance is entitled, the Town of Stephenson Public Nuisance Ordinance. The purpose of this ordinance is as follows;

A. To promote the general welfare, security, prosperity and the contentment of all inhabitants of the Town of Stephenson, whether permanent or temporary.

B. To prevent or control the injurious effect on the safety and health of the public or use of property which works some substantial annoyance, inconvenience, injury or damage to the public generally, or such part of the public as necessarily comes in contact with it in the exercise of a public or common right.

SECTION 2 – Authority

The Town Board of the Town of Stephenson has the specific statute, authority, powers, and duties, pursuant to Section 66.052 Wis. Stats. and Chapters 143, 144, 146, and 823 Wis. Stats. And by the granting of Village powers by the people of the Town of Stephenson, to the Town Board of the Town of Stephenson at the Annual Town Meeting held on April 6, 1976, to regulate, control, prevent, or enforce against, in the Town of Stephenson, certain uses, activities, businesses and operations by persons that may cause a public nuisance in the Town of Stephenson.

SECTION 3 – Adoption of Ordinances

The Town Board of the Town of Stephenson has, by adoption of this ordinance, confirmed the specific statutory authority, powers and duties noted in the specific sections of this ordinance and has established by these sections and this ordinance, regulations, control and enforcements against certain uses, activities, businesses and operations by persons that may cause a public nuisance in the Town of Stephenson.

SECTION 4 – General Provisions

No person shall cause, allow or permit any person to create any public nuisance areas on premises owned, based or controlled by that person in the Town of Stephenson.

The following are specifically declared by the Town Board of the Town of Stephenson to be public health, public safety, public order, nuisance, and/or a nuisance which causes substantial domination of value of properties of others in the neighborhood wherein which the premises is located. The declaration should not be construed to exclude other public nuisances affecting the public health, safety, order, and/or nuisance which causes substantial domination of value of surrounding properties.

A) Public Health Nuisances

- (1) Any waste containers and receptacles used for household waste collections and removal must be placed at the roadside in animal proof containers.
- (2) A rat harborage area where rats or other vermin can live and breed.
- (3) A waste accumulation area where no more than three (3) weeks amount of waste be allowed to accumulate and/or which attracts flies, insects, vermin and other animals.

B) Public Safety and Other Nuisance

- (1) Abandoned or wrecked vehicle area where motor vehicles, tractors, house trailers, railroad cars, buses and other motorized vehicles are allowed to accumulate in violation of State laws or County Ordinance.
- (2) A dilapidated building area where old or dilapidated buildings, structures and equipment are allowed to stand while they are dangerous, unsafe, unsanitary, uninhabitable or otherwise unfit for human use and occupancy. They shall be inspected by the Building Inspector for proper condemnation or repair.
- (3) An obstruction area where structures, hedges, trees, weeds, signs, billboards, building or equipment are installed or maintained near a public highway, road, street, alley or railroad crossing and due to the conditions and location, block a clean view of traffic that causes a menace or danger to public safety of persons in the Town of Stephenson.

C) Preventing a public nuisance.

No person in the Town of Stephenson shall cause, allow, or permit any person to allow the premises owned or leased or controlled by that person to become dangerous, unsafe, unsanitary, foul, a fire hazard, or public menace by:

10-5-8

- (1) Allowing trash, debris, old lumber, freezers, stoves, refrigerators, more than 8 tires, 3 junk (inoperable) motor vehicles, or motor parts, or waste, to accumulate in unsheltered areas on the premises for more than 45 consecutive days. Commercial auto body shops and licensed salvage yards owned and operated in the Town of Stephenson are exempt from Section 4 and (1)
- (2) Allowing domestic animals (dangerous or otherwise) to run at large on the premises wherein they can access property of another, to the substantial annoyance or substantial discomfort of persons or are allowed to cause injury to persons or property in the Town of Stephenson.

SECTION 5 – Penalty

- (A) Any person, firm, corporation, or commercial enterprise who shall be in violation of this ordinance shall be issued a warning citation giving them ten (10) days to cure the applicable violation.
- (B) If Violation is not cured within ten (10) day period:
 - (1) Person or persons shall pay a forfeiture of not less than \$20.00 nor more than \$200.00, together with the cost of prosecution, or in default of payment thereof, by imprisonment in the Marinette County Jail for a term of not more than thirty (30) days.
- (C) Each day of violation may constitute a separate offense and the 10 day period after the warning may be inclusive.

SECTION 6 – Severability

In the event that any section or sections herein shall be ruled unconstitutional, by any competent court, such determination shall not affect the validity or effectiveness of the other sections of the ordinance, and the remainder of said ordinance shall remain in full force and effect.