

## Chapter 495

### VEHICLES AND TRAFFIC

**[HISTORY: Adopted by the Town Board of the Town of Buchanan 11-4-1997 as Ch. 82 of the 1997 Code. Amendments noted where applicable.]**

#### GENERAL REFERENCES

Noise — See Ch. 400.

Nuisances — See Ch. 404.

Abandoned and junked vehicles — See Ch. 492.

#### ARTICLE I

##### General Provisions

##### **§ 495-1. Adoption of state traffic laws.**

Except as otherwise specifically provided in this chapter, the statutory provisions of §§ 110.075, 66.0431 and Chs. 340 to 349, Wis. Stats, describing and defining regulations with respect to vehicles and traffic, exclusive of any regulations for which the statutory penalty is a fine or term of imprisonment, are hereby adopted and by reference made a part of this chapter as if fully set forth in this chapter. Any act required to be performed or prohibited by any regulation incorporated in this chapter by reference is required or prohibited by this chapter. Any future amendments, revisions or modifications of the statutory regulations in §§ 110.075, 66.0431, and Chs. 340 to 349, Wis. Stats., incorporated in this chapter 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.

##### **§ 495-2. Display of power and noise; compression brakes prohibited.**

- A. No person shall make unnecessary and annoying noises with a motor vehicle, by squealing tires, excessive acceleration of engine, or by emitting unnecessary and loud muffler noises.
- B. No person shall use compression brakes (also known as "jake brakes") or operate a motor vehicle using brakes which are in any way activated or operated by the compression of the engine of any such motor vehicle or any unit or part thereof, unless such brakes are necessarily used in an emergency situation. The prohibition contained in this section shall not apply to fire, police, EMS and/or other emergency vehicles. [Added 8-17-2010 by Ord. No. 2010-03]

##### **§ 495-3. School bus warning lights.**

Notwithstanding the provision of § 346.48(2)(b)2, Wis. Stats., adopted by reference in § 495-1, to the contrary, 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 crosswalks or traffic signals, so that pupils must cross the street or highway before being loaded or after being unloaded.<sup>1</sup>

ARTICLE II  
**Administration and Enforcement**

**§ 495-4. Enforcement.**

This chapter shall be enforced in accordance with the applicable provisions of the state statutes and this section.

- A. Applicable court procedures. Except where otherwise specifically provided by the laws of the state or this chapter, the traffic regulations in this chapter shall be enforced in the Circuit Court of Outagamie County in accordance with the provisions of Chs. 345 and 800, Wis. Stats. [Amended 8-17-2010 by Ord. No. 2010-03]
- B. Citations. The kinds of citations and the procedures governing citations are as follows:
  - (1) Uniform citation and complaint. The state uniform traffic citation and complaint described and defined in § 345.11, Wis. Stats., shall be used for enforcement of all provisions of this chapter except those provisions which describe or define nonmoving traffic violations and violations of §§ 346.71 through 346.73, Wis. Stats. Violations of §§ 346.71 through 346.73, Wis. Stats., shall be reported to the District Attorney, and the state uniform traffic citation shall not be used in such cases except upon the written request of the District Attorney.
  - (2) Parking citations. The Town Board shall develop a citation for use in enforcing the nonmoving traffic offenses in this chapter. Such citation shall be used for enforcement of nonmoving traffic regulations created or adopted by this chapter, including violations of nonmoving traffic regulations defined and described in the state statutes adopted by reference in § 495-1 and all provisions of §§ 495-15, 495-19B and C and 495-20 through 495-23, and Chapter 492, §§ 492-9 through 492-21.<sup>2</sup> The citation for nonmoving traffic violations shall contain a notice that the person cited may discharge the forfeiture for violation of a nonmoving traffic regulation and penalty thereof by complying with Subsection C(2) of this section. Nonmoving traffic citations may be issued by law enforcement officers or by civilian employees, as determined by the Town Board.
- C. Deposits and stipulations.
  - (1) Moving traffic offenses. The following deposits and stipulations may be made:

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<sup>1</sup>. Editor's Note: Original Secs. 82-4, Trains obstructing streets and highways, and 82-5, Crossing warnings by trains, which immediately followed this section, were repealed 8-17-2010 by Ord. No. 2010-03.

<sup>2</sup>. Editor's Note: See Ch. 492, Vehicles, Abandoned and Junked.

- (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 state statutes.
  - (b) Delivery or mailing of deposit and stipulation. The deposit and stipulation shall be delivered personally by the person cited or mailed to the Outagamie County Clerk of Circuit Court. [Amended 8-17-2010 by Ord. No. 2010-03]
  - (c) Receipt required. The Administrator/Clerk receiving the deposit shall furnish and deliver or mail an original receipt for such deposit to the alleged violator.
- (2) Nonmoving traffic offenses. The following deposits and stipulations may be made:
- (a) Direct payment of penalty permitted. Persons cited for violation of nonmoving traffic offenses described and defined in this chapter may discharge the penalty thereof and avoid court prosecution by forwarding within 14 days of the issuance of the citation to the Clerk of the Circuit Court the penalty specified for the violation.
  - (b) Court prosecution. If the alleged violator does not deliver or mail a deposit as provided in Subsection C(2)(a) of this section within 14 days of the date of the citation, the Clerk of the Circuit Court shall forward a copy of the citation to the Town Attorney for prosecution pursuant to law.
  - (c) Deposits returned to Treasurer. Officers receiving deposits for nonmoving traffic violations under this subsection shall pay over such deposits to the Town Treasurer within 14 days of their receipt. Such payment shall be accompanied by an itemized statement for each deposit of the offense charged and the name of the depositor.

**§ 495-5. Violations and 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 §§ 814.63(1) to (4) or 814.65(1), Wis. Stats., the penalty assessment for moving traffic violations and the driver improvement surcharge imposed by §§ 757.05 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 60 days. Any person 17 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 the violation of any provision of this chapter, upon order of the court entering judgment therefor and having jurisdiction of the case, shall be imprisoned until such forfeiture, costs and assessment are paid, but not exceeding a length of 90 days.

- B. Other sanctions. Other sanctions which may be imposed are as follows:
- (1) By court. Nothing in this section shall preclude or affect the power of the sentencing court to exercise additional authorities granted by the state 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 Administrator/Clerk except a hunting or dog license, until the forfeiture imposed for such violation and any penalty assessment, court costs and fees or surcharge is paid. [Amended 8-17-2010 by Ord. No. 2010-03]
- C. Forfeitures for violation of moving traffic regulations. Forfeitures for violations of any moving traffic regulation set forth in the state statutes, adopted by reference in § 495-1, shall conform to the forfeiture penalty permitted to be imposed for violations of the comparable state statutes, 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 Chs. 341 to 348, Wis. Stats., for which an imprisonment penalty or fine may be imposed upon the defendant.
- D. Forfeitures for parking violations. Forfeitures for parking violations are as follows:
- (1) Forfeitures for uniform statewide parking, stopping and standing offenses. Minimum and maximum forfeitures for violation of nonmoving traffic violations adopted by reference in § 495-1, as described in Chs. 341 to 348, Wis. Stats., shall be as provided for the comparable state nonmoving traffic violation.
  - (2) Overtime parking. The forfeiture for violations of the provision of §§ 495-20 and 495-21 relating to limited parking shall be \$10. Each hour during which a violation occurs or continues shall be considered a separate offense.
  - (3) Penalty for other parking violations. The penalty for all other parking violations not included under Subsection D(1) or (2) of this section shall be a forfeiture of not less than \$10 nor more than \$15.
- E. Other violations. Any person who shall violate any provision of this chapter for which a penalty is not otherwise established by this section or by other sections in this chapter shall be subject to a forfeiture of not less than \$10 nor more than \$100. [Amended 8-17-2010 by Ord. No. 2010-03]

**§ 495-6. Accident reports not to be used in trial.**

Notwithstanding § 346.70(4)(f), Wis. Stats., accident reports required to be filed with or transmitted to the Department of Transportation or Town shall not be used as evidence in

any judicial trial, civil or criminal, arising out of an accident, except that such reports may be used as evidence in any administrative proceeding conducted by the Department.

**§ 495-7. Motor vehicles to be safe.**

- A. Noncompliance. No person shall operate or allow to be operated on any highway, street or alley within the Town a vehicle that is not in conformity with the requirements of the provisions of § 110.075 and Ch. 347, Wis. Stats., incorporated by reference in § 495-1.
- B. Owner's liability. Any owner of a vehicle not equipped as required by this section who knowingly causes or permits such vehicle to be operated on a highway in violation of this section is as guilty of the violation of the section as if he/she had operated the vehicle. The provisions of § 347.04, Wis. Stats., relating to nonapplicability of demerit points shall apply to owners convicted of violations of this section.
- C. Safety checks. Safety checks are as follows:
  - (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 provided in this subsection.
  - (2) Authority of officer. Any law enforcement officer is hereby empowered whenever he/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) Removal of vehicle from highway. Whenever, after inspection as provided by this section, a law enforcement officer determines that a vehicle is unsafe for operation, he/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 § 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 or the issuing officer within the time specified in the order.
- D. Penalty for violation of section. Penalty for violation of any provision of this section, including the provisions of the Wisconsin Statutes incorporated by reference in Subsection A of this section, shall be as provided in § 495-5, together with the costs of prosecution and applicable penalty assessment.

**§ 495-8. Traffic control devices.**

- A. Ratification. All traffic control signs, signals, devices and markings in place on the adoption date of this chapter are expressly ratified and confirmed.
- B. Prohibited signs and markers in highways. No person, other than an officer or his designee authorized by this chapter to erect and maintain official traffic control devices, 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 Administrator/Clerk. Any sign, signal, marker, mark or monument placed or maintained in violation of this section shall be subject to removal as provided in Subsection C. [Amended 8-17-2010 by Ord. No. 2010-03]
- C. Removal of unofficial signs, markers, signals and devices. The Town Administrator/Clerk or 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 by the Town Administrator/Clerk 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 15 shall be placed upon the tax roll for collection as other special Town taxes. [Amended 8-17-2010 by Ord. No. 2010-03]

ARTICLE III  
**Vehicle Operation**

**§ 495-9. Operation of motor vehicles in public parking lots and ramps.**

- A. Unlicensed operators. 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 § 495-1 and the state statutes and law incorporated in that section by reference shall be applicable on any public parking lot or ramp and on any private parking lot or ramp held out for use of the general public for parking or vehicular travel.

**§ 495-10. 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 article and Article II of this chapter shall obey the direction of such official traffic control devices as required by the state statutes incorporated by reference in § 495-1. Operators of vehicles approaching a stop sign shall stop before entering a highway as required by § 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 § 346.18(6), Wis. Stats.

**§ 495-11. Modification of speed limits.**

- A. Public parks and recreation areas. In public parks and recreation areas the speed limits shall be as follows:
  - (1) Fifteen miles per hour on all park and recreation area roads.
  - (2) Fifteen miles per hour on those portions of all Town streets within, contiguous or adjacent to Town parks and recreation areas when children are going to or from or are playing within such area.
- B. Schools. In school areas the speed limits shall be as follows: 15 miles per hour on all drives, roadways, parking areas and parking lots of the Town area schools.

**§ 495-12. Traffic control.**

In the interest of public safety, stop signs, yield signs and other traffic controls shall be installed at such locations on the highways over which the Town has exclusive jurisdiction or the Town Board shall determine necessary.

ARTICLE IV  
**Stopping, Standing and Parking**

**§ 495-13. Leaving keys in parked motor vehicles.**

- A. Every passenger motor vehicle shall be equipped with a lock suitable to lock either the starting lever, throttle, steering apparatus, gear shift lever or ignition system.
- B. No person shall permit a motor vehicle in his custody to stand, to be left standing, stopped, to remain unattended or to be parked on any street, alley or in any other public place, 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.
- C. Subsections A and B of this section shall not apply to motor vehicles operated by common carriers of passengers under Ch. 194, Wis. Stats.

**§ 495-14. Parking during snowstorm emergency.**

- A. Emergency declarations. The Town Board Chairperson or Town Administrator/Clerk hereby declares that an emergency exists in the Town whenever a snowfall during any period of 24 hours or less reaches a depth of six inches or more, as reported by the weather service. Such emergency is declared to be a serious public hazard impairing transportation and public health, safety and welfare for a period of 48 hours or until such earlier time as snow removal operations have been declared completed by the Town Administrator/Clerk. [Amended 8-17-2010 by Ord. No. 2010-03]
- B. Parking regulations during snow emergencies. Whenever an emergency exists and the Town Administrator/Clerk shall have caused announcement of such emergency to be made by not less than two radio stations whose normal operating range covers the Town, no person shall park, or suffer to be parked, any vehicle of any kind or description upon any street in the Town; provided, however, that, notwithstanding

such emergency restrictions, vehicles may be parked for a period of time not longer than three minutes for actually loading or unloading of passengers or 30 minutes for actually loading or unloading of property, and provided further that no other regulation restricting parking as to place, time or manner is violated thereby. [Amended 8-17-2010 by Ord. No. 2010-03]

- C. Authorization of erection of no-parking signs. Pursuant to the provisions of § 323.14, Wis. Stats., the Town Administrator/Clerk and law enforcement is authorized to erect temporary no-parking signs during the existence of an emergency created by a snowstorm or excessive snowfall which impairs or prevents the full use of any highway, street or roadway for transportation. [Amended 8-17-2010 by Ord. No. 2010-03]
- D. Snow tow-away zones. The Town Administrator/Clerk is hereby authorized to cause the towing away of vehicles parked in violation of this section.
- E. Penalty for violation of section. Notwithstanding any other provisions of this chapter, any person violating the provisions of this section shall forfeit not less than \$10 nor more than \$100, plus penalty assessment and court costs and, upon failure to pay any forfeiture, penalty assessment and court costs imposed, may be imprisoned for a period not exceeding six months or until such forfeiture, penalty assessment and costs are paid. This provision is based upon the special penalty provisions of § 323.14, Wis. Stats.

**§ 495-15. Parking, stopping or standing in no-parking areas.** [Amended 8-17-2010 by Ord. No. 2010-03]

No person shall park, stop or leave standing any vehicle for any purpose upon highways or parts of highways at any time in any area posted "No Parking."

**§ 495-16. No parking except for authorized vehicles.**

Except as permitted in this section, no person shall park, stop or leave standing any vehicle in the following places unless authorized by permit issued by the Town or by an official traffic control sign:

- A. At any curb or other area marked as a bus or taxi stop or stand.
- B. Upon any portion of a street, highway or parking facility reserved by official traffic signs for vehicles displaying special registration plates, identification cards or emblems for vehicles of physically disabled persons, unless the vehicle displays a special registration plate, identification card or emblem issued by the state or jurisdiction in which the vehicle is registered.

**§ 495-17. Miscellaneous parking restrictions.**

- A. Street maintenance. Whenever it is necessary to clear a Town roadway or any part thereof, the Town Administrator/Clerk or his designee shall post such highways or parts thereof with signs bearing the words "No Parking. Street Maintenance Work" or similar wording. Such signs shall be erected at least two 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. 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 upon which such driveway is located, whether or not such driveway is posted to limit or restrict parking.
- C. Parking heavy vehicles in residential districts. No operator of a motor truck, truck tractor, trailer or semitrailer or any other vehicle or combination of vehicles, other than motor buses, weighing more than 6,000 pounds shall park such vehicles on any highway other than a routed state trunk highway in any residential district, except for such time as is reasonably necessary to facilitate the loading or unloading of the vehicle.<sup>3</sup>
- D. Night parking restrictions. See § 495-19A. When signs have been erected in the Town as provided in § 349.13, Wis. Stats., no person shall park any vehicle for a period of time longer than 30 minutes between the hours of 2:00 a.m. and 6:00 a.m.<sup>4</sup>

**§ 495-18. Unlawful removal of parking citations.**

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

**§ 495-19. No parking.**

- A. At certain hours and dates. No person shall allow any vehicle of any kind or description to be parked on any public highway of the Town for more than 30 minutes between the hours of 2:00 a.m. and 6:00 a.m. from November 1 through March 31.
- B. At all times. Except temporarily for the purpose of and while actually engaged in loading or unloading or in receiving or discharging passengers or property and while the vehicle is attended by a licensed operator so that it may be moved promptly in case of an emergency or to avoid obstruction of traffic, no person shall at any time park or leave standing any vehicle upon any highway or any part of any highway such that all lanes of travel for vehicles travelling in the same direction are interfered with from proceeding without crossing the center line of the highway or driving off the paved portion of the highway.<sup>5</sup>
- C. Van Roy Road. No person shall park or cause to be parked any vehicle of any kind or description along Van Roy Road at any time.

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<sup>3</sup>. Editor's Note: Original Sec. 82-180(d), Snow emergency parking restrictions, which immediately followed this subsection, was repealed 8-17-2010 by Ord. No. 2010-03. See now § 495-14.

<sup>4</sup>. Editor's Note: Original Sec. 82-180(f), Parking reserved for vehicles of disabled, which immediately followed this subsection, was repealed 8-17-2010 by Ord. No. 2010-03. See now § 495-16B.

<sup>5</sup>. Editor's Note: Original Sec. 82-193, Holy Angels Cemetery, which immediately followed this subsection, was repealed 8-17-2010 by Ord. No. 2010-03.

- D. East side of Stoney Brook Road. No person shall park or cause to be parked any vehicle of any kind or description along the east side of Stoney Brook Road from Highway KK to Creekview Lane.

**§ 495-20. Disabled persons exempt from certain parking restrictions.**

- A. Except as provided by law or ordinance, a motor vehicle bearing a special registration plate issued under § 341.14(1) or (1r)(a), Wis. Stats., to a disabled veteran or a person acting on his behalf is exempt from time limitations on parking in any street or highway zone and parking lot, whether municipally owned or leased, or both municipally owned and leased, or a parking place owned or leased, or both owned and leased, by a municipal parking utility, with 1/2 hour or more limitation, but otherwise is subject to the laws relating to parking. Where the time limitation on a metered stall is 1/2 hour or more, no meter payment is required. Parking privileges granted by this subsection are limited to the disabled veteran to whom or on whose behalf the special plates were issued and to qualified operators acting under the disabled veteran's express direction with the disabled veteran present.
- B. Except as provided by law or ordinance, a motor vehicle bearing special registration plates issued under § 341.14(1a), (1e), (1m), (1q) or (1r)(a), Wis. Stats. or a motor vehicle other than a motorcycle, upon which a special identification card issued under § 343.51, Wis. Stats., is displayed or a motor vehicle registered in another jurisdiction upon which is displayed a registration plate, a card or an emblem issued by the other jurisdiction designating the vehicle as a vehicle used by a physically disabled person is exempt from time limitations on parking in any street or highway zone and parking lot, whether municipally owned or leased, or both municipally owned and leased or a parking place owned or leased, or both owned and leased by a municipal parking utility, with 1/2 hour or more limitation, but otherwise is subject to the laws relating to parking. Where the time limitation on a metered stall is 1/2 hour or more, no meter payment is required. Parking privileges granted by this subsection are limited to the following:
- (1) A person to whom plates were issued under § 341.14(1a), Wis. Stats.
  - (2) A qualified operator acting under the express direction of a person to whom plates were issued under § 341.14(1a), Wis. Stats., when such person is present.
  - (3) A person to whom plates were issued under § 341.14(1m), Wis. Stats., when the disabled person for whom the plates were issued is present.
  - (4) A person for whom plates were issued under § 341.14(1q), Wis. Stats.
  - (5) A qualified operator acting under the express direction of a person for whom plates were issued under § 341.14(1q), Wis. Stats., when such person is present.
  - (6) A person for whom plates were issued under § 341.14(1r)(a), Wis. Stats.

- (7) A qualified operator acting under the express direction of a person for whom plates were issued under § 341.14(1r)(a), Wis. Stats., when such person is present.
  - (8) A person or organization to whom a special identification card was issued under § 343.51, Wis. Stats.
  - (9) A qualified operator acting under the express direction of a person to whom a special identification card was issued under § 343.51, Wis. Stats., when such person is present.
  - (10) A qualified operator of a motor vehicle registered in another jurisdiction upon which is displayed a registration plate, a card or an emblem issued by the other jurisdiction designating the vehicle as a vehicle used by a physically disabled person, if the vehicle is transporting the disabled person for whom the plate, card or emblem was issued.
  - (11) A person to whom a plate was issued under § 341.14(1e), Wis. Stats.
  - (12) A qualified operator acting under the express direction of a person to whom a plate was issued under § 341.14(1e), Wis. Stats. when such person is present.
- C. Except as provided by law or ordinance, a vehicle bearing special registration plates issued under § 341.14(1), (1a), (1e), (1m), (1q) or (1r)(a), Wis. Stats., or a motor vehicle, other than a motorcycle, upon which a special identification card issued under § 343.51, Wis. Stats., is displayed, or a motor vehicle registered in another jurisdiction upon which is displayed a registration plate, a card or an emblem issued by the other jurisdiction designating the vehicle as a vehicle used by a physically disabled person, is exempt from § 346.505, Wis. Stats., or any ordinance in conformity therewith prohibiting parking, stopping or standing upon any portion of a street, highway or parking facility reserved for physically disabled persons by official traffic signs indicating the restriction. Stopping, standing and parking privileges granted by this subsection are limited to the persons listed under Subsections B and C of this section.

**§ 495-21. Removal of illegally parked vehicles.**

- A. Hazard to public safety. Any vehicle parked, stopped or standing upon a highway in violation of any of the provisions of this section or § 495-1 is declared to be a hazard to traffic and public safety.
- B. Removal by operator. Such vehicle shall be removed by the operator in charge, upon request of any traffic officer, to a position where parking is permitted or to a private or public parking or storage premises.
- C. Removal by traffic officer. Any traffic officer after issuing a citation for illegal parking, stopping or standing of an unattended vehicle in violation of this chapter is authorized to remove such vehicle to a position where parking is permitted, provided that no vehicle involved in trespass parking on a private parking lot or facility shall be removed without the permission of the vehicle owner, except upon

the issuance of a repossession judgment or upon formal complaint and a citation for illegal parking issued by a traffic or police officer.

- 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 which 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. [Amended 8-17-2010 by Ord. No. 2010-03]
- E. Towing and storage charges. In addition to other penalties provided by § 495-5, the owner or operator of a vehicle so removed shall pay reasonable cost of moving, towing, and storage. If the vehicle is moved or towed by the Town, the charge shall be paid by the owner for actual costs of moving or towing. 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. [Amended 8-17-2010 by Ord. No. 2010-03]

**§ 495-22. Registration record of vehicle as evidence of violation.**

When any vehicle is found upon a street or highway in violation of any provision of this article 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 State 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 section and § 495-1 and shall be subject to the applicable forfeiture penalty; provided, however, that the defenses defined and described in § 346.485(5)(b), Wis. Stats., shall be a defense for an owner charged with such violation.

**§ 495-23. Special privilege permit.**

- A. Required. In all areas of the Town, vehicles may be parked during the hours specified in § 495-19A, provided the operator or owner shall first obtain a special privilege permit from the Town Administrator/Clerk after filing an application and paying a permit fee as required in this section. The fee is to be set from time to time by the Town Board, and the person obtaining the permit shall be responsible for the parking of the vehicle as authorized by such permit.
- B. Alternate side parking. Any vehicle parked pursuant to a permit issued under the provisions of this section shall be parked only on even-numbered sides of the street on those nights bearing an even calendar date during the portion thereof before midnight. Where parking is normally permitted only on one side of the street, vehicles parked pursuant to a permit shall be parked on that side of the street only on every night of the week.
- C. Application and permit.

- (1) Contents of application. The application forms shall contain the name and address of the registered owner of the vehicle, the license number, make and year of the vehicle, the name of the month of issuance and the date of expiration, and a statement that the registered owner resides in the designated congested area and is unable to find other reasonable accommodations.
  - (2) Contents of permits. Permits issued under this section shall contain a number, the name and address of the owner of the vehicle, the make, year and license number of the vehicle, the location where the vehicle is to be parked, the month of issue and date of expiration. The permit shall be a different color each month. All permits shall be numbered consecutively.
  - (3) Permits to be placed on windshield. Permits issued under this section shall be placed in the lower left-hand corner of the windshield or in such other conspicuous place as the Town Administrator/Clerk may designate while the motor vehicle is in a parked position.
  - (4) Monthly and quarterly permits. Separate permits shall be issued for each calendar month and shall also be made available on a five-month basis.
- D. Issuance of such permits is final and there shall be no refund for the unused balance. [Amended 8-17-2010 by Ord. No. 2010-03]
- E. Exceptions; times night parking permitted.
- (1) Night-shift worker's parking permit. Night workers who are not provided with off-street parking facilities by their employers may be granted emergency parking permits during the period of their employment, upon recommendation of the Town Administrator/Clerk, subject to approval of the Town Board. Any permit issued under this subsection shall be displayed as provided in Subsection C(3).
  - (2) Emergencies. This section shall not apply to licensed physicians and surgeons in emergency situations.
- F. Winter parking on through highways. From November 1 to April 1, inclusive, no special permits shall be issued for parking upon any through highway.
- G. Limitations on night parking. A night privilege parking permit issued under this section shall not permit parking in violation of any other provision of this article relating to time, place and manner of parking, stopping or standing of vehicles, including regulations relating to civil defense and snow emergencies.

ARTICLE V  
**Bicycles and Minibikes**

**§ 495-24. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

**BICYCLE** — Every device propelled by the feet acting upon pedals and having wheels, any two of which are not less than 14 inches in diameter.

**BICYCLE LANE** — That portion of a roadway set aside for exclusive use of bicycles and so designated by appropriate signs and markings by the Town.

**BICYCLE WAY** — Any path or sidewalk, or portion thereof, designated for the use of bicycles by the Town.

**BIKE ROUTE** — Any bicycle lane, bicycle way or highway which has been duly designated by the Town and identified by appropriate signs and markings.

**CARRIER** — Any device attached to a bicycle designed for carrying articles.

**IDENTIFICATION TAG** — A metal plate or sticker indicating that a bicycle is registered.

**RIGHT-OF-WAY** — The privilege of the immediate use of the roadway.

**§ 495-25. Applicability of article.**

Regulations and restrictions contained in this article are applicable to persons operating bicycles upon any highway, bicycle way, or bicycle path, or upon any path set aside for the exclusive use of bicycles, except as expressly stated in this article.

**§ 495-26. Violations and penalties.**

Every person convicted of a violation of any provision of this article may be required to surrender his identification tag, in addition to any forfeiture imposed under § 495-5, to the Circuit Court for a period not to exceed 90 days.

**§ 495-27. Unclaimed or unidentified bicycles.**

All abandoned or unidentified bicycles shall be delivered to the Town Administrator/Clerk for storage, and all such bicycles remaining in the hands of the Administrator/Clerk at the end of any year shall be sold at auction.

**§ 495-28. Operating rules.**

No person operating a bicycle upon any highway, bicycle path, or bicycle way within the Town shall fail to observe all applicable traffic regulations of the municipality and § 346.77 et seq., Wis. Stats., or to comply with the following regulations:

- A. Carrying extra passengers. Bicycle operators shall not use a bicycle, except a tandem, to carry another person, provided a bicycle operator may carry another person on a bicycle if it is equipped with a child's seat securely attached to and properly designed for use on a bicycle. [Amended 8-17-2010 by Ord. No. 2010-03]
- B. Stunt or trick riding. No person operating or pedaling a bicycle shall participate in any trick or stunt riding or racing on any highway within the Town unless such race

or contest is held pursuant to permission granted by the authority having jurisdiction over the highway.

- C. Towing with bicycle. No person riding or operating a bicycle shall tow, drag or cause to be drawn behind the bicycle any person on roller skates, coaster sled, or any other type of conveyance not designed to be towed by a bicycle.
- D. Obedience to traffic control devices. Any person operating a bicycle shall obey the instruction of official traffic control devices applicable to vehicles unless otherwise directed by a law enforcement officer.
- E. Stopping, turning and signaling. Stopping, turning and signaling shall be performed as follows:
  - (1) Signal required. No bicycle operator shall suddenly stop, slow down, or turn without giving an arm signal required by state law for the operation of motor vehicles.
  - (2) Prohibited turns. Whenever a uniform traffic control device is erected indicating that no right or left turn or U-turn is permitted, no person operating a bicycle shall disobey the direction of such device, except after dismounting from the bicycle to make such turn; in which event the person shall then obey the regulations, ordinances and laws applicable to pedestrians.
  - (3) Right turns. Every person operating a bicycle intending to turn to the right at an intersection, alley or driveway shall approach the turning point in the line of traffic nearest the right-hand curb of the street.
  - (4) Left turns. Every person operating a bicycle intending to turn left at an intersection or to enter an alley or driveway shall approach the point of turning in the line of traffic nearest to the center of the roadway and shall pass to the left of the center of the intersection before turning, unless otherwise directed by official traffic control devices. At intersections where traffic is moving in the opposite direction, if it is not safe for the operator to make a left turn, he/she shall stay in the right-hand lane and drive to the opposite corner, dismount and walk the bicycle to the left-hand corner and proceed. A bicycle operator may also make a left turn by driving to the opposite corner and then turning left and driving in a normal driving position.
  - (5) Use of crosswalks. Crosswalks shall be used when walking a bicycle through an intersection.
- 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.

**§ 495-29. Bicycle parking.**

No person shall park any bicycle against windows or in the main traveled portion of any sidewalk or highway, nor in such manner as to constitute a hazard to pedestrians, traffic or property. If there is no bicycle rack or other facility intended to be used for the parking

of bicycles in the vicinity, the operator may park a bicycle on the sidewalk in an upright position parallel to and within 24 inches of the curb.

**§ 495-30. Rental agencies.** [Amended 8-17-2010 by Ord. No. 2010-03]

No person shall rent or offer to rent any bicycle within the Town which is not equipped as required by the laws of the state and this article.

**§ 495-31. Enforcement for juvenile offenders under age 14.**

Any offender under the age of 14 years may be dealt with in accordance with § 495-4.

**§ 495-32. Parental responsibility.**

The parent of any child and the guardian of any ward shall not authorize or permit any child or ward to violate any of the provisions of this article.

**§ 495-33. Bicycle Safety Bureau.**

The Town Administrator/Clerk may establish a bicycle safety bureau in the Town for the purpose of promoting and teaching traffic safety to violators of this article and any other individuals who desire to attend. The scheduling of the bureau and the rules, regulations and curriculum may be established by the Town Administrator/Clerk, subject to approval of the Town Board.

**§ 495-34. Control of unlicensed motor vehicles, including minibikes.**

No person shall operate a motor-driven or power-driven vehicle not licensed by the state, including, but not limited to, those vehicles commonly known as minibikes:

- A. On the property of another without his consent.
- B. Between the hours of 10:00 p.m. and 8:00 a.m. within 500 feet of a dwelling.
- C. On the shoulders or in the drainage ditches of a public street or highway.
- D. In excess of 25 miles per hour.
- E. With more than one passenger.
- F. Without protective headgear.
- G. Within the established right-of-way of a public street or highway.
- H. Who is under 12 years of age.
- I. So as to race the engine or otherwise cause unnecessary or unusual noise which annoys, disturbs, injures or endangers the comfort, health, peace or safety of others.
- J. On any property which is owned by the Town or under its control without the permission of the Town Board or its designee.

ARTICLE VI  
**All-Terrain Vehicles and Snowmobiles**

**§ 495-35. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

**ACCOMPANIED** — Being subject to continuous verbal direction or control.

**ALL-TERRAIN VEHICLE** — As specified under § 340.01, Wis. Stats.

**ALL-TERRAIN VEHICLE ROUTE** — A highway or sidewalk designated for use by all-terrain vehicle operators by the governmental agency having jurisdiction as authorized under this section.

**ALL-TERRAIN VEHICLE TRAIL** — A marked corridor on public property or on private lands subject to public easement or lease, designated for use by all-terrain vehicle operators by the governmental agency having jurisdiction, but excluding roadways or highways except those roadways which are not seasonally maintained for motor vehicle traffic.

**CONTROLLED SUBSTANCE** — As specified under § 961.01(4), Wis. Stats.

**FERMENTED MALT BEVERAGES** — As specified under § 125.02(6), Wis. Stats.

**GAME** — As specified under § 29.001(33), Wis. Stats.

**IMMEDIATE FAMILY** — Persons who are related as spouses, as siblings, or parent and child.

**INTOXICATING LIQUOR** — As specified under § 125.02(8), Wis. Stats.

**OWNER** — A person who has lawful possession of an all-terrain vehicle by virtue of legal title or equitable interest in the all-terrain vehicle which entitles the person to possession of the all-terrain vehicle.

**USED EXCLUSIVELY FOR AGRICULTURAL PURPOSES** — Used for an agricultural use as defined under § 91.01(1), Wis. Stats.

**USED EXCLUSIVELY FOR COMMERCIAL PURPOSES** — Use of an all-terrain vehicle by a dealer for demonstration purposes, but does not include all-terrain vehicles leased or rented.

**USED EXCLUSIVELY ON LAND UNDER THE MANAGEMENT AND CONTROL OF A PERSON'S IMMEDIATE FAMILY** — Use of an all-terrain vehicle only on land owned or leased by the person or a member of the person's immediate family over which the owner or lessee has management and control. This term excludes use of an all-terrain vehicle on land owned or leased by an organization of which the person or a member of the person's immediate family is a member.

USED EXCLUSIVELY ON PRIVATE PROPERTY — Use of an all-terrain vehicle by the owner of the all-terrain vehicle or a member of his immediate family only on land owned or leased by the all-terrain vehicle owner or a member of his immediate family.

**§ 495-36. Violations and penalties.**

- A. Violators 17 years or older shall be punished as provided in § 1-5.
- B. As to those violators 14 years to 17 years of age, penalties shall be as provided under Ch. 48, Wis. Stats.
- C. As to those violators 13 years or younger, penalties shall be limited to revocation of any permit to operate such vehicle within the Town.

**§ 495-37. Registration required.**

No person may operate and no owner may give permission for the operation of any all-terrain vehicle within this state unless the all-terrain vehicle is registered for public use or for private use with the Department of Natural Resources under this article or is exempt from registration. No person may operate and no owner may give permission for the operation of any all-terrain vehicle on a public all-terrain vehicle route or trail unless the all-terrain vehicle is registered for public use with the Department of Natural Resources under this section or is exempt from registration.

**§ 495-38. Rules and hours of operation.**

- A. No person may operate an all-terrain vehicle:
  - (1) In any careless way so as to endanger the person or property of another.
  - (2) While under the influence of a fermented malt beverage, intoxicating liquor, or controlled substances.
  - (3) On private property of another without the consent of the owner or lessee. Failure to post private property notices does not imply consent for all-terrain vehicle use.
  - (4) With any firearm in his possession unless it is unloaded and enclosed in a carrying case or any bow unless it is unstrung or enclosed in a carrying case.
  - (5) To drive or pursue any animal except as a part of normal farming operations involving the driving of livestock.
  - (6) In a manner which violates operating rules promulgated by the Department of Natural Resources.
- B. Permitted hours of operation shall be limited to the hours of 9:00 a.m. to 6:00 p.m., and operation shall be such that it will not create a public nuisance.

**§ 495-39. Operation on or near highways.**

- A. Freeways. No person may operate an all-terrain vehicle upon any part of any freeway which is a part of the federal system of interstate and defense highways. No person may operate an all-terrain vehicle upon any part of any other freeway unless the Department of Transportation authorizes all-terrain vehicle use on that freeway.
- B. Other highways; operation restricted. All-terrain vehicles may not be operated on highways except as authorized under Subsections D and E of this section, or as authorized by rules promulgated by the Department and approved by the Department of Transportation.
- C. Exception for municipal, state and utility operations; races and derbies. Exceptions to this section may be made for certain municipal, state and utility operations, as well as for races and derbies, as follows:
  - (1) Subsections A and B of this section do not apply to the operator of an all-terrain vehicle owned by a municipality, state agency, or public utility while the operator is engaged in emergency operations or in operations directly related to the functions of the municipality, state agency, or public utility if safety does not require strict adherence to these regulations.
  - (2) Subsection B of this section does not apply to a highway blocked off for special all-terrain vehicle events. A county, town, city or village may block off highways under its jurisdiction for the purpose of allowing special all-terrain vehicle events. No state trunk highway or connecting highway, or part thereof, may be blocked off by any county, town, city or village for any all-terrain vehicle race or derby. A county, town, city or village shall notify the local Police Department and the County Sheriff's Office at least one week in advance of the time and place of any all-terrain vehicle race or derby which may result in any street, or part thereof, of the county, town, city or village being blocked off.
- D. Operation on roadway. All-terrain vehicles may be operated on the roadway portion of any highway only in the following situations:
  - (1) To cross a roadway. The crossing of a roadway is authorized only if the crossing is done in the most direct manner practical. If the crossing is made at a place where no obstruction prevents a quick and safe crossing, and if the operator stops the all-terrain vehicle prior to the crossing and yields the right-of-way to other vehicles and pedestrians using the roadway.
  - (2) On any roadway which is not seasonally maintained for motor vehicle traffic. Operation 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 all-terrain vehicle traffic.
  - (3) To cross a bridge, culvert or railroad right-of-way. The crossing of a bridge, culvert or railroad right-of-way is not authorized if the roadway is officially closed to all-terrain vehicle traffic. The crossing is authorized only if the crossing is done in the most direct manner practical. If the crossing is made at

a place where no obstruction prevents a quick and safe crossing and if the operator stops the all-terrain vehicle prior to the crossing and yields the right-of-way to other vehicles and pedestrians using the roadway.

- (4) On roadways which are designated as all-terrain vehicle routes. Operation of all-terrain vehicles on a roadway which is an all-terrain vehicle route is authorized only for the extreme right side of the roadway. except that left turns may be made from any part of the roadway which is safe given prevailing conditions.
  - (5) On roadways if the all-terrain vehicle is an implement of husbandry, if the all-terrain vehicle is used exclusively for agricultural purposes, and if the all-terrain vehicle is registered for private use under § 495-37. Operation of an all-terrain vehicle which is an implement of husbandry on a roadway is authorized only for the extreme right side of the roadway except that left turns may be made from any part of the roadway which is safe given prevailing conditions.
- E. Operation adjacent to roadway. An all-terrain vehicle may be operated adjacent to a roadway on an all-terrain vehicle route or trail if the all-terrain vehicle is operated in the following manner:
- (1) The all-terrain vehicle is operated at a distance of 100 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.
  - (2) The all-terrain vehicle is operated outside of the roadway along Town highways.
  - (3) During hours of darkness, the all-terrain vehicle is operated in the same direction as motor vehicle traffic in the nearest lane, although, during daylight hours, travel may be in either direction regardless of the flow of motor vehicle traffic.
  - (4) The all-terrain vehicle does not exceed the speed limits of the adjacent roadway.
  - (5) The all-terrain vehicle is operated with due respect to safety and in compliance with rules promulgated by the Department and approved by the Department of Transportation.

**§ 495-40. Age restrictions (safety certification program).**

- A. Age restriction. No person under 12 years of age may operate an all-terrain vehicle unless he/she or she is accompanied by a parent, guardian or person over 18 years of age. No person who is under 12 years of age may operate an all-terrain vehicle which is an implement of husbandry on a roadway under the authorization provided under § 495-39D(5) regardless of whether he/she or she is accompanied by a parent, guardian or person over 18 years of age.

- B. All-terrain vehicle safety certificate. A person who is at least 12 years of age but under 16 years of age may not operate an all-terrain vehicle unless he/she holds a valid all-terrain safety certificate or is accompanied by a person over 18 years of age. A person who is at least 12 years of age, but under 16 years of age, may not operate an all-terrain vehicle which is an implement of husbandry on a roadway under the authorization provided under § 495-39D(5) unless he/she holds a valid all-terrain vehicle safety certificate, regardless if he/she is accompanied by a person over 18 years of age. A person who is at least 12 years of age, but under 16 years of age, who holds an all-terrain vehicle safety certificate shall carry it while operating an all-terrain vehicle and shall display it to a law enforcement officer on request. Persons enrolled in a safety certification program approved by the Department of Natural Resources may operate an all-terrain vehicle in an area designated by the instructor.
- C. Exception. Subsections A and B of this section do not apply to a person who uses an all-terrain vehicle exclusively on land under the management and control of the person's immediate family. Subsections A and B of this section do not apply to a person at least 12 years of age, but under 16 years of age, who holds a valid certificate issued by another state or a province of Canada.

**§ 495-41. Equipment requirements.**

- A. Nighttime operation; highway rights-of-way. An all-terrain vehicle operated during hours of darkness or operated during daylight hours on any highway right-of-way is required to display a lighted headlamp and taillamp.
- B. Headlamps. The headlamp on an all-terrain vehicle is required to display a white light of sufficient illuminating power to reveal any person, vehicle or substantial object at a distance of at least 200 feet ahead of the all-terrain vehicle.
- C. Taillamps. The taillamp on an all-terrain vehicle is required to display a red light plainly visible during hours of darkness from a distance of 500 feet to the rear.
- D. Brake. Every all-terrain vehicle is required to be equipped with at least one brake operated either by hand or by foot.
- E. Muffler. Every all-terrain vehicle is required to be equipped with a functioning muffler to prevent excessive or unusual noise.

**§ 495-42. Accidents.**

- A. If an accident results in the death of a person or in the injury of any person which requires the treatment of the person by a physician, the operator of each all-terrain vehicle involved in the accident shall give notice of the accident to a conservation warden or local law enforcement officer as soon as possible and shall file a written report of the accident with the Department on the form provided by it within 10 days after the accident.

- B. If the operator of an all-terrain vehicle is physically incapable of making the report required by this section and there was another witness to the accident capable of making the report, the witness may make the report.

**§ 495-43. Routes and trails.**

- A. Routes. The Town may designate highways or all-terrain vehicle routes, but no state trunk highway or connecting highway may be designated as an all-terrain vehicle route unless the Department of Transportation approves the designation.
- B. Trail. The Town may designate corridors through land which it owns or controls, or for which it obtains leases, easements or permission, for use as all-terrain vehicle trails.
- C. Restrictions. The Town may specify effective periods for the use of all-terrain vehicle routes and trails and may restrict or prohibit the operation of all-terrain vehicles during certain periods of the year.

**§ 495-44. Liability of landowners.**

Section 895.52, Wis. Stats., applies to the activities regulated in this section.

**§ 495-45. Applicability of traffic regulations to snowmobiles.**

No person shall operate a snowmobile upon any street, highway or alley within the Town in violation of the provisions of Ch. 350 or §§ 346.04, 346.06, 346.11, 346.14(1), 346.18 to 346.21, 346.26, 346.27, 346.33, 346.35, 346.37, 346.39, 346.40, 346.44, 346.46 to 346.48, 346.50(1)(b), 346.51 to 346.55, 346.87 to 346.91, 346.92(1) and 346.94(1) and (9), Wis. Stats.

**ARTICLE VII  
Pedestrians**

**§ 495-46. Obedience to traffic control devices and regulations.**

- A. Failure to obey. No person shall fail to obey the instructions of any uniform traffic control device when traveling as a pedestrian on any highway within the Town unless otherwise directed by a law enforcement officer.
- B. 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.

**§ 495-47. Prohibited pedestrian crossings.**

- A. Between controlled intersections. No pedestrian shall cross between adjacent intersections at which official traffic control signals are in operation and crosswalks are provided, unless such crossing is permitted by official traffic control devices.

- B. Crossing in business districts. No pedestrian shall cross a roadway, other than in a crosswalk, in any business district.

**§ 495-48. Jaywalking.**

No pedestrian shall jaywalk. The following shall constitute jaywalking and shall be deemed a violation of this section:

- A. Crossing a roadway at a point within 300 feet of a marked crosswalk;
- B. Crossing at a controlled intersection contrary to the signal lights or the direction of a traffic officer;
- C. Failing to walk on the extreme left side of any roadway when there are no sidewalks or pathways for pedestrian travel adjacent to or abutting the roadway;
- D. Crossing a roadway intersection diagonally, unless authorized by official traffic control devices or a traffic officer; and
- E. Crossing a roadway intersection in any manner prohibited by official traffic control devices pertaining to such crossing movements.

**§ 495-49. Motor vehicles on pedestrianways and overpasses.**

No person shall operate or park any motor vehicle on any pedestrianway or pedestrian overpass within the Town except Town or county maintenance vehicles.

**§ 495-50. Pedestrians, bicycles, mopeds, unmotorized traffic, power-driven cycles, motor bicycles prohibited on freeways and expressways.**

Pedestrians, bicycles, unmotorized traffic and persons operating power-driven cycles, mopeds or motor bicycles are prohibited on freeways and expressways. When signs conforming to the Uniform Traffic Control Device Manual are erected at all points of access to such highways, no pedestrian shall walk and no person shall ride a bicycle or other nonmotorized vehicle or operate a power-driven cycle, moped, motor bicycle, etc., upon the following freeways and expressways: Highway 441.

ARTICLE VIII  
**Parades**

**§ 495-51. Purpose of article.**

The Town recognizes that the highways of the Town are primarily for the use of the traveling public in the ordinary way. However, it further recognizes that there is a fundamental and constitutional right to use the public streets for processions and parades which do not substantially interfere with the public's right to travel on such highways. This article is intended to regulate and control parades and processions for the purpose of protecting the general welfare and safety of the persons using the highways of the Town.

**§ 495-52. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

**HIGHWAY** — As set forth in § 340.01(22), Wis. Stats., and also includes areas owned by the Town which are used principally for pedestrian or vehicular traffic.

**PARADE** — Any parade, march or procession of any kind and the assembly areas therefor.

**§ 495-53. Permit required.**

No person shall form, direct, marshal, lead or participate in any parade on any highway under the jurisdiction of the Town unless a permit has been obtained in advance, as provided in this section; provided, however, that, upon notification to the Town Administrator/Clerk, a parade on sidewalks and footways, in which persons move not more than two abreast, which does not substantially hinder normal use of the sidewalk or footway, and conforms with traffic control devices and other traffic regulations, may be conducted without a permit.

**§ 495-54. Exemptions from permit requirement.**

A permit is not required for assembling or movement of a funeral procession or for any parade sponsored by an agency of the federal or state government, acting in its governmental capacity within the scope of its authority. Federal and state authorities are requested to coordinate preparations for and holding parades sponsored by them under this section with the Town Chairperson.

**§ 495-55. Application must be made in advance.** [Amended 8-17-2010 by Ord. No. 2010-03]

A written application for a permit for any parade on the highways under the jurisdiction of the Town shall be made in triplicate by one of the organizers to the Town Administrator/Clerk on a form provided by such officer no less than 30 days prior to the parade. Application made less than 30 days prior to the date of the proposed parade must be made in person and requires the approval of the Town Chairperson to proceed with the permit process.

**§ 495-56. Information required in application.**

The application shall set forth the following information regarding the proposed parade:

- A. The name, address and telephone number of the applicant.
- B. If the parade is proposed to be conducted for, on behalf of or by an organization, the name, address and telephone number of the headquarters of the organization and of the authorized and responsible heads of such organization.
- C. The name, address and telephone number of the person who will be responsible for conducting the parade.

- D. The date when the parade is to be conducted and its duration.
- E. The assembly area, the starting point, the route to be traveled and the termination point.
- F. The number and size of units comprising the parade.
- G. If the parade is to be conducted by or for any person other than the applicant, the applicant for such permit shall file with the Town Administrator/Clerk a communication, in writing, from the person proposing to hold the parade, authorizing the applicant to apply for the permit on his behalf.
- H. Any additional information which the Town Administrator/Clerk finds reasonably necessary to a fair determination as to whether a permit should be issued.

**§ 495-57. Recommendations of governmental agencies.** [Amended 8-17-2010 by Ord. No. 2010-03]

The Town Administrator/Clerk shall submit a copy of the application to the municipal agencies in charge of the highway, emergency services and enforcement of traffic regulations thereon for report and recommendation.

**§ 495-58. Basis for discretionary denial of permit.**

The application may be denied:

- A. If it is for a parade that is to be held on a workday during the hours when and at places where, in addition to the proposed parade, the flow of vehicular traffic is usually delayed by its own volume.
- B. If it is for a parade that is to be held between the hours of 5:00 p.m. and 8:00 a.m.
- C. If sufficient parade marshals are not provided as to reasonably ensure the orderly conduct of the parade.

**§ 495-59. Mandatory denial of permit.**

The application shall be denied:

- A. If it is made less than seven in advance of the time the parade is scheduled to commence; [Amended 8-17-2010 by Ord. No. 2010-03]
- B. If it is for a parade that is primarily for private or commercial economic gain;
- C. If it is for a parade which would involve violation of federal, state or local laws relating to use of highways or of other applicable regulations of the municipality;
- D. If the granting of the permit would conflict with another permit already granted or for which application is already pending;
- E. If the application does not contain the information required by § 495-56;
- F. If more than one assembly area or more than one dispersal area is proposed; or

G. For failure to receive the permit under § 84.07(4), Wis. Stats.

**§ 495-60. Permit issued unless threat to public safety.** [Amended 8-17-2010 by Ord. No. 2010-03]

The Town Administrator/Clerk shall authorize the issuance of a permit to the applicant, subject to the provisions of this article, unless he/she concludes that:

- A. The policing of the parade will require so large a number of persons and vehicles, including ambulances, as to prevent adequate service of the needs of the rest of the municipality.
- B. The parade will so substantially hinder the movement of police and fire and other emergency vehicles as to create a substantial risk to persons and property.
- C. The conduct of the parade will substantially interrupt the safe and orderly movement of other traffic contiguous to its route.

**§ 495-61. Grant or denial of permit.**

- A. Time required for rendering decision. The Town Administrator/Clerk shall act as promptly as he/she reasonably can on all applications for permits, after consulting with other government agencies directly affected and after consulting with the applicant, if necessary. All applications filed 30 days or more in advance shall be granted or denied not less than 20 days before the date of the parade stated in the application. Action on application filed less than 30 days in advance shall be taken within seven days after the application is filed, but in no case later than one day in advance of the time applied for. The Town Administrator/Clerk shall immediately, by the most reasonable means of communication, notify the applicant of such action, and, if the application is denied, the reasons for the denial of the permit shall be given. [Amended 8-17-2010 by Ord. No. 2010-03]
- B. Modification of requested permit. In lieu of denying a permit, the Town Administrator/Clerk may authorize the changing of assembly areas or dispersal areas or the conducting of the parade at a date or time, or over a route different than, as applied for as permitted. The applicant or permittee may accept such modification by immediately notifying the Town Administrator/Clerk, in writing, of such acceptance.

**§ 495-62. Charge for increased costs of Town services incidental to staging.**

Where the Town Board determines that the cost of municipal services incidental to the staging of the parade will be increased because of the parade, the Town Administrator/Clerk may require the permittee to make payment into the general fund of the Town in an amount equal to the increased cost for the municipal services.

**§ 495-63. Parade permit contents.**

Each parade permit shall state such information as the Town Administrator/Clerk shall find necessary to the enforcement of this article.

**§ 495-64. Compliance by permittee and participants with regulations.**

- A. Permittee. A permittee under this article shall comply with all permit directions and conditions and with all applicable laws, ordinances and other regulations of the state and Town.
- B. Participants. No person who leads or participates in a parade shall disobey or encourage others to disobey this article after a law enforcement officer has directly and presently informed him/her of any of the provisions of this article or the terms of the applicable parade permit.

**§ 495-65. Parade routes.** [Amended 8-17-2010 by Ord. No. 2010-03]

The Town Administrator/Clerk may cause to be erected temporary no-parking zones on highways or parts thereof on the day of a parade, procession or assemblage.