

## TITLE 10

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# Motor Vehicles and Traffic

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# Title 10 ► Chapter 1

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## Traffic and Parking

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## Article A: General Provisions

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

- (a) **Statutes Adopted.** Except as otherwise specifically provided in this Code of Ordinances, the statutory provisions in Chapters 110, 194, and 340 through 349, Wis. Stats., describing and defining regulations with respect to vehicles and traffic, for which the penalty is a forfeiture only, exclusive of any regulations for which the statutory penalty is a fine or term of imprisonment or exclusively state charges, are hereby adopted and by reference made a part of this Chapter as if fully set forth herein. The statutory sections listed shall be designated as part of this Code of Ordinances by adding the prefix "10-1-" to each statute section number. Any act required to be performed or prohibited by any regulation incorporated herein by reference is required or prohibited by this Chapter. Any future amendments, revisions or modifications of the statutory regulations in Chs. 340 through 349, Wis. Stats., incorporated herein are intended to be made part of this Chapter in order to secure to the extent legally practicable uniform statewide regulation of vehicle traffic on the highways, streets and alleys of the State of Wisconsin. Any person who shall, within the Village of Rio, 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, Wis. Stats., 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 2021-2022 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 Wisconsin Department of Transportation and published in the Wisconsin

Administrative Code, exclusive of any provisions therein relating to the penalties to be imposed, are hereby adopted by reference and made part of this Chapter as if fully set forth herein.

Wis. Adm. Code – TRANS 103	Habitual Traffic Offenders
Wis. Adm. Code – TRANS 114	Uniform Traffic Citation
Wis. Adm. Code – TRANS 119	Commercial Motor Vehicle Operator Alcohol Use Restrictions
Wis. Adm. Code – TRANS 200	Erection of Signs on Public Highways and Handicapped Parking Signs
Wis. Adm. Code – TRANS 304	Slow Moving Vehicle Emblem
Wis. Adm. Code – TRANS 305	Standards for Vehicle Equipment
Wis. Adm. Code – TRANS 310	Child Restraint Standards and Exemptions
Wis. Adm. Code – TRANS 315	Safety Belt Usage; Physical or Medical Exemption
Wis. Adm. Code – TRANS 325	Motor Carrier Safety Regulations
Wis. Adm. Code – TRANS 326	Motor Carrier Safety Requirements for Transportation of Hazardous Materials
Wis. Adm. Code – TRANS 327	Motor Carrier Safety

(b) **Non-Compliance Prohibited.**

- (1) **Requirements.** No person shall operate or allow to be operated on any highway, street or alley within the Village of Rio 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.
- (2) **Owner 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 or street in violation of this Section is in violation of the same as if he/she had operated the vehicle. The provisions of Sec. 347.04, Wis. Stats., relating to nonapplicability of demerit points shall apply to owners convicted of a violation of this Section.

(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 Village of Rio or other 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 of Ordinances 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 of Public Works Department 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 Public Works Department shall procure, erect and maintain uniform traffic control devices conforming to the Uniform Traffic Control Device Manual promulgated by the Wisconsin Department of Transportation, giving notice of such traffic regulation to the users of the streets and highways on which such regulations apply. Whenever State law grants discretion to local authorities in erecting or placement of a uniform traffic control device, devices shall be erected in such locations and in such a manner as, in the judgment of the Village Board, in consultation with the Public Works Department and Police Department, will carry out the purposes of this Chapter and give adequate warning to users of the streets and highways of the Village of Rio.
- (b) **Code Numbers to be Affixed to Official Traffic Control Devices.** The Public Works Department shall cause to be placed on each official traffic control sign a guide board, mile post, signal or marker erected under Subsection (a), a code number assigned by the

Wisconsin Department of Transportation, and shall also place or direct the placing of code numbers on all existing official traffic control devices as required by the laws of the State of Wisconsin.

- (c) **Prohibited Signs and Markers in Highways.** No person other than an officer authorized by this Chapter to erect and maintain official traffic control devices or his or her designee shall place within the limits of any street or highway maintained by the Public Works Department any sign, signal, marker, mark or monument unless permission is first obtained from the Public Works Department, where applicable, the State Highway Commission. Any sign, signal, marker, mark or monument placed or maintained in violation of this Subsection shall be subject to removal as provided in Subsection (d).
- (d) **Removal of Unofficial Signs, Markers, Signals and Traffic Control Devices.** The Public Works Department 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 Village Board for review and certification at its next regular meeting following the imposition of the charge. Any charge not paid on or before the next succeeding November 15 shall be placed upon the tax roll for collection as other special municipal taxes.
- (e) **Unauthorized Removal or Possession.** It shall be a violation of this Section, subject to the penalty provisions of Section 1-1-6, for any unauthorized person or party to remove or possess any official traffic sign or control device.

*State Law Reference:* Secs. 346.41 and 349.09, Wis. Stats.

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

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

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

### **(a) Use of Bus Flashing Warning Light.**

- (1) Notwithstanding the provisions of Sec. 346.48(2)(b)2., Wis. Stats., adopted by reference in Section 10-1-1 to the contrary and except as provided in Subsection (b)



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

## **Sec. 10-1-6 Blue Warning Lights on Police Vehicles.**

- (a) **Blue Light Use Authorization.** Pursuant to Sections 346.03(3), 346.94(14), 346.95(3) and 347.25(1), (1m)(a) and (b) and (4), Wis. Stats., a marked police vehicle under

Sec. 340.01(3)(a), Wis. Stats., operating in the Village of Rio may be equipped with a blue light and a red light which flash, oscillate or rotate.

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

## **Sec. 10-1-7 Accident Reports.**

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

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

## **Sec. 10-1-8 Official Traffic Map.**

- (a) **Official Traffic Map Established.** There is hereby established for the Village of Rio an Official Traffic Map, upon which is indicated as of a certain date, all existing stop signs, arterial intersections, yield signs, speed zones, no parking zones and school crossings and which the laws of the State of Wisconsin require the erection or use of official traffic control devices to enforce such restrictions or limitations. All such restrictions and limitations set forth on said Official Traffic Map are hereby ratified and affirmed.
- (b) **Additions to Map.** The Village Board may, from time to time, make additions to or deletions from the Official Traffic Map by ordinance or resolution and the Village Administrator or Police Department shall keep such Official Traffic Map current. Every addition to said Official Traffic Map shall indicate the number of the authorizing ordinance or resolution and the date the appropriate official traffic control device or "no parking" sign

was erected, and every deletion shall indicate the number of the authorizing ordinance or resolution.

- (c) **Map to Be Maintained.** A copy of the Official Traffic Map shall be maintained and displayed in the Police Department. The Police Department or Village Administrator shall make appropriate authorized changes on said map within three (3) working days after the appropriate official traffic control device is erected or removed, as the case may be.
- (d) **Violations Prohibited.** When official traffic control devices giving notice of the restrictions, prohibitions and limitations shown on the Official Traffic Map are erected and maintained in accordance with the provisions of this Section, a violation of the restriction, prohibition or limitation shown on the Official Traffic Map shall be a violation of the provisions of this Chapter.

## **Sec. 10-1-9      Reserved for Future Use.**



## Article B: Street Traffic Regulations

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

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

### **Sec. 10-1-11 Heavy Traffic Routes.**

- (a) **Definition.** For purposes of this Section, "heavy traffic" shall be defined as:
  - (1) All vehicles not operating completely on pneumatic tires, and
  - (2) All vehicles or combination of vehicles designed or used for transporting property of any nature and having a gross weight of more than twelve thousand (12,000) pounds. "Heavy traffic" does not include school buses, motor buses or recreational motor homes.
- (b) **Prohibited Routes.**
  - (1) Heavy traffic is prohibited from using any Village or Rio street or highway not designated as a heavy traffic route.
  - (2) This Section shall not act to prohibit heavy traffic from using a Village street or highway for the purpose of obtaining orders for supplies or moving or delivering supplies or commodities to or from any place of business or residence which has an entrance on such street or highway, nor shall this Section apply to heavy traffic necessary to obtain orders, to make deliveries, or to move supplies or equipment for agricultural purposes. This exception shall be permitted for the period of time necessary to complete the above-described activities. This Section will not act to prohibit heavy traffic from using any Village streets over which are routed state trunk highways. When being driven to the site of any construction, repair or maintenance of electric, gas or water service, vehicles owned and operated by a public utility will be exempt from the provisions of this Section.
- (c) **Administration.** The Public Works Department, in cooperation with the Police Department, shall administer this Section. Administration shall include:
  - (1) **Posting of Signs.** Appropriate signs shall be posted giving notice of this Section and of the heavy traffic routes established herein. Yellow sign posts may also be used to designate heavy traffic routes.

**10-1-11**

- (2) **Maps.** Maps of the Village of Rio showing heavy traffic routes shall be prepared and shall be available upon request by heavy traffic operators and owners.
- (3) **Construction Equipment Limited Exceptions.**
  - a. Heavy construction equipment may use Village streets or highways not designated as heavy traffic routes provided that the closest access route is utilized.
  - b. Village-owned or operated equipment is specifically excluded from the provisions of this Section.
- (d) **Liability.** Any operator, corporation, owner or agent whose heavy traffic vehicle damages any Village of Rio streets or highways in violating this Section shall be liable and required to pay the Village the cost of repair or replacement of the damaged street or highway.
- (e) **Heavy Traffic Routes and Class "B" Highways Designated.** Except for state or county highways, all streets or parts thereof within the jurisdiction of the Village of Rio are hereby designated Class "B" highways and may be subject to the weight limitations imposed on Class "B" highways by Sec. 349.17, Wis. Stats., except any such streets designated as heavy traffic routes. Heavy traffic routes within the Village are the following:
  - (1) All State trunk highways.
  - (2) All County trunk highways.
- (f) **Temporary or Seasonal Weight Limits.**
  - (1) There may be a temporary or seasonal weight restriction on Village streets, roads and alleys within the Village of Rio as follows:
    - a. For any vehicle with one (1) rear axle there shall be a six (6) ton gross weight restriction.
    - b. Any vehicle with two (2) rear axles less than eight (8) feet apart there shall be a ten (10) ton gross weight restriction.
  - (2) The effective date for these temporary or seasonal weight restrictions shall follow the same schedule as state and county roads and shall be posted.

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

## **Sec. 10-1-12 Speed Limits.**

The provisions of Sections 346.57, 346.58 and 346.59, Wis. Stats., relating to the maximum and minimum speed of vehicles are hereby adopted as part of this Section as if fully set forth herein. The speed limit on all Village of Rio streets and alleys is twenty-five miles per hour (25 mph) unless otherwise designated by ordinance and shown on the Official Traffic Map.

## **Sec. 10-1-13 Controlled Intersections Designated.**

### **(a) Complete Stops Required.**

- (1) It shall be unlawful for any person driving or operating any motor vehicle or other vehicle to drive or cause the same to be driven into an intersection designated by this Section and/or on the Official Traffic Map to be a stop zone or signalized intersection without coming to a full and complete stop.
- (2) All stops shall be made by vehicles immediately prior to entering the crosswalk closest to the intersection being approached and located between the vehicle and the intersection. Where there are no marked crosswalks but sidewalks exist, then all stops shall be made before crossing the extended edge of the sidewalk farthest from the intersection being approached. In the event there are neither marked crosswalks nor sidewalks, then all stops shall be made with the front of the vehicle located approximately at a line extended from the stop sign and perpendicular thereto into the street being traveled by the vehicle.

- (b) **Stop Sign Locations Designated.** In the interest of public safety, stop signs shall be installed at locations shown on the Official Traffic Map and as designated below to control highways and streets over which the Village of Rio has jurisdiction.

## **Sec. 10-1-14 U-Turns Prohibited.**

The operator of a vehicle shall not turn his/her vehicle so as to proceed in the opposite direction upon a highway at any of the following places:

- (a) At any intersection at which traffic is being controlled by traffic control signals or by a traffic officer;
- (b) In mid-block at any time so as to proceed in the opposite direction upon Lincoln Avenue (Cty. Hwy. B).
- (c) In mid-block on any through highway in a residence district, except where the highway is a divided highway and where the turn is made at an opening or crossover established by the authority in charge of the maintenance of the highway.
- (d) At any place where signs prohibiting such turn have been erected by the authority in charge of the maintenance of the highway.

*State Law Reference:* Sec. 346.33 and 349.10, Wis. Stats.

## **Sec. 10-1-15 Implements of Husbandry Weight Limits.**

### **(a) Statement of Purpose; Statutory Authority.**

- (1) **Statutory Limitations.** 2013 Wisconsin Act 377 under Sec. 348.15(9)(f)1, Wis. Stats., provides that there is no weight limitation per wheel, axle, or group of axles

- for Category B implements of husbandry as defined in Sec. 340.01(24)(a)1.b., Wis. Stats., but does apply gross vehicle weight limitations to these vehicles.
- (2) **Statutory Authority To Require Compliance With Axle Weight Limitations.** Sec. 348.15(9)(f)1, Wis. Stats., authorizes a municipality or county to require compliance with axle weight limitations established under Sec. 348.15(3)(g), Wis. Stats., for Category B implements of husbandry defined in Sec. 340.01(24)(a)1.b., Wis. Stats., on all highways under its jurisdiction.
- (b) **Weight Limits Imposed.**
- (1) **Weight Limits Not To Be Exceeded.** The Village of Rio requires, pursuant to Sec. 348.15(9)(f), Wis. Stats., that all implements of husbandry [including Category B implements of husbandry, defined in Sec. 340.01(24)(a)1.b., Wis. Stats.] may not exceed the weight limits imposed by Sec. 348.15(3)(g), Wis. Stats.
- (2) **Permit To Exceed Weight Limits.**
- a. To exceed the length and/or weight limitations on highways within the Village of Rio a no-fee permit from the Village may be applied for.
- b. Pursuant to Sec. 348.27(19)(b)4m.a., Wis. Stats., in the event an application for a no-fee permit is made for a Category B implement of husbandry, as defined in Sec. 340.01(24)(a)1.b., Wis. Stats., the municipal jurisdiction or county is required to provide an approved alternate route, which may include highways that are not under this jurisdiction if prior approval has been given by the jurisdiction over the alternate routes not under the entity's jurisdiction for operation of Category B implements of husbandry as defined in Sec. 340.01(24)(a)1.b., Wis. Stats.
- (3) **Submittal To State.** A copy of this Section has been provided to the Wisconsin Department of Transportation for posting on the State's website.

**Sec. 10-1-16 through Sec. 10-1-19      Reserved for Future Use.**



## Article C:     Parking Regulations

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### **Sec. 10-1-20   Restrictions on Parking; Posting Limitations.**

(a)   **Forty-eight (48) Hour Limitation.**

- (1)   No person, firm or corporation shall park or leave standing any automobile, truck, tractor, trailer or vehicle of any description on any public streets or public parking lots in the Village of Rio for a period of forty-eight (48) or more consecutive hours in the same location at any time, except that where more restrictive parking limits have been established, the more restrictive limits shall apply.
- (2)   Excepted from the forty-eight (48) hour parking limits of Subsection (a)(1) is any Village Board-designated truck parking area where trucks are permitted to park . [See Section 10-1-28].
- (3)   When any law enforcement officer or other duly authorized Village official 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, or to have the violating vehicle towed. The law enforcement officer or other duly authorized Village official 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)   **Off-Street Public Parking Areas.** It shall be unlawful to park or leave for storage any equipment or vehicle in any public off-street area designated for public parking purposes, in excess of forty-eight (48) hours without written permission for special, unique cause from the Police Department.

(c)   **Posted Limitations.**

- (1)   The Village Board may designate certain streets or portions of streets as no parking or no stopping or standing zones or as zones for parking by physically handicapped persons and may limit the hours in which the restrictions apply. The Village shall mark, by appropriate signs, each zone so designated in accordance with the provisions of Sec. 349.13, Wis. Stats.
- (2)   Except when necessary to avoid conflict with other traffic or in compliance with the directions of a law enforcement officer or traffic control device, no person shall stop or park a vehicle in an established no stopping or standing zone when stopping or standing is prohibited. No vehicle shall be parked in a no parking zone during hours when parking is prohibited except physicians on emergency calls or as permitted by state law or elsewhere by this Code of Ordinances.
- (3)   When authorized by the Village Board, the Public Works Department is hereby granted the authority, within the reasonable exercise of police power to prohibit, limit the time or otherwise restrict the stopping, standing or parking of vehicles beyond the

- provisions of Ch. 346, Wis. Stats.. The Public Works Department shall have the authority to restrict the turning or movement of heavy traffic and to impose special weight limitations on any highway or portions thereof which, because of the weakness of the roadbed due to deterioration or climatic conditions or other special or temporary conditions, would likely be seriously damaged or destroyed in the absence of any restrictions on heavy traffic movement or special weight limitations.
- (4) No prohibition, restriction or limitation on parking or restriction on movement or turning of heavy traffic and imposition of special weight limits is effective unless official traffic control devices have been placed or erected indicating the particular prohibition, restriction or limitation.
  - (5) After the parking limitations on any given street have expired, any change of location of not more than one (1) stall following expiration of the parking period allowed shall be and constitute a violation of this Chapter.
- (d) **Parking on Vacant or Unoccupied Parcels.** No person shall park any vehicle, trailer, boat or recreational vehicle on any vacant parcel or on a parcel which is unoccupied.

### **Sec. 10-1-21 Parking Restrictions During Temporary Snow Removal or Street Maintenance.**

- (a) **Street Maintenance.** Whenever it is necessary to clear or repair a Village of Rio roadway or any part thereof, the Public Works Department and/or Police Department shall post such highways or parts thereof with signs bearing the words "No Parking -Street Maintenance Work." Such signs shall be erected at least two (2) hours prior to the time that street maintenance work is to be commenced. No person shall park a motor vehicle in violation of such signs.
- (b) **Temporary Parking Restrictions for Special Events.** For the period of time during which a temporary community event is being held and upon proper resolution of the Village Board, all or any portion of a street, adjacent to the area at which the community event is being held, may be designated as a temporary no-parking zone. All such temporary no-parking zones shall be properly designated by an official no-parking sign placed or erected pursuant to the authority and direction of the Village Board. The operator of any motor vehicle shall not park or allow such vehicle to stand in such temporary no-parking zone.
- (c) **Parking During Special Snow Removal.** No person shall park, place or leave standing any automobile, truck or other vehicle on any street or public way after one (1) hour from the time such area has been designated and marked with signs or barriers by the Public Works Department and/or Police Department of the Village indicating no parking due to special snow removal work.

## **Sec. 10-1-22 Stopping or Parking Prohibited in Certain Specified Places.**

- (a) **Parking Prohibited at All Times.** Except temporarily for the purpose of and while actually engaged in loading or unloading or in receiving or discharging passengers or property and while the vehicle is attended by a licensed operator so that it may be moved promptly in case of an emergency or to avoid obstruction of traffic, no person shall at any time park or leave standing any vehicle:
- (1) Within an intersection.
  - (2) On a crosswalk.
  - (3) On a sidewalk or terrace area, except when parking in such place is clearly indicated by official traffic signs or markers or parking meters. "Terrace or Sidewalk Area" means that area between the sidewalk and the nearest curb line running parallel or generally parallel thereto or in the absence of a sidewalk ten (10) feet beyond the curb line.
  - (4) Alongside or opposite any highway excavation or obstruction when such stopping or standing would obstruct traffic or when pedestrian traffic would be required to travel in the roadway.
  - (5) On the roadway side of any parked vehicle unless double parking is clearly indicated by official traffic signs or markers.
  - (6) Within a fire lane consisting of either the driveway between the front doors of a Fire Station and the public street or in such places properly designated and marked as fire lanes ordered by the Fire Chief.
  - (7) Upon any portion of a highway where and at the time when stopping or standing is prohibited by official traffic signs indicating the prohibition of any stopping or standing.
  - (8) In any place or manner so as to obstruct, block or impede traffic.
  - (9) Within ten (10) feet of a fire hydrant, unless a greater distance is indicated by an official traffic sign.
  - (10) Upon any portion of a highway where and at the time when parking is prohibited, limited or restricted by official traffic signs.
  - (11) Upon any bridge.
  - (12) Upon any street or highway within the Village limits any vehicle which faces a direction different from the direction of normal traffic flow for the lane of traffic in which said vehicle is stopped or standing.
  - (13) Upon any terrace or sidewalk in the Village at any time.
  - (14) In a loading zoning.
  - (15) Within four (4) feet of the entrance to an alley, private road or driveway.
  - (16) In any municipal park when said park is closed to the public.
- (b) **Parking in Driveways.** No person shall park or leave standing any motor vehicle in any private driveway without the permission of the owner or lessee of the property which such driveway is located, whether or not such driveway is posted to limit or restrict parking.

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

*Cross-Reference:* Title 10, Chapter 5

## **Sec. 10-1-23 Parking of Vehicles Within Eight (8) Feet of a Mailbox.**

- (a) **Definition.** For purposes of this Section, "official mailbox" shall be defined as:
  - (1) Any public container which is maintained by the United States Postal Service (USPS) and is used primarily for depositing outgoing U.S. Mail with the intent of processing and distribution of said U.S. Mail by the United States Postal Service.
  - (2) Any private box which is maintained in accordance with USPS regulations by a private citizen and is used primarily for either of the following purposes, or both:
    - a. The collection of incoming U.S. Mail as deposited by an official USPS employee; or
    - b. The depositing of outgoing U.S. Mail by the owner of the box with the intention of collection of said outgoing U.S. Mail by a USPS employee.
- (b) **Parking Prohibitions.** It shall be unlawful for any person to park or leave standing any vehicle of any kind, regardless of whether or not said person intended to park said vehicle for any extended period of time, directly in front of any official mailbox, or within eight

(8) feet in any direction from the mailbox, between the hours of 7:00 a.m. and 5:00 p.m., or at any other time during which the daily U.S. Mail is actively being delivered, preventing the U.S. Mail from being delivered to and/or collected from said mailbox.

(c) **Exemptions.** This Section shall not apply to vehicles belonging to the following individuals or entities:

- (1) The lawful owner of the official mailbox to which U.S. Mail is being prevented from being delivered;
- (2) Any visitor to the residence or business for which the official mailbox is intended to serve, so long as the visitor has the prior consent of the lawful owner of the official mailbox to park in such a manner as to prevent U.S. Mail from being delivered to the owner's own mailbox; or
- (3) Any emergency vehicle operator who is conducting official business within a reasonable distance of the official mailbox.

(d) **Enforcement.**

- (1) **Removal by Operator.** Such vehicle shall be removed by the operator responsible for the vehicle upon request of a law enforcement officer to a position where parking is permitted.
- (2) **Citation and Removal by a Law Enforcement Officer.** The Village of Rio Police Department is authorized to issue an appropriate citation to any violator of Subsection (b) above for illegal parking. After issuing such a citation, the Village of Rio Police Department is authorized to remove such vehicle to a position where parking is permitted.
- (3) **Removal by Private Service.** After issuance of a citation to a violator of Subsection (b) above for illegal parking, the Village of Rio Police Department is authorized to order a motor carrier empowered to perform vehicle towing services or a licensed motor vehicle dealer who performs vehicle towing services to remove and store such vehicle in any public storage facility or any storage facility of the person or entity providing the towing services. All cost incurred from the actual removal, towing and storage of such vehicle shall be paid by the registered owner or operator in charge of the vehicle in accordance with the regulations provided for in Section 10-1-34(e).

## **Sec. 10-1-24 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. 10-1-25 Leaving Keys in Vehicle Prohibited; Parking Vehicles with Motor Running.**

- (a) **Leaving Keys in Vehicle.** No person shall permit any motor vehicle to stand or remain unattended on any street, alley or other public area, except an attended parking area, unless either the starting lever, throttle, steering apparatus, gear shift or ignition of the vehicle is locked and the key for such lock is removed from the vehicle. Whenever any law enforcement officer or duly authorized Village official shall find any vehicle standing with the key in the ignition in violation of this Section, such officer is authorized to remove such key from the vehicle and deliver the key to the Police Department office or appropriate law enforcement agency for safe custody.
- (b) **Parking Vehicles With Motor Running.** No person shall park or leave standing any motor vehicle with the motor or refrigerator unit running for more than thirty (30) minutes within three hundred (300) feet of any residence within the Village of Rio between the hours of 10:00 p.m. and 6:00 a.m.

## **Sec. 10-1-26 Unattended Motorized Machinery.**

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

## **Sec. 10-1-27 Angle Parking.**

- (a) **Angle Parking Authorization.** The Village Board shall from time to time have certain streets or portions of streets marked with white lines to designate parallel or diagonal parking places. Angle parking or parking diagonally is prohibited on all the streets, alleys and highways of the Village of Rio except as provided herein in designated angle parking stalls. All vehicles shall park parallel to and within one (1) foot of the curb except where streets and parking lots are so marked for angle parking.
- (b) **Prohibited Angle Parking.** No person shall at any time park any vehicle:
  - (1) In any direction other than the designated parking angle, where angle parking spaces are so designated and provided by appropriate markings.
  - (2) Backwards into angle parking spaces so designated and provided by appropriate markings, unless actually engaged in unloading activity.
  - (3) With a trailer attached or any vehicle longer than twenty (20) feet on any street where angle parking is so provided and allowed.

## **Sec. 10-1-28 Parking of Vehicles Over 15,000 Pounds or 24 Feet Restricted.**

(a) **Parking.**

(1) **General On-Street Limitations.** No person owning or having control of any commercial motor vehicle, such as a road tractor, semitrailer, trailer or truck tractor, motor home, bus, recreational vehicle, or a combination of vehicles weighing in excess of fifteen thousand (15,000) pounds gross weight, or over twenty-four (24) feet in length (including accessories, racks, or other physical extensions), or having an enclosed area height of more than eight (8) feet from the roadway, shall park the same upon any street, avenue, or public way. The provisions of this Subsection shall not be deemed to prohibit the lawful temporary parking of such equipment upon any street, avenue, alley or public way in the Village of Rio for the actual loading or unloading of goods, ware or merchandise, providing, however, the "loading" and "unloading," as used in this Section, shall be limited to the actual time consumed in such operation.

(2) **Designated Truck Parking Spaces.** The Village Board may designate specific truck parking zones/lots. This prohibition on the parking of large trucks shall not apply to such designated truck parking zones/lots. Large truck, bus, trailer and semi-trailer parking is limited to Village of Rio residents and then only in designated parking spots as follows:

- a. Three (3) spaces on the east side of Viking Circle, north of Angel Way, as indicated by signs erected in that area.
- b. Parking of large trucks and/or trailers shall be by permit only on the above designated spaces, which shall be obtained at the Village office. The fee for such permit shall be established by the Village Board and revised from time to time per Section 1-3-1.

(b) **Municipal Equipment Exception.** Municipal vehicles or public works equipment are excepted from the provisions of Subsection (a) above.

(c) **Bus Parking.** No operator of a school bus or other bus, regardless of its size, shall park such vehicle in any residential district – on the street, on a lawn, in the alley, in a driveway or anywhere else – except for such time as is reasonably necessary to facilitate the loading or unloading of the vehicle, except that school buses may park at any school when required.

(d) **Storage of Trucks, Semi-Trailers, Tractors and Road Machinery on Private Property.** Unless enclosed within a building, no person, firm, company or corporation shall park, keep or maintain on property zoned for residential use the following types of vehicles: a truck with a gross vehicle weight in excess of fifteen thousand (15,000) pounds or over twenty-four (24) feet in length, truck tractors, semi-trailers, tractor-trailers, semi-tractors, farm tractors in excess of six (6) feet in width, dump trucks, auto wreckers, construction equipment, and road machinery. Said vehicles shall not be kept or parked outside of a building on said residential premises, except temporarily for the purposes of unloading, cleaning or servicing such vehicles for a period not exceeding three (3) days within a fifteen (15) day period.

(e) **Parking and Storage of Major Recreational Equipment.**

- (1) **Definition.** For purposes of this Subsection, "major recreational equipment" is defined as including boats; boat trailers; all-terrain and utility terrain vehicles and their trailers; snowmobiles and their trailers; travel trailers; recreational vehicles; motorized dwellings; recreational vehicles; pickup campers; tent trailers; coaches designed to be mounted on a motor vehicle; horse trailers; utility trailers; and cases and boxes used for transporting recreational equipment (whether or not such equipment is stored therein or not).
- (2) **Restrictions.** No major recreational equipment shall be parked or stored on any parcel zoned R-1, R-2 or R-3 Residential except as follows:
  - a. **Enclosed Storage.** Storage of major recreational equipment is permitted if stored within a fully enclosed building or structure.
  - b. **Permissible Outside Storage.** Outside storage of major recreational equipment is permitted if said equipment is parked within a side or rear yard area behind the principal structure (house).
  - c. **Exceptions.**
    1. Major recreational equipment may otherwise be temporarily parked or stored outside for a period not to exceed forty-eight (48) hours.
    2. Residents may apply for a permit to park one (1) major recreational equipment unit in their driveway if adverse conditions are present which makes it extremely difficult to park the unit in the side or rear yard. A permit is issued on a yearly basis and is valid from April 1 to November 1. The major recreational equipment unit shall be operable and registered when required by the State of Wisconsin. The permit is issued by the Village Board.
  - d. **Residency.** No major recreational equipment shall be used for as a place of non-permanent residency or for sleeping and/or housekeeping purposes when parked or stored in any zoning district in the Village.

- (f) **Parking of Construction Trailers and Other Construction Equipment.** The parking of construction trailers and other construction equipment unattached to a motor vehicle is prohibited on any street, avenue, alley or highway in the Village of Rio. This restriction shall include any device that is propelled, pulled or towed on a roadway or a construction site by attachment to a motor vehicle. However, construction trailers and other construction equipment in use during normal, customary periods of operation may be parked on Village streets, avenues, alleys and highways upon obtaining a temporary permit from the Police Department governing the length of such stay, provided proper warning devices, such as barricades, warning signs, flags or cones, are in place.

- (g) **Removal.** Any vehicle unlawfully parked under Subsection (a), (c), (d) or (e) above may be removed from the street by order of a law enforcement officer, pursuant to Section



10-1-35, and the expense of so moving and storing such vehicle shall be paid by the operator or owner of said vehicle as a forfeiture in addition to the penalties hereafter prescribed.

- (h) **Penalty.** The penalty for violation of any provision of this Section shall be as provided in Section 10-1-50, together with the costs of prosecution and applicable penalty assessment.

## **Sec. 10-1-29 Parking Prohibited Regulations; Seasonal Restrictions.**

- (a) **Posted No Parking Spaces.** When signs are erected in any block giving notice thereof, no person shall park or leave standing any vehicle for longer than the period specified upon such highways, streets or parts thereof, except temporarily for the purpose of and while actually engaged in receiving or discharging passengers.
- (b) **Miscellaneous No Parking Areas.**
- (1) No person shall stop or leave standing upon any portion of Lincoln Avenue from Harvey Street to Rio Street for more than fifteen (15) minutes from 2:30 a.m. to 6:00 a.m. and no more than three (3) hours between the hours of 6:00 a.m. to 8:00 p.m..
  - (2) If a vehicle becomes disabled while on the streets, in such a manner or to such an extent that it is impossible to avoid stopping or temporarily leaving the vehicles parked on the said streets; or the stopping of the vehicle parked on the said streets; or the stopping of the vehicle is necessary to avoid conflict with other traffic, or to comply with traffic regulations, or the directions of a traffic officer or traffic control sign, or signal; or a vehicle bearing a special registration plate issued to a disabled person may be so parked, and said parking privilege granted hereunder by this Subsection is limited to the person to whom the special plate was issued and to qualified operators acting under his/her express direction with the disabled person present.
- (c) **Parking in Alleys.** No person shall park any vehicle in any alley within the Village of Rio at any time, except that delivery trucks may park in any alley, but only for the sole purpose of making a delivery and such delivery truck must be removed from the alley as soon as the delivery is complete.

*State Law Reference:* Sec. 349.13, Wis. Stats.

## **Sec. 10-1-30 Winter Parking Restrictions.**

- (a) **Winter Parking Restrictions.** The Village Board hereby declares that a snow removal and public safety emergency exists in the Village of Rio whenever there is a snowfall. Except as otherwise provided in this Chapter, no person shall leave any vehicle parked on any Village street during snowfall and twenty-four (24) hours following such snowfall.

(b) **Enforcement.**

- (1) The Police Department shall cause the removal of any vehicle parked so as to impede snow clearance or be a hazard to moving traffic in violation of this Section.
- (2) The cost of towing any vehicle removed under the provisions of this Section shall be assessed to the owner of such vehicle. In addition, the violator shall be subject to a citation and penalties.

## **Sec. 10-1-31 Habitual Parking Violators; Vehicle Removal, Immobilization, Impoundment or Disposal.**

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

- (1) **Habitual Parking Violator.** A person who has received, more than sixty (60) days previously, five (5) or more citations for nonmoving traffic violations that remain unpaid and which the person has not scheduled an appearance in court in response to the citations.
- (2) **Immobilization Device.** Has the meaning given in Sec. 341.65(1)(a), Wis. Stats.
- (3) **Nonmoving Traffic Violation.** Has the meaning given in Sec. 345.28(1)(c).
- (4) **Owner.** Has the meaning given in Sec. 341.65(1)(am), Wis. Stats.
- (5) **Parking Enforcer.** A traffic officer or any other person who enforces nonmoving traffic violations and who is employed by the Village of Rio.

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

- (1) **Existence of Habitual Parking Violations.** The Village of Rio has cited the owner of the motor vehicle for five (5) or more nonmoving traffic violations that, at the time of the vehicle's removal or immobilization, occurred more than sixty (60) days previously and for which the owner has neither paid the forfeiture for each of these violations nor scheduled an appearance in court in response to each of these citations.
- (2) **Notice of Violations.**
  - a. The Village of Rio has mailed to the last known address of the vehicle's owner a minimum of one (1) notice that specifies, for each citation counted under Subsection (b)(1) above:
    1. The date on which the citation was issued, the license plate number or vehicle identification number of the vehicle involved;
    2. The place where the citation may be paid;
    3. The amount of forfeiture; and
    4. The means by which the citation may be contested.
  - b. The notice shall also inform the owner that any motor vehicle owned by him/her may be immobilized with an immobilization device or removed and impounded

if, within sixty (60) days after the owner has received five (5) or more citations and at the time the vehicle is immobilized or removed and impounded, the owner has neither paid the forfeiture for each violation that occurred more than sixty (60) days previously nor scheduled an appearance in court in response to each citation issued more than sixty (60) days previously for which the forfeiture has not been paid.

- c. The notice under this subparagraph may be combined with any other notice provided by the Village to the owner.
- (3) **Authorization to Impound or Immobilize.** Any law enforcement officer who discovers any motor vehicle to which Subsections (b)(1) and (2) applies that is legally or illegally parked on any portion of a street, highway, or publicly owned or leased parking facility within the Village to cause the motor vehicle to be immobilized with an immobilization device or removed to a suitable impoundment location or both. Upon immobilization or removal of the motor vehicle, the parking enforcer shall follow the notification procedure specified in Sec. 341.65(2)(b), Wis. Stats.
- (4) **Use of Removal Service.** The Village of Rio may utilize the services of a third-party removal service for the performance of services related to immobilization or removal of motor vehicles. The services shall be rendered only at the request of a parking enforcer.
- (5) **Removal Fees; Towing and Storage Costs.**
  - a. The Village of Rio may charge a reasonable removal fee that will be charged to remove an immobilization device placed on a vehicle pursuant to this Section.
  - b. The Village shall require the payment from the vehicle owner the payment of towing and/or storage charges associated with the removal and/or impoundment of a vehicle, and of reasonable charges associated with disposal of a vehicle, under this Section.
- (6) **Immobilization Notice.** If a motor vehicle is immobilized, the parking enforcer or an authorized third-party contractor shall place in a highly visible location and in a reasonably secure manner on the vehicle, at the time of immobilization, a written notice that does all of the following:
  - a. Warns any driver of the vehicle that the immobilization device has been placed on the vehicle.
  - b. Specifies, for each citation counted under Subsection (b)(1) above, the license number or vehicle identification number of the vehicle involved, the place where the citation may be paid, and the means by which the citation may be contested, or provides a telephone number at which an individual is available to provide this information twenty-four (24) hours a day.
  - c. States the amount of the device removal fee under Subsection (b)(5)a above that is in addition to any amount required to be paid as specified in the notice under Subsection (b)(2)a above.

- (7) **Additional Parking Citations While Immobilized.** If the motor vehicle is immobilized in a time-limited legal parking space, the Village of Rio shall not issue, after the vehicle's immobilization, any citation for a time-limited nonmoving traffic violation for the vehicle within the first four (4) hours after the vehicle is immobilized.
  - (8) **Removal of Immobilization Device Upon Notice.** When a motor vehicle has been immobilized, the Village or its third-party contractor shall remove, or provide sufficient information to allow the vehicle owner to remove, the immobilization device without undue delay, not to exceed three (3) hours, after receiving notice that the person has satisfied the requirements for release of the motor vehicle under Subsection (c).
- (c) **Securing Vehicle Release.**
- (1) **Impoundment or Immobilization Time.** Any motor vehicle immobilized or impounded as provided in this Section shall remain immobilized or impounded until lawfully claimed or disposed of as provided in Subsection (d) below.
  - (2) **Securing Release – Immobilization.** The owner of a motor vehicle that is immobilized under Subsection (b) may secure release of the motor vehicle by doing all of the following:
    - a. Paying any removal fee provided under Subsection (b)(5)a.
    - b. Paying all forfeitures specified in each notice under Subsection (b)(2) for, or scheduling an appearance in court in response to, or a combination of paying forfeitures and scheduling appearances with respect to, all citations counted under Subsection (b)(2).
    - c. When a person has satisfied the requirements for release of a motor vehicle under this Subsection, such person shall promptly give notice to the Village and/or third-party contractor of having done so.
  - (3) **Securing Release – Impoundment.** The owner of a motor vehicle that is removed and impounded under Subsection (b) may secure release of the motor vehicle by doing all of the following:
    - a. Paying any removal and impoundment fees provided under Subsection (b)(5)b.
    - b. Paying all forfeitures specified in each notice under Subsection (b)(2) for, or scheduling an appearance in court in response to, or a combination of paying forfeitures and scheduling appearances with respect to, all citations counted under Subsection (b)(2).
    - c. When a person has satisfied the requirements for release of a motor vehicle under this Subsection, such person shall promptly give notice to the Village and/or third-party contractor of having done so.
  - (4) **Failure to Make Court Appearance.** If an owner secures release of a motor vehicle under Subsections (c)(2) or (3) by scheduling an appearance in court and thereafter fails to appear or fails to comply with any court order with respect to any citation counted under Subsection (b)(2) for which the forfeiture has not been fully paid,

- including failure to satisfy in full any court-ordered payment plan or other agreement approved by the court, the court may order a law enforcement officer, or an authorized employee or contractor of the Village, to immobilize the motor vehicle involved in the nonmoving traffic violations or the Village may cause the motor vehicle to be immobilized or removed and impounded as provided under Subsection (b). If the court orders the motor vehicle immobilized, upon compliance with the court order, the court shall order a law enforcement officer, or an authorized employee or contractor of the Village, to remove the immobilization device.
- (5) **Unregistered or Abandoned Vehicles.** Notwithstanding Subsection (c)(1), if any motor vehicle immobilized or impounded is an unregistered motor vehicle for purposes of Sec. 341.65, Wis. Stats., or an abandoned motor vehicle for purposes of Sec. 342.40, Wis. Stats., the Village of Rio may take any action authorized under Secs. 341.65 or 342.40, Wis. Stats., or Title 10, Chapter 5 of this Code of Ordinances. Any vehicle immobilized under this Section for longer than the period specified in Sec. 342.40(1m), Wis. Stats., shall be considered abandoned for purposes of Sec. 342.40, Wis. Stats.
- (d) **Motor Vehicle Owner Responsible for Charges.** The owner of any motor vehicle immobilized or removed and impounded as provided under this Section is responsible for all charges associated with immobilizing, removing, impounding, and disposing of the motor vehicle, as provided herein. Charges not recovered from the sale of the motor vehicle may be recovered in a civil action by the Village against the owner.
- (e) **Applicable Statutory Procedures for Impoundment and Disposal.**
- (1) The procedures and provisions of Sec. 341.65(2)(f) to (h), Wis. Stats., shall apply with respect to the impoundment and disposal of motor vehicles authorized to be removed, impounded, and disposed of under this Section to the same extent as these provisions apply to the impoundment and disposal of unregistered motor vehicles that are removed under authority of Sec. 341.65, Wis. Stats., except that reclamation of the motor vehicle by the owner requires compliance with Subsection (3) of that Statute rather than Sec. 341.65(2)(e), Wis. Stats. The provisions of Sec. 349.13(5)(b), Wis. Stats., shall apply with respect to vehicles removed or stored under this Section to the same extent as these provisions apply with respect to vehicles removed and stored under authority of Sec. 349.13, Wis. Stats.
- (2) Sec. 349.137, Wis. Stats., does not apply to the use of motor vehicle immobilization devices under this Section.
- (f) **Removal of Immobilization Device Prohibited.** No person may remove, disconnect, tamper with, or otherwise circumvent the operation of an immobilization device installed under this Section except upon release of the motor vehicle to the owner or to make necessary repairs to a malfunctioning immobilization devices.

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

## **Sec. 10-1-32 Unlawful Removal of Parking Citations.**

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

## **Sec. 10-1-33 Operation of Motor Vehicles in Public Parking Lots.**

- (a) **Unlicensed Operators Prohibited.** No person who does not hold a valid operator's license shall operate a vehicle in any public parking lot or ramp or in any private parking lot or ramp held out for the use of parking for the general public.
- (b) **Traffic Regulations Applicable.** All provisions of Section 10-1-1 of this Chapter and of the Wisconsin Statutes and laws incorporated herein by reference shall be applicable on any public parking lot or ramp and on any private parking lot, road or ramp held out for use for the general public for parking or vehicular traffic.

## **Sec. 10-1-34 Unregistered Motor Vehicles Prohibited On Streets.**

- (a) **Definitions.** For purposes of this Section, "unregistered motor vehicle" means any motor vehicle that is not currently registered and which is located upon a street, highway or municipal lot in the Village of Rio for such time and under such circumstances as to cause the motor vehicle to reasonably appear to have been unregistered for not less than thirty (30) days.
- (b) **Violations.** No person shall cause any unregistered motor vehicle to be located upon any street, highway or municipal lot within the Village of Rio.
- (c) **Enforcement; Impoundment.**
  - (1) In addition to issuance of a forfeiture, any law enforcement or parking enforcement officer who discovers any unregistered motor vehicle located upon any street, highway or municipal lot within the Village may cause the motor vehicle to be removed to a suitable place of impoundment.
  - (2) The owner of any unregistered motor vehicle is responsible for all costs of towing, impounding and disposing of the motor vehicle. Disposal will be conducted pursuant to the procedures in Title 10, Chapter 5 of this Code of Ordinances.
- (d) **Exceptions.** A person charged with violating Subsection (b) above may not be convicted if he/she produces in court satisfactory evidence that, at the time of the issuance of the citation, either:
  - (1) A complete application for registration for the motor vehicle, including evidence of inspection prescribed by Section 110.20, Wis. Stats., when required, accompanied by

- the required registration fee had been delivered to the Wisconsin Department of Transportation or deposited in the mail properly addressed with postage prepaid; or
- (2) The motor vehicle was exempt from registration pursuant to Chapter 341, Wis. Stats.
- (e) **Release of Impounded Vehicles.** The owner of an unregistered motor vehicle that has been impounded under this Section may secure release of the motor vehicle by paying any forfeiture imposed for a violation of this Section, including but not limited to any towing forfeiture charged under this Code of Ordinances and the reasonable costs of impounding the motor vehicle and providing satisfactory evidence of one (1) of the following:
- (1) That the motor vehicle is currently registered in the State of Wisconsin;
- (2) That a complete application for registration of the motor vehicle, including evidence of inspection under Section 110.20, Wis. Stats., when required, accompanied by the required registration fee, has been delivered to the Wisconsin Department of Transportation or deposited in the U.S. Mail properly addressed with required postage; or
- (3) That the motor vehicle is exempt from registration under Chapter 341, Wis. Stats.

## **Sec. 10-1-35 Removal of Illegally Parked Vehicles.**

- (a) **Hazard to Public Safety.** Any vehicle parked, stopped or standing upon a highway or public parking lot or ramp in violation of any of the provisions of this Chapter is declared to be a hazard to traffic and public safety.
- (b) **Removal by Operator.** Such vehicle shall be removed by the operator in charge, upon request of any law enforcement officer or duly authorized Village official, to a position where parking is permitted or to a private or public parking or storage premises.
- (c) **Removal by Law Enforcement Officer.** Any law enforcement officer or duly authorized Village official may issue a citation for illegal parking, stopping or standing of an unattended vehicle in violation of this Chapter, and/or is authorized to remove such vehicle to a position where parking is permitted if it is deemed to be a hazard, at the owner's expense.
- (d) **Removal by Private Service.** The officer or duly authorized Village official may order a motor carrier holding a permit to perform vehicle towing services, a licensed motor vehicle salvage dealer or a licensed motor vehicle dealer who performs vehicle towing services to remove and store such vehicle in any public storage garage or rental parking grounds or any facility of the person providing the towing services.
- (e) **Towing and Storage Charges.** In addition to other penalties provided in this Chapter, the owner or operator of a vehicle so removed shall pay the actual cost of moving, towing and storage. If the vehicle is towed or stored by a private motor carrier, motor vehicle salvage dealer or licensed motor vehicle dealer, actual charges regularly paid for such services shall be paid. If the vehicle is stored in a public storage garage or rental facility, customary

charges for such storage shall be paid. Upon payment, a receipt shall be issued to the owner of the vehicle for the towing or storage charge.

### **Sec. 10-1-36 Inoperable, Wrecked or Discarded Vehicles.**

- (a) **Storage Prohibited.** No person owning or having custody of any partially dismantled, nonoperable, wrecked, junked or discarded motor vehicle shall allow such vehicle to remain on any public street or highway, parking lot or ramp longer than forty-eight (48) hours after notification thereof by a law enforcement officer or duly authorized Village official. Any such vehicle not removed within forty-eight (48) hours is declared to be a public nuisance and may be removed as provided in Section 10-1-35.
- (b) **Exemptions.** This Section shall not apply to a motor vehicle in an appropriate storage place or depository maintained in a lawful place and manner authorized by the Village of Rio.

*Cross-Reference:* Sections 10-5-1 through 10-5-8.

### **Sec. 10-1-37 Traffic and Parking Regulations on School District Grounds.**

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

- (a) **Parking.** No person shall park any vehicle in any vehicular traveling area or parking area of the School District, except in conformity with posted parking regulations set forth for such vehicular travel and parking areas.
- (b) **Speed Limits.** No person shall, at any time, operate a motor vehicle upon any School District grounds at a speed in excess of fifteen (15) miles per hour.
- (c) **Vehicles Prohibited at Specified Times.** No person shall, at any time, operate a motor vehicle other than a school bus or emergency vehicle, in or upon any drive designated for buses only during the hours of 7:00 a.m. to 9:00 a.m., and during the hours of 3:00 p.m. to 4:30 p.m. on any weekday during the months school is in session.
- (d) **State Traffic Forfeiture Laws Adopted.** All provisions of Chs. 340 to 349, Wis. Stats., describing and defining regulations with respect to vehicles and traffic for which the penalty is a forfeiture only, including penalties to be imposed and procedures for prosecution, are hereby adopted and by reference made a part of this Section as if fully set forth herein. Such statutory sections shall be designated as part of this Code of Ordinances by adding the prefix "10-1-37-" to each state statute section number. Any act required to be performed or prohibited by any statute incorporated herein by reference is required or prohibited by this Section.



(e) **Miscellaneous Rules.**

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

**Sec. 10-1-38 and Sec. 10-1-39      Reserved for Future Use.**



## Article D:     Miscellaneous Provisions

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

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

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

### **Sec. 10-1-41 Motor Vehicles on Pedestrian Ways and Overpasses.**

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

### **Sec. 10-1-42 School Crossing Guards.**

- (a) **Authority.** Pursuant to Sec. 349.215, Wis. Stats., those adult persons hired by the School District or Village of Rio to act as "School Crossing Guards" shall have the authority to stop vehicular traffic and to keep it stopped as long as necessary at their respective school crossings for the purpose of permitting school children to cross the street.
- (b) **Unlawful to Disobey.** It shall be unlawful for any person to refuse or fail to comply with any lawful order, signal or direction of any adult "School Crossing Guard" given for the purpose of permitting school children to cross the street.

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

## **Sec. 10-1-43 Driving Over Curbing or Safety Islands Prohibited.**

- (a) **Driving Over Curbing Prohibited.** It shall be unlawful for any motor vehicle to be driven or backed over any curbing in the Village of Rio.
- (b) **Driving Over Safety Zones or Islands Prohibited.** Whenever safety zones or safety islands are marked in accordance with the Wisconsin Uniform Traffic Control Device Manual, no operator of a vehicle shall at any time drive through or over a safety zone or safety island. Persons causing damage to curbing by driving over such curbing shall be responsible for the cost of such repairs.

## **Sec. 10-1-44 Sound-Producing Devices in Vehicles; Impoundment; Seizure and Forfeiture.**

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

- (4) The Village may dispose of any impounded sound-producing device or, following the procedure for an abandoned vehicle under Sec. 342.40, Wis. Stats., any impounded vehicle which has remained unclaimed for a period of ninety (90) days after disposition of the forfeiture action.
  - (5) This Subsection does not apply to a radio, electric sound amplification device or other sound-producing device on a motorcycle.
  - (6) Notwithstanding Subsections (a)(1)-(5) above, the Village authorizes a law enforcement officer, at the time of issuing a citation for a violation of Sec. 346.94(16), Wis. Stats., or a local ordinance in strict conformity with Sec. 346.94(16), Wis. Stats., or any other local ordinance prohibiting excessive noise, to seize any radio, electric sound amplification device or other sound-producing device used in the commission of the violation if the person charged with such violation is the owner of the radio, electric sound amplification device or other sound-producing device and has three (3) or more prior convictions within a three (3) year period of Sec. 346.94(16), Wis. Stats., or a local ordinance in strict conformity with Sec. 346.94(16), Wis. Stats., or any other local ordinance prohibiting excessive noise.
  - (7) The Village may impound a vehicle violating Subsection (a)(6) vehicle for not more than five (5) working days to permit the Village or its authorized agent to remove the radio, electric sound amplification device or other sound-producing device if the vehicle is owned by the person charged with the violation and the sound-producing device may not be easily removed from the vehicle. Upon removal of the sound-producing device, an impounded vehicle shall be returned to its rightful owner upon payment of the reasonable costs of impounding the vehicle and removing the sound-producing device.
  - (8) Any seized sound-producing device under Subsection (a)(6) shall be treated in substantially the manner provided in Sec. 973.075(3), 973.076 and 973.077, Wis. Stats., for property realized through the commission of any crime, except that the sound-producing device shall remain in the custody of the applicable law enforcement agency; a district attorney or Village Attorney, whichever is applicable, shall institute the forfeiture proceedings; and, if the sound-producing device is sold by the law enforcement agency, all proceeds of the sale shall be retained by the Village of Rio.
  - (9) The Village may, following the procedure for an abandoned vehicle under Sec. 342.40, Wis. Stats., dispose of any impounded vehicle which has remained unclaimed for a period of ninety (90) days after disposition of the forfeiture action.
  - (10) This Subsection does not apply to a radio, electric sound amplification device or other sound-producing device on a motorcycle.
- (b) **Vehicle Owner's Liability for Radios or Other Electric Sound Amplification Devices.**
- (1) a. The owner of a vehicle involved in a violation of Sec. 346.94(16), Wis. Stats., shall be presumed liable for the violation as provided in this Section.
  - b. Notwithstanding Subsection (b)(1), no owner of a vehicle involved in a violation of Sec. 346.94(16), Wis. Stats., may be convicted under this Section if the person

operating the vehicle or having the vehicle under his or her control at the time of the violation has been convicted for the violation under this Section or under Sec. 346.94(16), Wis. Stats.

- (2) Any member of the public who observes a violation of Sec. 346.94(16), Wis. Stats., may prepare a written report indicating that a violation has occurred. If possible, the report shall contain the following information:
  - a. The time and the approximate location at which the violation occurred.
  - b. The license number and color of the motor vehicle involved in the violation.
  - c. Identification of the motor vehicle as an automobile, station wagon, motor truck, motor bus, motorcycle or other type of vehicle.
- (3)
  - a.
    1. Within twenty-four (24) hours after observing the violation, a member of the public may deliver a report containing all of the information in Subsection (b)(2) to a law enforcement officer of the county or municipality in which the violation occurred. A report which does not contain all of the information in Subsection (b)(2) shall nevertheless be delivered and shall be maintained by the county or municipality for statistical purposes.
    2. Within forty-eight (48) hours after receiving a report containing all of the information in Subsection (b)(2), the law enforcement officer shall investigate the violation and may prepare a uniform traffic citation under Sec. 345.11 and, within seventy-two (72) hour after receiving such report, any traffic officer employed by the authority issuing the citation may personally serve it upon the owner of the vehicle.
  - b. If with reasonable diligence the owner cannot be served under paragraph (a), service may be made by leaving a copy of the citation at the owner's usual place of abode within this state in the presence of a competent member of the family who is at least fourteen (14) years of age and who shall be informed of the contents thereof. Service under this paragraph may be made by any law enforcement officer employed by the authority issuing the citation and shall be performed within seventy-two (72) hours after a report containing all of the information in Subsection (b)(2) was delivered to a law enforcement officer under paragraph (a)1.
  - c. If with reasonable diligence the owner cannot be served under paragraph (a) or (b) or if the owner lives outside of the jurisdiction of the issuing authority, service may be made by certified mail addressed to the owner's last-known address. Service under this paragraph shall be performed by posting the certified mail within seventy-two (72) hours after a report containing all of the information in Subsection (b)(2) was delivered to a law enforcement officer under paragraph (a)1. Except for owners who live outside of the jurisdiction of the issuing authority, service under this paragraph may not be performed unless service under paragraphs (a) and (b) has been attempted.

- (4) Defenses to the imposition of liability under this Section include:
  - a. That a report that the vehicle was stolen was given to a traffic officer before the violation occurred or within a reasonable time after the violation occurred.
  - b. If the owner of the vehicle provides a traffic officer employed by the authority issuing the citation with the name and address of the person operating the vehicle or having the vehicle under his or her control at the time of the violation and sufficient information for the officer to determine that probable cause does not exist to believe that the owner of the vehicle was operating the vehicle or having the vehicle under his or her control at the time of the violation, then the owner of the vehicle shall not be liable under this Section or under Sec. 346.94 (16), Wis. Stats.
  - c. If the vehicle is owned by a lessor of vehicles and at the time of the violation the vehicle was in the possession of a lessee, and the lessor provides a law enforcement officer employed by the authority issuing the citation with the information required under Sec. 343.46(3), Wis. Stats., then the lessee and not the lessor shall be liable under this Section or under Sec. 346.94(16), Wis. Stats.
  - d. If the vehicle is owned by a dealer, as defined in Sec. 340.01(11) (intro.), Wis. Stats., but including the persons specified in Sec. 340.01 (11)(a) to (d), Wis. Stats., and at the time of the violation the vehicle was being operated by or was under the control of any person on a trial run, and if the dealer provides a law enforcement officer employed by the authority issuing the citation with the name, address and operator's license number of the person operating the vehicle or having the vehicle under his or her control on a trial run, then that person, and not the dealer, shall be liable under this Section or under the applicable provision of Sec. 346.94(16), Wis. Stats.
  - e. Notwithstanding Sec. 346.94(16)(b)6., Wis. Stats., this Section does not apply to the operation of a motorcycle.
- (c) **Authority to Regulate Radios or Other Electric Sound Amplification Devices.**
  - (1) Notwithstanding Sec. 346.94(16), Wis. Stats., the provides that, except as provided in Sec. 347.38(1), Wis. Stats., no person may operate or park, stop or leave standing a motor vehicle while using a radio or other electric sound amplification device emitting sound from the vehicle that is clearly audible under normal conditions from a distance of fifty (50) or more feet, unless the electric sound amplification device is being used to request assistance or warn against an unsafe condition. Any person violating this Subsection may be required to forfeit not less than Forty Dollars (\$40.00) nor more than Eighty Dollars (\$80.00) for the first violation and not less than One Hundred Dollars (\$100.00) nor more than Two Hundred Dollars (\$200.00) for the second or subsequent violation within a year.
  - (2) Subsection (c)(1) may not apply to any of the following:
    - a. The operator of an authorized emergency vehicle, when responding to an emergency call or when in the pursuit of an actual or suspected violator of the law or when responding to but not upon returning from a fire alarm.



- b. The operator of a vehicle of a public utility, as defined in Sec. 11.40(1)(a), Wis. Stats.
- c. The operator of a vehicle that is being used for advertising purposes.
- d. The operator of a vehicle that is being used in a community event or celebration, procession or assemblage.
- e. The activation of a theft alarm signal device.
- f. The operator of a motorcycle being operated outside of a business or residence district.

### **Sec. 10-1-45 Motorized Vehicles or Horses on Village Trails.**

- (a) No horses or motorized vehicles shall be permitted to use or cross any portion of a walking or bicycle trail that is in the Village of Rio.
- (b) No horses or motorized vehicles other than licensed snowmobiles shall be permitted to use or cross any portion of the snowmobile trails that are situated in the Village of Rio.

### **Sec. 10-1-46 Low Speed Vehicles.**

- (a) **Definitions.** The following definitions shall be applicable herein:
  - (1) **Low Speed Vehicle (LSV).** A motor vehicle that is propelled by electric power and which conforms to the definition and requirements for low-speed vehicles as adopted in the federal motor vehicle safety standards for low-speed vehicles under 49 C.F.R. Sec. 571.3(b) and 49 C.F.R. 500, and is a motor vehicle:
    - a. That is four-wheeled;
    - b. Whose speed attainable in one (1) mile is more than twenty miles per hour (20 m.p.h.) and not more than twenty-five miles per hour (25 m.p.h.) on a paved level surface;
    - c. Whose gross vehicle weight is less than three thousand (3,000) pounds; and
    - d. Is not a golf cart-type vehicle;
    - e. Has the following equipment in working order:
      - 1. Headlamps;
      - 2. Front and rear turn signals;
      - 3. Stop lamps;
      - 4. Reflex reflectors – one (1) red on each side as far to the rear as practicable, and one (1) red on the rear;
      - 5. An exterior mirror mounted on the driver's side and either an exterior mirror on the passenger side or an interior rearview mirror;
      - 6. A parking brake;

7. A windshield that conforms to the requirements of the federal motor vehicle standard on glazing materials (49 CFR 571.205);
  8. A Type I or Type 2 seatbelt assembly conforming to 49 CFR 571.209, and Federal Motor Safety Standard No. 209, for each designated seating position;
  - f. Has a valid Vehicle Identification Number (VIN) that complies with federal law (49 CFR 565); and
  - g. Meets the general test conditions under 49 CFR 571.50056.  
[Note: LSVs are also referred to as "neighborhood electric vehicles" by some manufacturers].
- (b) **Licensed Driver and Vehicle Registration Requirements.**
- (1) **Valid Driver's License Requirement.** Any person who operates a Low Speed Vehicle on Village of Rio streets shall hold a valid driver's license.
  - (2) **Registration Requirements.** Any person who operates a Low Speed Vehicle on any Village of Rio street shall register the LSV in accordance with the requirements of the Wisconsin Statutes and Wisconsin Administrative Code, specifically, but not limited to, Sections 341.25(1)(b) and 341.297(1), Wis. Stats., and TRANS 145, Wis. Adm. Code. A LSV shall be titled and registered by the State of Wisconsin, and shall display a proper State-issued license plate.
- (c) **Operation and Use of Low Speed Vehicles.**
- (1) **Limited Permitted Street Use; Headlight Use Required.** A licensed individual may operate a Low Speed Vehicle on the streets of the Village of Rio having a posted speed limit of thirty-five miles per hour (35 m.p.h.), and headlights shall be on at all times the LSV is in operation. A slow-moving vehicle (SMV) emblem is not required on a LSV.
  - (2) **Compliance With State and Local Laws.** The operation of a Low Speed Vehicle shall in all respects comply with state traffic laws and the Village of Rio Code of Ordinances, specifically, but not limited to this Title 10, Chapter 1.
- (d) **Enforcement.** Enforcement of this Section, and penalties for violations, regarding the use of Low Speed Vehicles within the Village of Rio shall be pursuant to Sections 10-1-50 and 10-1-51.

## **Sec. 10-1-47 Engine Compression Brakes Use Prohibited.**

- (a) **Prohibition.** The use of engine compression brakes ("jake brakes") by motor vehicles in the Village of Rio is prohibited. The Village shall erect regulatory signs stating "No Engine Braking Except in Emergency" at appropriate locations and with supplemental plaques stating "Within Village Limits" at Village boundaries.
- (b) **Exceptions.** Exceptions to the prohibitions in Subsection (a) above are:
  - (1) This Section does not apply when enforcement officers determine that engine compression brakes were used in an emergency.

- (2) This Section does not apply to vehicles of any fire department and other emergency vehicles, whether or not responding to an emergency.
- (3) This Section does not apply to a State Highway within the limits of the Village of Rio.

**Secs. 10-1-48 and 10-1-49      Reserved for Future Use.**



## Article E: Enforcement and Penalties

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### Sec. 10-1-50 Penalties.

#### (e) **Forfeiture Penalty; Restitution.**

- (1) **Generally.** The penalty for violation of any provision of this Chapter shall be a forfeiture as hereinafter provided, together with court costs and fees prescribed by Sections 814.63(1) and (2), Wis. Stats., the penalty assessment for moving traffic violations and the driver improvement surcharge imposed by Sections 165.87 and 346.655, Wis. Stats., and the jail assessment under Sec. 53.46(1), Wis. Stats., where applicable and required.
- (2) **Enforcement Costs; Court Costs; Fees; Restitution; Assessments and Surcharges.**
  - a. Upon a conviction for a violation under this Chapter, pursuant to Section 346.63(1)(a) or (b), Wis. Stats., a court may impose restitution of all actual costs chargeable to the Village of Rio as a disbursement associated with the traffic ordinance violation, including, but not limited to, costs for the drawing and/or analysis of blood, breath, and/or urine, and, in all cases, actual costs of service of process. This includes, but is not limited to, restitution of costs associated with traffic forfeitures involving blood alcohol concentration, operating while intoxicated, or operating under the influence of a controlled substance.
  - b. The Village of Rio elects by municipal ordinance to authorize restitution with traffic forfeitures for damage to property, whether private or municipal, caused by such traffic violations, such as, but not limited to, damage caused to the roadway, hit and run property damage, or similar such destruction of property. Such restitution shall be paid to the property owner.
- (3) **Suspension of Payment; Penalties for Non-Payment.** Payment of the judgment and applicable court costs, fees, assessments, restitution 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 forfeiture, court costs, restitution, penalty assessment or surcharge, or other penalty imposed for violation of any provision of this Chapter may, upon order of the court entering judgment therefor and having jurisdiction of the case, be imprisoned until such forfeiture, court costs, fees, assessments, restitution, and surcharges are paid, but not for a period exceeding ninety (90) days.

#### (f) **Other Sanctions.**

- (1) **By Court.** Nothing herein shall preclude or affect the power of the sentencing court to exercise additional authorities granted by the Wisconsin Statutes to suspend or revoke the operating privileges of the defendant, order the defendant to submit to assessment and rehabilitation programs or to attend traffic safety school in addition to payment of a monetary penalty or in lieu of imprisonment.

- (2) **By Municipality.** No person who has been convicted of a violation of any provision of this Chapter shall be issued a license or permit by the Village of Rio, 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 Village has expended funds or incurred expense for the withdrawal or testing of blood or urine, the cost of such service to the Village of Rio shall be added to any forfeiture, court costs, and fees imposed by the court.
- (g) **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.
- (h) **Forfeitures for Parking Violations.**
  - (1) **Forfeitures for Uniform Statewide Parking, Stopping and Standing Offenses.** Minimum and maximum forfeiture for violation of non-moving traffic violations adopted by reference in Section 10-1-1 as described in Chapter 341 to 350, Wis. Stats., shall be as found in the current edition of the Revised Uniform State Traffic Deposit Schedule.
  - (2) **Parking of Trucks.** Any person found to have violated Section 10-1-28 shall forfeit an amount not to exceed One Hundred Dollars (\$100.00) nor less than Fifteen Dollars (\$15.00), plus costs and disbursements.
  - (3) **Snow Removal, Winter Parking and Snow Emergency Violations.** Any person who shall violate the provisions of Sections 10-1-31, 10-1-30 or 10-1-31 shall, upon conviction, be punished by a fine of not less than Twenty Dollars (\$20.00); and in default of payment of such fine and the costs of prosecution, towing and storage, the license plate will be suspended by the State of Wisconsin through the Traffic Violation and Registration Program (TVRP). A charge of Twenty-five Dollars (\$25.00) is then made in order for the owner of the vehicle to release the suspension of his/her license plate.
  - (4) **Penalty for Other Parking Violations.** The penalty for all other parking violations, not included under Subsection (d)(1) above, subject to any exceptions listed below, shall be Twenty Dollars (\$20.00) if paid within the first five (5) days after issuance of the violations. Failure to pay the penalty within five (5) days after issuance of the violation causes the penalty to be increased to Twenty Dollars (\$20.00). Failure to pay within ten (10) days shall increase the penalty to Twenty-five Dollars (\$25.00). A Twenty-five Dollar (\$25.00) penalty will be added on to any parking citation when a "Notice of Unpaid Citation" is sent to the Wisconsin Department of Transportation.

- (i) **Other Violations.** Any person who shall violate any special local regulation of this Chapter for which a penalty is not otherwise established by this Section shall be subject to a forfeiture of not less than Fifteen Dollars (\$15.00) nor more than Two Hundred Dollars (\$200.00) for the first offense and not less than Twenty Dollars (\$20.00) nor more than Five Hundred Dollars (\$500.00) for any second offense within two (2) years.

## **Sec. 10-1-51 Enforcement.**

### **(a) Enforcement Procedures.**

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

### **(b) Citations.**

- (1) **Uniform Citation and Complaint.** The Wisconsin Uniform Traffic Citation and Complaint described and defined in the Wisconsin Statutes shall be used for enforcement of all provisions of this Chapter except those provisions which describe or define non-moving traffic violations and violations of Sections 346.71 through 346.73, Wis. Stats. Violations of Sections 346.71 through 346.73, Wis. Stats., shall be reported to the District Attorney and the Wisconsin Uniform Traffic Citation shall not be used in such cases except upon written request of the District Attorney.
- (2) **Parking Citations.** The Chief of Police shall recommend to the Village Board a citation for use in enforcing the non-moving traffic offenses in this Chapter. Such citation shall be used for enforcement of non-moving traffic regulations created or adopted by this Chapter, including violations of non-moving traffic regulations defined and described in the Wisconsin Statutes, adopted by reference in Section 10-1-1, and all provisions regarding non-moving traffic violations in this Chapter. The citation for non-moving traffic violations shall contain a notice that the person cited may discharge the forfeiture for violation of a non-moving traffic regulation and penalty thereof by complying with Subsection (c)(2) of this Section. Non-moving traffic citations may be issued by law enforcement officers or by civilian employees of the Village of Rio Police Department.

### **(c) Deposits and Stipulations.**

#### **(1) Uniform Traffic Offenses.**

- a. **Who May Make.** Persons arrested or cited for violation of moving traffic offenses created by this Chapter shall be permitted to make deposits and stipulations of no contest or released by the arresting officer in accordance with

the applicable provisions of the Wisconsin Statutes. Stipulations of guilt or no contest may be made by persons arrested for violations of this Chapter in accordance with Sec. 66.12(1)(b), Wis. Stats., whenever the provisions of Sec. 345.27, Wis. Stats., are inapplicable to such violations. Stipulations shall conform to the form contained in the uniform traffic citation and complaint under Sec. 345.11, Wis. Stats., and may be accepted within five (5) days of the date of the alleged violation. Stipulations may be accepted by the Police Department.

- b. ***Delivery or Mailing of Deposit and Stipulation.*** Any person stipulating guilt or no contest under the preceding Subsection must make the deposit required under Sec. 345.26, Wis. Stats., or, if the deposit is not established under such Statute, shall deposit a forfeited penalty as provided in the schedule approved by the Village Board. Deposits, including those for moving and nonmoving violations, shall be brought or mailed to the Police Department or Clerk of Municipal Court within five (5) days of the issuance of the citation in lieu of court appearance.
- c. ***Receipt Required.*** Every officer accepting a stipulation under the provisions of this Chapter shall comply with the provisions of Sec. 343.27, 343.28, 345.26(1)(a) and 345.27(2), Wis. Stats., and shall require the alleged violator to sign a statement of notice in substantially the form contained on the Uniform Traffic Citation and complaint promulgated under Sec. 345.11, Wis. Stats. The official or person receiving the deposit shall furnish and deliver or mail an original receipt for such deposit to the alleged violator and shall deliver the deposit the stipulation, and a copy of the receipt within seven (7) days to the Clerk of Municipal Court.

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

- a. ***Direct Payment of Penalty Permitted.*** Persons cited (summons not issued) for violation of non-moving traffic offenses described and defined in this Chapter may discharge the penalty thereof and avoid prosecution by mailing or forwarding within five (5) days of the issuance of the citation to the Police Department the minimum forfeiture specified for the violation. When payment is made as provided herein, no court costs shall be charged.
- b. ***Court Prosecution.*** If the alleged violator does not deliver or mail a deposit as provided in Subsection a. within ten (10) days of the date of the citation, the Police Department shall forward a copy of the citation to the Village Attorney for possible prosecution.
- c. ***Registration Suspension.*** If the alleged violator does not pay the forfeiture or appear in court in response to the citation for a non-moving traffic violation on the date specified in the citation or, if no date is specified on the citation, within twenty-eight (28) days after the citation is issued, the Village may ask the Wisconsin Department of Transportation to suspend the registration of the vehicle involved or refuse registration of any vehicle owned by the person pursuant to the provisions of Sec. 345.28(4), Wis. Stats., and Subsection (c)(3) below.



- d. ***Deposits Returned to Village Administrator.*** Officers receiving deposits for non-moving traffic violations under this Subsection shall pay over such deposits to the Village Administrator on or before the last Thursday of the month of receipt. Such payment shall be accompanied by an itemized statement for each deposit of the offense charged and the name of the depositor.
  - e. ***Bond.*** Any official authorized to accept deposits under Sec. 345.26, Wis. Stats., or this Section, shall qualify by taking the oath prescribed by Sec. 19.01, Wis. Stats.
- (3) ***Notice of Demerit Points and Receipt.*** Every officer accepting a forfeited penalty or money deposit under this Section shall receipt therefor as provided in Sec. 345.26(3)(b), Wis. Stats. Every officer accepting a stipulation under the provisions of this Section shall comply with the provisions of Sections 343.27, 343.28, 345.26(1)(a) and 345.27(2), Wis. Stats., and shall require the alleged violator to sign a statement of notice in substantially the form contained on the uniform traffic citation and complaint promulgated under Sec. 345.11, Wis. Stats.
- (4) ***Registration Suspension Program.***
- a. The Village of Rio shall participate in the Wisconsin Department of Transportation Traffic Violation and Registration Program as set forth in Sec. 345.28, Wis. Stats., and TRANS 128, Wis. Adm. Code, and all amendments or changes thereto.
  - b. The Police Department is hereby designated as a delegated authority for purposes of Sections 85.13 and 345.28, Wis. Stats., and TRANS 128, Wis. Adm. Code. The Police Department is authorized to perform, on behalf of the Village of Rio, all functions required of a local authority under said Statutes and Administrative Code provisions including, but not limited to:
    - 1. Preparing and completing all forms and notices, notifying the Wisconsin Department of Transportation of unpaid citations for non-moving traffic violations;
    - 2. Specifying whether the registration of vehicles involved in unpaid citations for non-moving traffic violations should be suspended and/or whether registration should be refused for any vehicle owned by persons with unpaid citations for non-moving traffic violations;
    - 3. Determining the method by which the Village will pay the Wisconsin Department of Transportation for administration of the program; establishing the effective date for participation;
    - 4. And taking such other action as is necessary to institute and continue participation in the Wisconsin Department of Transportation Traffic Violation and Registration Program.
  - c. The Village Board is hereby authorized to assign a member of the Police Department to perform such acts as are necessary to effectuate this Subsection.

- d. In addition to all applicable fines and court costs, the cost of using the Wisconsin Department of Transportation Traffic Violation and Registration Program shall be assessed as permitted by Sec. 345.28(4)(d), Wis. Stats. The Village may refuse to notify the Wisconsin Department of Transportation of payment on a citation until all applicable fines and costs, including costs assessed under the preceding sentence, are paid.
- e. This Subsection shall not be interpreted as requiring that all unpaid citations for non-moving traffic violations be processed through the Wisconsin Department of Transportation Traffic Violation and Registration Program. The Village's participation in such program shall be in addition to any and all other means legally available to enforce such citations.

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

## Title 10 ► Chapter 2

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# Bicycles and Play Vehicles

<b>10-2-1</b>	Definitions
<b>10-2-2</b>	Lighting and Other Equipment
<b>10-2-3</b>	Rules of the Road
<b>10-2-4</b>	Specific Skateboard, Roller Skate, In-Line Skate, Rollerblade and Roller Ski Regulations
<b>10-2-5</b>	Use of Motor Assisted Scooters
<b>10-2-6</b>	General Bicycle, Skateboard and In-Line Skate Regulations
<b>10-2-7</b>	Bicycle Penalties
<b>10-2-8</b>	Play Vehicle Penalties

### Sec. 10-2-1 Definitions.

The following definitions shall be applicable in this Chapter:

- (a) **Bicycle.** Every device propelled by the feet acting upon pedals and having wheels, any two (2) of which are not less than twenty (20) inches in diameter.
- (b) **Bicycles' Lane.** That portion of a roadway set aside for exclusive use of bicycles and so designated by appropriate signs and markings by the responsible governing body.
- (c) **Bike Route.** An area, street or trail designated by the Village Board 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 Village Board.
- (e) **Carrier.** Any device attached to a bicycle designed for carrying articles.
- (f) **In-Line Skates.** Also known as rollerblades, means any apparatus designed to be worn on the user's foot and consists of a series of wheels arranged in a vertical plane with the bottom of the user's foot.
- (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.

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- (i) **Roller Skates/Roller Blades.** A pair of shoes with a set of wheels attached for the purpose of moving by alternate action of the legs; considered to be a type of in-line skate.
- (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 device consisting of a short, oblong board with a pair of wheels at each end, ridden in a standing position, and includes every type of device propelled by the feet and having wheels, including scooters.

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

No person shall operate a bicycle upon a highway or street in the Village of Rio 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 Village of Rio ordinances shall govern the operation of bicycles, skateboards, scooters, play vehicles or in-line skates where appropriate. Every person driving a bicycle, skateboard, scooter, play vehicle or in-line skate 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 of Wisconsin declaring rules of the road applicable to vehicles or by the traffic ordinances of the Village of Rio 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 Specific Skateboard, Roller Skate, In-Line Skate, Rollerblade and Roller Ski Regulations.**

- (a) **State Laws Adopted.** Specifically adopted by reference are the following statutes regulating in-line skates and play vehicles, as amended:
  - 349.235 Authority to Restrict Use of In-line Skates on Roadway
  - 349.94 In-Line Skates on Roadway
  - 340.01(24m) Definition on "In-Line Skates"
  - 340.02(43m)(b) Play Vehicles Does Not Include In-Line Skates
- (b) **Use Regulated.** It shall be unlawful for any person in the Village of Rio to operate or ride a skateboard, roller skates, rollerblades, in-line skates, scooter, play vehicle or roller skis in any of the following places:

- (1) **On Lincoln Avenue.** No person shall operate a bicycle, skateboard, scooter, roller blades or roller skates upon the sidewalks from Harvey Street north on Lincoln Avenue to Rio Street.
- (2) **On Village Streets.** No person over ten (10) years of age and/or operating a bicycle larger than twenty inches (20") in frame size shall operate the bicycle upon *any* sidewalk in the Village.
- (3) **On Tennis Courts.** No person shall operate a bicycle, skateboard, scooter, roller blades, roller skates or ice skates inside the fenced area of the tennis courts in the Firemens Park. Any other items or equipment that might damage the tennis court surface or nets are not permitted inside the fenced area of the tennis courts.
- (4) **On Private Property.** On private property, unless permission has been received from the owner, lessee or person in charge of that property.
- (c) **Yield to Pedestrians.** Operators or riders of skateboards, roller skates, roller skis, roller blades, in-line skates, or other play vehicles shall yield the right-of-way to other pedestrians using Village sidewalks, and shall not otherwise endanger or interfere with normal pedestrian traffic on those sidewalks.
- (d) **Play Vehicles Not to be Pulled by Moving Vehicles.** No person riding upon any coaster, roller skates, skateboard, roller skis, sled, toboggan, roller blades, in-line skates, or play vehicle shall attach the same or himself/herself to any vehicle upon a roadway.
- (e) **Traffic Law Compliance.** Any person riding on or propelling themselves by means or use of any skateboard, roller skates, rollerblades, in-line skates, roller skis or other similar device, on any street within the corporate limits of the Village of Rio shall obey all lawful traffic laws, rules and regulations.
- (f) **Improper Devices.** No persons shall erect, maintain or use any ramp, scaffold, jump or other device used for the purpose of skateboarding, roller skating, roller skiing, roller blading, in-line skating or using other like devices, except on private property with the consent of the owner or at a specially designed municipal facility.
- (g) **Penalty.** The penalty for violation of this Section shall be a forfeiture of not less than Five Dollars (\$5.00) nor more than Fifty Dollars (\$50.00) plus applicable court costs and assessments. Upon violation of this Section and upon issuance of a citation, law enforcement officers shall have the authority to confiscate the skateboard, roller skates, in-line skates, rollerblades, roller ski of any person found to be a minor and shall retain the same at the Police Department until the forfeiture is paid and further may require that the parent or legal guardian of said minor appear in person or contact the Police Department by other means before releasing the confiscated item to said minor.

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

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

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- (1) Two (2) wheels in tandem in contact with the ground during operation;
  - (2) A braking system capable of stopping the device under typical operating conditions;
  - (3) An electric motor not exceeding forty (40) cubic centimeters;
  - (4) An unoccupied weight of less than seventy-five (75) pounds;
  - (5) A deck designed to allow a person to stand or sit while operating the device; and
  - (6) The ability to be propelled by human power alone.
- (b) **Exception.** This Section does not include "personal assistive mobility devices" as defined in Section 340.01(15pm), Wis. Stats.
- (c) **Prohibition on Use in Certain Places.** No person may operate or ride a motor assisted scooter in any of the following places:
- (1) On a public highway, street, road or alley;
  - (2) On any public property;
  - (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 Village-owned sidewalks with the power unit in operation.
- (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. 10-2-6 General Bicycle, Skateboard, and In-Line Skate 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, 10-2-5 and this Section.
- (b) **Street Operation.**
- (1) **Rules for Turning.**
    - a. The operator of a bicycle, skateboard, scooter, play vehicle or in-line skates intending to turn to the right at an intersection shall approach the point of turning in the traffic lane nearest the right-hand edge or curb of the street and, in turning, shall keep as closely as practicable to the right-hand edge or curb of the highway.
    - b. The operator of a bicycle, skateboard, scooter, play vehicle, or in-line skates intending to turn to the left of an intersection or into a private driveway shall make such turn from the traffic lane immediately to the right or next to the center of the intersection, passing as closely as practicable to the left of the center of the intersection immediately to the right of the center of the intersection of the street.
    - c. At any intersection where traffic is controlled by a traffic control signal, it shall be unlawful for any such operator of such bicycle, skateboard, scooter, play

vehicle or in-line skates upon any street to disobey the instruction of any official traffic sign or signal.

- (2) **Single-File Operation.** Every person when operating a bicycle, scooter or play vehicle upon a roadway shall ride such bicycle in single file.
  - (3) **Towing.** Bicycles, skateboards, scooters, play vehicles or a person using in-line skates shall not be pulled by moving vehicles. No person riding upon a bicycle, skateboard, scooter, play vehicle or using in-line skates shall cling or attach himself/herself or his/her bicycle or skateboard to any other moving vehicle upon a street or highway, nor shall the operator of any such bicycle, skateboard, scooter, play vehicle or in-line skates tow or draw any coaster wagon, sled, person on roller skates, play vehicles or any other similar vehicle on such highway or street.
  - (4) **Passengers.** 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) **Unsafe Cargo.** 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) **Control Required.** 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. No person shall operate a bicycle upon the streets and sidewalks of the Village of Rio without having manual control of the handlebars or operate a bicycle in any other manner which necessitates the element of unusual extraordinary skill and involves unnecessary risk.
  - (7) **Required Use of Bicycle Paths.** 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.
- (c) **Bicycle Parking.** No bicycle shall be parked upon any street or public way except in an upright position in bicycle stalls, which are provided therefor. Until such time as sufficient stalls are provided to meet the demand therefor, which determination shall be made by the Police Department, bicycles may be parked in an upright position, parallel to the curb line. No person shall leave a bicycle at such a place or in such a way as to create a hazard to pedestrians, automobile operators or to anyone else.
- (d) **Required Equipment.**
- (1) **Brakes.** Every bicycle, when operated upon a highway, shall be equipped with a brake adequate to control the movement of and to stop such vehicle whenever necessary. Such brake shall be maintained in good working order at all times.
  - (2) **Warning Device.** Every bicycle, when operated upon a highway, shall be equipped with a horn or bell in good working order, capable of emitting sound audible under

- normal conditions for a distance of not less than one hundred (100) feet, and it shall be unlawful for any bicycle to be equipped with a siren or whistle, or to use any such bell or horn otherwise than as a reasonable warning to other users of the highway.
- (3) **Lighting.** No person shall operate a bicycle upon a Village street unless equipped as required by Sec. 347.81, Wis. Stats.
- (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) **Operation on Sidewalks.** Bicycles are allowed to be operated on the sidewalks in the Village of Rio but operators shall yield to pedestrians at all times.
- (g) **Operation While Hearing Obstructed.** No person may operate a bicycle, skateboard, scooter, play vehicle or in-line skates 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.
- (h) **Mopeds Prohibited on Bicycle Ways.** No person may ride a moped, powered scooter or motor bicycle with the power unit in operation upon a bicycle trail.
- (i) **Riding Bicycle in Bicycle Lanes.**
- (1) **Direction of Travel.** Unless two-way traffic is authorized by the Village Board on any portion of a roadway which it has set aside as a bicycle lane and appropriate traffic signs are installed, every person operating a bicycle upon a bicycle lane shall ride in the same direction in which vehicular traffic on the lane of the roadway nearest the bicycle lane is traveling.
- (2) **Bicycle Lanes.**
- a. Unless otherwise provided under Subsection (i)(2)b below, a person operating a bicycle may enter or leave a bicycle lane only at intersections or at driveways adjoining the bicycle lane.
- b. A person may leave a bicycle at any point by dismounting from the bicycle and walking it out of the lane. A person may enter a bicycle lane at any point by walking his/her bicycle into the lane and then mounting it.
- (3) **Passing.** Every person operating a bicycle upon a bicycle lane shall exercise due care and give an audible signal when passing a bicycle rider proceeding in the same direction.
- (4) **Yielding Right-of-Way.** Every operator of a bicycle entering a bicycle lane shall yield the right-of-way to all bicycles in the bicycle lane. Upon leaving a bicycle lane, the operator of a bicycle shall yield the right-of-way to all vehicles and pedestrians.
- (j) **Riding Bicycle on Bicycle Way/Path/Trail.**
- (1) **Exercising Due Care.** Every person operating a bicycle upon a bicycle way, path or trail shall:
- a. Exercise due care and give an audible signal when passing a bicycle rider or a pedestrian proceeding in the same direction.
- b. Obey each traffic signal or sign facing a roadway which runs parallel and adjacent to a bicycle way.



- (2) **Direction of Travel.** Every person operating a bicycle upon a bicycle way open to two-way traffic shall ride on the right side of the bicycle way.
- (3) **Yielding Right-of-Way.** Every operator of a bicycle entering a bicycle way shall yield the right-of-way to all bicycles and pedestrians in the bicycle way.
- (k) **Yield to Pedestrians.** Operators or riders of skateboards, roller skates, roller skis, or other play vehicles shall yield the right-of-way to other pedestrians using Village sidewalks, and shall not otherwise endanger or interfere with normal pedestrian traffic on those sidewalks.

## **Sec. 10-2-7 Bicycle Penalties.**

The following penalties shall be applicable for bicycle violations:

- (a) Any person sixteen (16) years of age or older who shall violate any provision of this Chapter may be issued a Uniform Traffic Citation and be subject to the penalties provided by the Uniform State Traffic Deposit Schedule.
- (b) Any person fourteen (14) years of age through fifteen (15) years of age who shall violate any provisions of this Chapter may be issued a citation and be subject to the penalties provided by the Deposit Schedule and, upon conviction thereof, may be required to forfeit not more than Twenty-five Dollars (\$25.00), together with the cost of the prosecution and, in default of such payment, the Court may suspend the child's operating privileges, as defined in Sec. 340.01, Wis. Stats., for not less than thirty (30) days nor more than ninety (90) days.
- (c) Any person under fourteen (14) years of age who shall violate any provision of this Chapter may be issued a special Bicycle Violation Warning Notice along with the following additional actions:
  - (1) First to third offense in one (1) year: A warning letter sent to the parent or guardian.
  - (2) Fourth and subsequent offense in the same year: Referral to the Juvenile Court System.
- (d) All violations shall be determined based on the preceding twelve (12) month period to establish which violation has occurred.
- (e) Any parent or guardian of any child who authorizes or knowingly permits such child to violate any of the provisions of this Chapter may be subject to the provisions of Sec. 346.77 and 346.82(1), Wis. Stats.

## **Sec. 10-2-8 Play Vehicle Penalties.**

The following penalties shall be applicable for play vehicle violations:

- (a) Any person fourteen (14) years of age and over who shall violate any provisions of this Chapter may be issued a citation and be subject to the penalties provided by the deposit

schedule and, upon conviction thereof, may be required to forfeit not more than Twenty-five Dollars (\$25.00), together with the costs of prosecution.

- (b) Any person under fourteen (14) years of age who shall violate any provisions of this Chapter may receive an officer's report warning notice along with the following additional actions:
  - (1) First offense in one (1) year: a warning letter sent to the parent or guardian.
  - (2) Second or third offense in the same year: the play vehicle may be impounded by law enforcement authorities.
  - (3) Fourth and subsequent offense in the same year: mandatory referral to the Juvenile Court System.
- (c) Any parent or guardian of any child who authorizes or knowingly permits such child to violate any of the provisions of this Chapter may be subject to the provisions of Secs. 346.77 and 346.82(1), Wis. Stats.

## Title 10 ► Chapter 3

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# Snowmobiles

<b>10-3-1</b>	State Snowmobile Laws Adopted
<b>10-3-2</b>	Applicability of Traffic Regulations to Snowmobiles
<b>10-3-3</b>	Unattended Vehicles
<b>10-3-4</b>	Operation on Sidewalks Prohibited
<b>10-3-5</b>	Speed; Parking; Hours; Restrictions on Operators
<b>10-3-6</b>	Accidents and Accident Reports
<b>10-3-7</b>	Snowmobile Routes and Trails Designated
<b>10-3-8</b>	Penalty
<b>10-3-9</b>	Enforcement

### **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 the Village of Rio Code of Ordinances.

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

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350.09	Head Lamps, Tail Lamps and Brakes, Etc.
350.10	Miscellaneous Provisions for Snowmobile Operation
350.101	Intoxicated Snowmobiling
350.102	Preliminary Breath Screening Test
350.1025	Application of Intoxicated Snowmobiling Law
350.104	Chemical Tests
350.106	Report Arrest to Department
350.107	Officer's Action After Arrest for Operating a Snowmobile While Under Influence of Intoxicant
350.108	Public Education Program
350.12	Registration of Snowmobiles; Trail Use Stickers
350.125	Completion of Application for Registration by Snowmobile Dealers
350.13	Uniform Trail Signs and Standards
350.15	Accidents and Accident Reports
350.155	Coroners and Medical Examiners to Report; Blood Specimen Required
350.17	Enforcement
350.18	Local Ordinances
350.19	Liability of Landowners
350.99	Parties to a Violation

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

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

**Sec. 10-3-3 Unattended Vehicles.**

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

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

No person shall operate a snowmobile upon any sidewalk, pedestrian way or upon the area between the sidewalk and the curb line of any street in the Village of Rio, except as specifically

authorized by Section 10-3-7 or for the purpose of crossing to obtain immediate access to an authorized area of operation.

### **Sec. 10-3-5 Speed; Parking; Hours; Restrictions on Operators.**

- (a) **Traffic Flow and Speed.** Snowmobiles shall travel with the normal traffic flow using the right hand lane of traffic on all routes. The speed of a snowmobile shall be reasonable and prudent determined by existing conditions and shall at no time exceed twenty-five (25) m.p.h., unless otherwise posted, while on established routes. Snowmobiles using Village streets shall stop at every intersection and yield the right-of-way to all other vehicular traffic and pedestrians.
- (b) **Hours of Operation Restricted.** Except on a designated route, no person shall operate a snowmobile within the Village between the hours of 1:00 a.m. and 7:00 a.m., except for the purpose of gaining access to or leaving a designated trail/route the most direct route.
- (c) **Parking.** Parking of snowmobiles on the streets of the Village of Rio is prohibited except that parking of snowmobiles out of the traffic lanes will be permitted on the snowmobile route portion.
- (d) **Travel.** Snowmobiles will operate on the right hand side of the street or thoroughfare, making a full stop before crossing over an intersecting street, highway, or thoroughfare, and yielding the right of way at all times. Snowmobiles will travel in single file.
- (e) **Prohibited Areas of Operation.** No person shall operate a snowmobile within the Village limits of the Village of Rio, contrary to the following prohibitions:
  - (1) On an private property marked or signed prohibiting use by snowmobiles.
  - (2) Within fifty (50) feet of any dwelling or residential structure, except for the purpose of removing and returning a snowmobile to its place of storage and except when on a designated trail or authorized snowmobile access to a residence.
  - (3) On the following public ways, except to cross perpendicularly:
    - a. All sidewalks.
    - b. All alleys except on officially designated routes.
    - c. All terraces/boulevards.
    - d. All streets and alleys except on officially designated routes or accessing a residence as authorized by this Chapter.
  - (4) In all Village of Rio parks except on marked snowmobile trails.
- (f) **Restrictions on Juvenile Operators.**
  - (1) **Age Restriction.** No person under the age of twelve (12) years may operate a snowmobile unless the person is accompanied either by a parent or guardian or by a person over eighteen (18) years of age.
  - (2) **Snowmobile Safety Permit or Operator's License Required.** No person over the age of twelve (12) years but under the age of sixteen (16) years may operate a

snowmobile unless he/she holds a valid snowmobile safety certificate or is accompanied by a person over eighteen (18) years of age or by a person over fourteen (14) years of age having a snowmobile safety certificate issued by the Department. Any person who is over the age of twelve (12) and under the age of sixteen (16) who holds a snowmobile safety certificate shall carry it while operating a snowmobile and shall display it to a law enforcement officer on request. Persons enrolled in a safety certification program approved by the Department may operate a snowmobile in an area designated by the instructor.

- (3) **Exceptions.** This Subsection does not apply to the operation of snowmobiles by an operator under the age of sixteen (16) years upon lands owned or leased by the operator's parent or guardian. As used in this Subsection, "leased lands" does not include land leased by an organization of which said operator or the operator's parent or legal guardian is a member.
- (4) **Definition.** For purposes of this Subsection, "accompanied" means being on the same snowmobile as the operator.
- (g) **Valid License Requirement.** Except under Subsection (f) above, no person shall operate a snowmobile upon a public right-of-way in the Village of Rio unless such person has a valid motor vehicle operator's license.
- (h) **Permitting Operation by Improper Persons Prohibited.** No owner or person having charge or control of a snowmobile shall authorize or permit any person to operate such snowmobile who is not permitted under this Section or state law to operate such snowmobile, or who is under the influence of an intoxicant or a dangerous or narcotic drug.
- (i) **Operation While Under Influence Prohibited.** Section 346.63, Wis. Stats., shall apply to the operation of a snowmobile under the influence anywhere within the Village of Rio.
- (j) **Equipment.** All snowmobiles operated on designated routes within the Village of Rio shall while in operation be equipped with a muffler of the type installed by the original manufacturer of the snowmobile; expansion chambers are prohibited. Snowmobiles shall display a lighted headlight at all time per the requirements of Sec. 350.09, Wis. Stats.
- (k) **Firearms and Bows.** No person shall operate or ride a snowmobile with any firearm or bow in his/her possession except in compliance with state law.
- (l) **Driving Animals.** No person shall drive or pursue any animal with a snowmobile, except as a part of normal farming operations involving the driving of domestic livestock.

## **Sec. 10-3-6 Accidents and Accident Reports.**

- (a) If he/she can do so without serious danger to his/her own snowmobile or to persons on board, the operator of a snowmobile involved in a snowmobile accident within the Village of Rio shall stop his/her snowmobile and shall render to other persons affected thereby such assistance as may be practicable and necessary to save them from or minimize any danger

caused by the accident and shall give his/her name and address and identification of his/her snowmobile to any person injured and to the owner of any property damaged in the accident.

- (b) If the snowmobile accident results in death or injury to any person or total property damage in excess of Two Hundred Dollars (\$200.00), every operator of a snowmobile involved in such accident shall, as soon as possible, notify the Police Department of the accident and shall, within ten (10) days after the accident, file a written report thereof with the Police Department on prescribed forms.
- (c) If the operator of a snowmobile is physically incapable of making the report required by this Section and there was another occupant on the snowmobile at the time of the accident capable of making the report, he/she shall make such report.
- (d) "Snowmobile Accident" means a collision, accident or other casualty involving a snowmobile.

### **Sec. 10-3-7 Snowmobile Routes and Trails Designated.**

(a) **Snowmobile, All-Terrain Vehicle and Utility Terrain Vehicle Routes and Trails Designated.**

- (1) **Routes Designated; Restrictions.** Except as provided in Sec. 350.02 and 350.045, Wis. Stats., for snowmobile events authorized in accordance with Sec. 350.04, Wis. Stats., or when accessing a residence pursuant to Subsection (f) below, no person shall operate a snowmobile upon any public right of way, in any public part, or any other public municipal property in the Village of Rio, except upon designated routes and trails established by the Village Board. It shall be unlawful to operate snowmobiles as herein provided, except solely for the purpose of reaching by the most direct route, available areas outside the Village of Rio or areas therein, wherein snowmobiles are authorized to be operated, marked as snowmobile routes, and all alleys leading to the marked snowmobile routes may be used for this purpose. The routes shall be outlined on a map on file with the Village Administrator and approved by the Village Board.
- (2) **Snowmobile Route Operation Requirements.** Snowmobiles violating any of the following conditions are subject to the underlying violation of operating on the roadway:
  - a. Snowmobiles shall be operated on the extreme right side of the roadway and travel with the flow of traffic.
  - b. Snowmobiles are to be operated in single file.
  - c. Headlights shall be on at all times.
  - d. Snowmobile operators shall yield the right-of-way to other vehicular traffic and pedestrians.
  - e. Snowmobile operators have the privilege to use the designated snowmobile routes to gain access to the trails only.

- f. Snowmobiles shall not be permitted on any sidewalks except to cross over to the street.
- (3) **Markers to Be Obeyed.** All persons using snowmobiles, all-terrain vehicles or utility terrain vehicles on the routes designated shall obey all markers, signage or limitations indicated by trail signs or directions thereon, which are erected in accordance with the terms of this Chapter.
- (b) **Operation on Private Premises Restricted.** No person shall operate a snowmobile, all-terrain vehicle or utility terrain vehicle on any private property not owned or controlled by him/her within the Village of Rio without the express consent or permission of the owner of said property.
- (c) **Trail Markers.** In cooperation with the Public Works Department and Police Department, area snowmobile clubs shall be responsible for procuring, erecting and maintaining all necessary signs on all approved routes by the Village Board.
- (d) **Rules of Operation.** Snowmobiles operated on designated snowmobile routes over public highways shall observe the rules of the road for motor vehicles set forth in Chapter 346, Wis. Stats., and Title 10 of this Code of Ordinances, which is hereby adopted by reference and made part of this Chapter as if fully set forth herein. Any act required to be performed or prohibited by such laws is required or prohibited by this Section.
- (e) **Declaring Trails Closed.** Due to weather conditions or emergency, the Village President, Village Administrator or Chief of Police may declare snowmobile, all-terrain vehicle or utility terrain trails closed within the Village of Rio.
- (f) **Snowmobile from a Residence or Lodging Establishment to a Route.**
- (1) **Intent.** The intent of this Subsection is to provide a means for persons to travel to or from a residence or lodging establishment within the limits of the Village of Rio, by the shortest distance that is necessary for a person to drive a snowmobile to the snowmobile route or trail that is closest to that residence or lodging establishment.
- (2) **Statutory Authority.** This Subsection is adopted as authorized under Sec. 350.18(3)(a), Wis. Stats.
- (3) **Designated Roadways and/or Highways.** This Subsection shall allow the operation on the right-hand side of any roadway or the right shoulder of any highway in the Village of Rio.
- (4) **Speed.** A snowmobile operated on a portion of the roadway or shoulder pursuant to this Subsection shall observe roadway speed limits.
- (5) **Penalties.** Wisconsin state snowmobile penalties as found in Sec. 350.11(1)(a), Wis. Stats., are adopted by reference.

## **Sec. 10-3-8 Penalty.**

Any person who shall violate any provision of this Chapter shall, upon conviction thereof, forfeit not less than Twenty-five Dollars (\$25.00) and not more than Five Hundred Dollars (\$500.00),



together with the costs of prosecution, provided no person shall forfeit an amount in excess of the maximum fine or forfeiture allowed in the Wisconsin Statutes for the same offense and further provided that the penalty and forfeiture for parking violations on highways shall be the amount applicable to such violations by owners or operators of motor vehicles under Title 10, Chapter 1, of this Code of Ordinances.

## **Sec. 10-3-9 Enforcement.**

- (a) **Uniform Citation for Highway Violations.** The uniform traffic citation promulgated under Sec. 345.11, Wis. Stats., shall be used for violations of this Chapter relating to highway use except as herein provided.
- (b) **Parking Violations.** The special traffic citation described and defined in Title 10, Chapter 1, of this Code of Ordinances shall be used for enforcement of violations of rules of the road relating to parking of vehicles adopted by reference in Section 10-3-1 of this Chapter.
- (c) **Other Violations.** All violations of this Chapter not described in Subsections (a) or (b) shall be enforced in accordance with Secs. 66.0111 and 66.0114, Wis. Stats. Stipulations of guilt or no contest may be made as provided in Sec. 66.0114, Wis. Stats., in substantially the form provided in the uniform traffic citation within five (5) days of the date of the citation for such violation. Bail deposits may also be made under Sec. 66.0114, Wis. Stats.
- (d) **Police Department to Receive Stipulations and Penalties.** Stipulations, forfeited penalties and deposits for obtaining release from arrest authorized under this Chapter may be accepted at the Police Department office.
- (e) **Forfeited Penalties and Deposits.** Except as otherwise provided in Sec. 345.26, Wis. Stats., and the deposit schedule adopted by the State Board of Circuit Court Judges thereunder, required penalties and deposits or bail not including costs or fees for violation of this Chapter shall be as established by the schedule adopted by the Village Board. The penalty for violation of any provision of this Chapter shall be a forfeiture as hereafter provided together with costs under Sec. 345.27, Wis. Stats., and a penalty assessment, where applicable, as required under Sec. 165.87(2), Wis. Stats.



## Title 10 ► Chapter 4

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# All-Terrain and Utility Terrain Vehicles

- 10-4-1** State All-Terrain and Utility Terrain Vehicle Laws  
Adopted; Definitions
- 10-4-2** General ATV and UTV Routes and Use Regulations
- 10-4-3** Miscellaneous ATV/UTV Regulations

### **Sec. 10-4-1 State All-Terrain and Utility Terrain Vehicle Laws Adopted; Definitions.**

- (a) **Purpose.** The purpose of this Chapter is to address the matter of all-terrain and utility terrain vehicle routes on Village streets, alleys and public lands and to regulate the related operation of all-terrain and utility terrain vehicles in the Village of Rio. The intent of this Chapter is to provide for the safety, welfare, healthful conditions and enjoyment of recreational vehicle enthusiasts and private landowners consistent with the public rights, interests and capabilities of the areas regulated in the Village. The provisions of this Chapter shall apply to all roadways and public property in the Village of Rio within the jurisdiction of the Village Board as authorized by state law.
- (b) **Statutory Authority.** The Village Board of the Village of Rio has the specific authority to adopt this Chapter pursuant to Sec. 23.33(8)(b) and (11), Wis. Stats.
- (c) **Adoption of Statutory Provisions.** Pursuant to Sec. 23.33(11)(a), Wis. Stats., the state regulations and definitions with respect to all-terrain vehicles (ATVs) and utility terrain vehicles (UTVs) in Sec. 23.33, Wis. Stats., Chs. 340 through 348, Wis. Stats., and NR 64, Wis. Adm. Code, and any future amendments or revisions, are hereby adopted by reference and fully incorporated by reference as if fully set forth herein. The statutory and Wisconsin Administrative Code sections adopted by reference herein shall be designated as part of this Code of Ordinances by adding the prefix "10-4-1-" to each statute section number. Any acts required to be performed by the such statutory or Wisconsin Administrative Code sections or which are prohibited by such regulations are required to be performed by this Section or are prohibited by this Section.
- (d) **Definitions.** The following definitions shall be applicable in this Chapter, in addition to those definitions in Sec. 23.33(1), Wis. Stats.:
  - (1) **All-Terrain Vehicle (ATV).** A commercially designed and manufactured engine-driven device which has a net weight, without fluids, of nine hundred (900) pounds or less,

- which is originally manufactured with a width of fifty (50) inches or less, which is equipped with a seat designated to be straddled by the operator and which is designed by the manufacturer to travel on three (3) or more low-pressure tires. [Sec. 340.01(2g), Wis. Stats.]
- (2) **Immediate Family.** Persons who are related as spouses, as siblings, or as parent and child.
  - (3) **Land On Which Operation is Authorized.** Land under the management and control of a person who consents to the operation of an all-terrain or utility terrain vehicle on the land.
  - (4) **Land Under the Management and Control of the Person's Immediate Family.** 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. The term excludes land owned or leased by an organization of which the person or a member of the person's immediate family is a member.
  - (5) **Mini-Bike.** Any motorized two-wheel vehicle used primarily for off-road use, including, but not limited to, motorcycles, off-road motorized trail bicycles.
  - (6) **Self-Propelled Vehicles.** Any motorized vehicle primarily used for off-road use, including, but not limited to, go-carts, all-terrain and utility terrain vehicles, and other non-registered vehicles per Chapter 341, Wis. Stats., but not including snowmobiles.
  - (7) **Small Utility Terrain Vehicle.** A utility terrain vehicle that has four (4) wheels and that has either an engine certified by the manufacturer at not more than two hundred (200) cubic centimeters or an equivalent power unit.
  - (8) **Snow Removal Device.** An attachment designed and installed for the purpose of removing snow, such as a plow blade, blower, bucket or brush.
  - (9) **Utility Terrain Vehicle (UTV).** Means any of the following:
    - a. A commercially designed and manufactured engine-driven device that does not meet federal motor vehicle safety standards in effect on July 1, 2012, that is not a golf cart, low-speed vehicle, dune buggy, mini-truck, or tracked vehicle, that is designed to be used primarily off of a highway, and that has, and was originally manufactured with, all of the following:
      1. A net weight, without fluids, of less than two thousand (2,000) pounds.
      2. Four (4) or more low-pressure tires.
      3. A cargo box installed by the manufacturer.
      4. A steering wheel.
      5. A tail light.
      6. A brake light.
      7. Two (2) headlights.
      8. A width of not more than sixty-five (65) inches.
      9. Seats for at least two (2) occupants, with all seating designed not to be straddled.
      10. A system of seat belts, or a similar system, for restraining each occupant of the device in the event of an accident.

11. A system of structural members designed to reduce the likelihood that an occupant would be crushed as the result of a rollover of the device.
- b. A commercially designed and manufactured engine-driven device that has a net weight of more than nine hundred (900) pounds, that is originally manufactured with a width of fifty (50) inches or less, that is equipped with a seat designed to be straddled by the operator, and that is designed by the manufacturer to travel on three (3) or more low-pressure tires. [See Sec. 23.33(ng), Wis. Stats.]

## **Sec. 10-4-2 General ATV and UTV Routes and Use Regulations.**

### **(a) Operation of All-Terrain and Utility Terrain Vehicles.**

#### **(1) *Operation on Designated Routes; Prohibitions; Municipal Vehicles Exception.***

- a. Pursuant to Sec. on 23.33(4)(d)4, Wis. Stats., except as otherwise provided in Sec. 23.33(4), Wis. Stats., no person may operate an all-terrain or utility terrain vehicle on the roadway portion of any highway, street, alley, public right-of-way, park, cemetery, or on any other public property in the Village of Rio or on any parking lots held open to the public, except on roadways, right-of-ways and trails which are designated as all-terrain and utility terrain vehicle routes by Subsection (b) below. Unless authorized by the Village Board, no ATV/UTV shall be operated on any walking, bicycle, equestrian or other special use trail or path.
- b. No person shall operate an all-terrain or utility terrain vehicle upon private property without the owner's express permission except upon routes and trails designated by the Village Board as all-terrain or utility terrain vehicle routes/trails.
- c. Municipal or other governmental all-terrain or utility terrain vehicles used for governmental purposes are authorized to operate on streets and rights-of-ways.
- d. As part of a designated route system, the Village Board may designate limited access for the sole purpose of access to main designated routes or places of lodging.
- e. No person may operate an all-terrain or utility terrain vehicle in any of the following public areas of the Village of Rio unless part of a Village-designated trail or route or specific authorization is first obtained from the Village Board; Village-owned property need not be posted regarding the following prohibitions:
  1. Any Village of Rio parks.
  2. Any Village of Rio cemeteries.
  3. Any property owned or leased by the Village of Rio.
  4. On any sidewalk, designated bicycle or pedestrian lane/trail, gravel shoulder, ditch or other area of any street right-of-way other than on the paved roadway, unless specifically designated and posted otherwise by the Village.
- f. It shall be the responsibility of all-terrain and utility terrain vehicle operators to know whether they are operating on public or private property.

#### **(2) *Permissible Operation on Designated Roadways.*** Operation of all-terrain or utility terrain vehicles on a roadway in the Village of Rio that is an all-terrain and utility 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 that is safe given prevailing conditions. On paved roadways all-terrain and utility terrain vehicles must be operated on the paved portion of the roadway and not on the gravel shoulder, except when necessary to avoid other vehicles.

(b) **Designation of All-Terrain and Utility Terrain Vehicle Roadway Routes.**

- (1) All public roadways and streets in the Village of Rio, pursuant to Sec. 23.33(8)(b)(2), Wis. Stats., are designated as ATV/UTV routes.
- (2) The aforementioned routes shall not include any private roads or driveways nor any private property in the Village of Rio.
- (3) The Village of Rio retains the right to close any Village street to ATV/UTV operation for special events, street construction or repair, or for any other reason, without advance notice.
- (4) The Village of Rio neither accepts nor assumes liability for the operation of ATVs/UTVs on any Village streets under the provisions of this Section.

(c) **Designated Routes Signage/Markers.**

- (1) **Erection of Route Markers/Signage.** The Village of Rio shall be responsible for procuring, erecting and maintaining appropriate route, trail and/or speed limit signs and markers consistent with this Chapter and as required by the Wisconsin Statutes, Wisconsin Administrative Code and Wisconsin Department of Transportation and Wisconsin Department of Natural Resources standards. Specific state standards to be complied with include, but are not limited to, Sec. 23.33(8), Wis. Stats., and NR 64.12 generally and specifically NR 64.12(7)(a-d), Wis. Adm. Code. The Village shall place and maintain all ATV/UTV route signs within the Village of Rio, including, without limitation, on federal, state and county trunk highways within the Village limits.
- (2) **Trail Status/Closure.** The Village reserves the right to close or modify ATV/UTV routes at any time. The Village President, Village Administrator or the Police Department have the authority to declare all-terrain and/or utility terrain vehicle routes and trails open or closed. Such openings and closings information shall be posted as authorized by the Village of Rio.
- (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 the authority of the Wisconsin Statutes.

(d) **Conditions Applicable to All-Terrain and Utility Terrain Vehicle Roadway Routes.**

Pursuant to Section 23.33(8)(d), Wis. Stats., the following restrictions are placed on the use of the Village of Rio all-terrain and utility terrain vehicle roadway routes designated in Subsection (b) above:

- (1) **Violations Involving Signage.** All-terrain and utility terrain vehicle roadway routes shall be marked with uniform signage, applicable to both ATV and UTV operations, as prescribed in NR 64.12(7), Wis. Adm. Code, and which conform to regulations of

this Chapter and of the Wisconsin Department of Natural Resources (WisDNR) and Wisconsin Department of Transportation (WisDOT), pursuant to Subsection (c) above. No person shall do any of the following in regard to signs marking Village of Rio all-terrain and utility vehicle routes:

- a. Intentionally remove, damage, deface, move, or obstruct any uniform ATV/UTV route or trail sign or standard, or intentionally interfere with the effective operation of any uniform ATV/UTV route or trail sign or standard if the sign or standard is legally placed by the State of Wisconsin, any local government or any authorized individual or organization.
  - b. Possess any uniform all-terrain or utility terrain vehicle route or trail sign or standard of the type established by the Wisconsin Department of Natural Resources for the warning, instruction or information of the public, unless he/she obtained the uniform all-terrain or utility terrain vehicle route or trail sign or standard in a lawful manner. Possession of a uniform ATV/UTV route or trail sign or standard in a lawful manner. Possession of a uniform ATV/UTV route or trail sign or standard creates a rebuttable presumption of illegal possession.
- (2) **Cruising Prohibited.** No person shall while operating an ATV or UTV engage in the practice of cruising on any authorized roadway route/trail. "Cruising" is defined as running all or part of a designated roadway route multiple times per day, back and forth, for any purpose other than departing or arriving at their residence or place of lodging or at a public boat landing.
- (3) **Additional Route Use Regulations.** In addition to the requirements of this Section and applicable provisions of the Wisconsin Statutes adopted by reference, operators utilizing a designated trail or route shall comply with the requirements of Section 10-4-3.
- (e) **Snow Removal Exception.** For the purpose of snow removal, an all-terrain or utility terrain vehicle, with a snow removal device attached, may be operated during the period starting November 1 and ending on April 30 on a sidewalk that is not a designated route, or adjacent to a designated roadway route, when all of the following provisions are complied with:
- (1) The operator is actively engaged in snow removal activity on the property, or is enroute to or from the property, and not exceeding 5 m.p.h while on the sidewalk.
  - (2) The operator shall follow the shortest and most direct route to the property at which snow removal activities will be conducted when operating solely on sidewalks.
  - (3) The operator of the all-terrain or utility terrain vehicle engaged in snow removal operations is sixteen (16) years of age or older and has a valid driver's license.
  - (4) The ATV's/UTV's headlights are on at all times and not obstructed by the attached snow removal device.
  - (5) The operator of the all-terrain or utility terrain vehicle yields the right of way to any pedestrian or motor vehicle approaching the driveway or driveway approach.
  - (6) The manner of snow removal is consistent with Village ordinances.

- (f) **Rules of the Road.** Except as otherwise provided in Section 23.33, Wis. Stats., and herein, all-terrain vehicles and utility terrain vehicles shall follow the State of Wisconsin rules of the road that are applicable to automobiles.
- (g) **Yield to Traffic and Pedestrians.** All all-terrain and utility terrain vehicles shall yield to all vehicular traffic and pedestrian movement.

### **Sec. 10-4-3 Miscellaneous ATV/UTV Regulations.**

- (a) **Conditions of Operation.** The following conditions of operation shall apply to all operators and passengers of all-terrain and utility terrain vehicles in the Village of Rio:
  - (1) **Registration Required.** All ATV/UTV units shall be registered for public use as required by Wisconsin Department of Natural Resources ("WisDNR") regulations, and proof of registration shall be displayed as required by statute or administrative rule during all times of operation.
  - (2) **Driver's License Requirement.** Every person who operates an ATV/UTV on a segment of a Village street which is designated as an ATV/UTV route shall have in his/her immediate possession a valid motor vehicle operator's license and shall display such license upon demand from any law enforcement officer or official described in Sec. 23.33(12), Wis. Stats.
  - (3) **Insurance.** Every person who operates an ATV/UTV on a segment of a Village street which is designated as an ATV/UTV route, and/or every ATV/UTV operated on a segment of a Village street which is designated as an ATV/UTV route, shall carry liability and other insurance coverage consistent with state law for the operation of a motorized vehicle.
  - (4) **Statutory Operations Regulations.** Operation of all-terrain and utility terrain vehicles shall be subject to all provisions of Section 23.33, Wis. Stats., which is adopted above by reference as a part of this Section by Section 10-4-1(c) above, pursuant to Section 23.33(11), Wis. Stats. Specifically, no person may operate an all-terrain or utility terrain vehicle:
    - a. In any careless way so as to endanger the person or property of another.
    - b. On the private property of another without the consent of the owner or lessee. Failure to post private property does not imply consent for ATV/UTV use.
    - c. On public property that is posted as closed to ATV/UTV operation or on which the operation of an all-terrain or utility terrain vehicle is prohibited by law.
    - d. With any crossbow in his or her possession unless the crossbow is not cocked or is unloaded and enclosed in a carrying case.
    - e. With any bow in his or her possession unless the bow does not have an arrow cocked.
    - f. With any firearm in his or her possession unless the firearm is unloaded or is a handgun, as defined in Sec. 175.60(1)(bm), Wis. Stats. This limitation does not



apply to a firearm that is placed or possessed on an all-terrain or utility terrain vehicle that is stationary, as defined in Sec. 167.31(1)(fg), Wis. Stats.

- g. With a passenger riding in or on any part of a utility terrain vehicle that is not designed or intended to be used by passengers.
  - h. Unless he or she, and every occupant of the utility terrain vehicle, is seated on a seat that is original to the utility terrain vehicle as manufactured.
- (5) **Speed Limits.**
- a. All ATV/UTV operators shall observe the posted roadway speed limit, except that no ATV/UTV shall be operated in excess of 35 m.p.h. Lower speed limits may be designated on certain portions of roadway routes as deemed appropriate and indicated on appropriate signage. This speed limit shall also apply while operating on private property.
  - b. ATV/UTV operators shall slow to 10 m.p.h. when within one hundred fifty (150) feet of a residence or business, including when operating on private property held open to public ATV/UTV use. This speed limitation does not apply to a person operating an ATV/UTV on a roadway that is designated as an all-terrain vehicle route.
  - c. ATV/UTV operators shall slow to 10 m.p.h., yield and exercise extreme caution on the frozen surface of public waters or on an ATV/UTV route or trail when within one hundred (100) feet of another person not operating a motor vehicle, all-terrain vehicle, utility terrain vehicle, or snowmobile, and shall observe all other requirements in Sec. 23.33, Wis. Stats. This restriction does not apply to operation of an ATV/UTV or when competing in a sanctioned derby or race.
  - d. ATV/UTV operators shall not exceed a speed of 10 m.p.h. when within one hundred (100) feet of a fishing shanty at a speed exceeding 10 m.p.h.
  - e. ATV/UTV operators shall not exceed a speed of 15 m.p.h. when the ATV/UTV is being operated on a roadway or adjacent to a roadway with a snow removal device attached, if the ATV/UTV is more than one hundred and fifty (150) feet from a dwelling.
  - f. ATV/UTV operators shall not exceed 5 m.p.h. when the ATV/UTV is being operated on a sidewalk or driveway with a snow removal device attached, regardless of proximity to a dwelling.
- (6) **Restrictions on Equipment.** No all-terrain or utility terrain vehicle may be operated within the Village of Rio unless it complies with all noise, exhaust, registration, and other equipment standards as established in the Wisconsin Statutes, Wisconsin Administrative Code, or the Village of Rio Code of Ordinances.
- (7) **Headlight/Taillights and Trailer Requirements.** A person who operates an all-terrain or utility terrain vehicle during hours of darkness or during daylight hours on any street right-of-way is required to display a lighted headlamp and tail lamp on the vehicle, as follows:

- a. The headlamp is required to display a white light of sufficient illumination power to reveal any person, vehicle or substantial object at a distance of at least two hundred (200) feet ahead of the all-terrain or utility terrain vehicle. The headlight shall be properly adjusted so as to not interfere with the operation of other vehicles on the roadway.
  - b. Taillights shall be red in color and be observable during hours of darkness to a distance of five hundred (500) feet to the rear.
  - c. If a trailer is towed behind an all-terrain or utility terrain vehicle, the trailer shall conform with all lighting requirements applicable to an all-terrain or utility terrain vehicle.
- (8) **Unit Noise Limits.** No person may manufacture, rent, sell or operate an all-terrain or utility terrain vehicle that is configured in such a manner that noise emitted from the vehicle exceeds 96 decibels on the A scale as measured in the manner prescribed under rules promulgated by the Wisconsin Department of Natural Resources. Modifications to the muffler or exhaust systems are prohibited. Muffler and exhaust systems shall be consistent with manufacture's specifications.
- (9) **Radios or Electronic Sound Amplification Devices.** No person may operate or park, stop or leave standing an ATV or UTV while using a radio or other electronic sound amplification device emitting sound from the unit that is audible under normal conditions from seventy-five (75) feet or more, unless the electronic sound amplification device is being used to request assistance to warn against an unsafe condition.
- (10) **Operations Restrictions.** Streets, alleys, public right-of-ways or public lands, or portion thereof, designated as an official designated route, all-terrain and utility terrain vehicles operating on such Village of Rio streets, roads, and other public property shall comply with the following:
  - a. All-terrain and utility terrain vehicles shall be operated on the extreme right side of the roadway and travel with the flow of traffic.
  - b. All-terrain and utility terrain vehicles shall be operated in single-file, with headlights and taillights in operation at all times. No person shall an ATV/UTV on any designated roadway or trail without fully functional headlights, taillights and brake lights.
  - c. All-terrain and utility terrain vehicle operators shall yield the right-of-way to all other vehicular traffic and pedestrians.
  - d. No racing-type all-terrain or utility terrain vehicles, all-terrain or utility terrain vehicle conversions, or converted drive trains will be allowed on Village roads or public ways.
- (11) **Hours of Operation.** ATV/UTV operation is limited to the hours of 6:00 a.m. to 9:00 p.m. unless the operator is a current resident of the Village of Rio and is going to or from his/her place of residence.
- (12) **Operation With an Open Container; Intoxication.** It shall be unlawful for any ATV/UTV operator or passenger in or on an ATV/UTV to operate such unit while under the influence of an intoxicant, a restricted controlled substance, a controlled substance analog, or any combination of these substances, or to possess or have on

board any open container containing an alcoholic beverage while operating upon any public street, public way, public alley or public parking lot within the Village of Rio.

- (13) **Unattended Units.** No person shall leave or allow any ATV/UTV owned or operated by that person to remain unattended on any public highway or street, or on public property, while the motor is running or with the starting key left in the ignition.

(b) **Operator Standards.**

- (1) **General Standards.** Operation of an all-terrain or utility terrain vehicle on a Village street, alley or public way by unlicensed or youth operators shall be governed by the restrictions of Section 23.33(5), Wis. Stats. No person who is not lawfully licensed, or under a current driver's license suspension, revocation or cancellation for any reason, may operate a all-terrain and utility terrain vehicle upon a public street or public way in the Village of Rio except in conformance with this Section, Sec. 23.33(5), Wis. Stats., and Ch. 346, Wis. Stats.

(2) **All-Terrain Vehicles – Age Restrictions.**

- a. Subject to Subsections (b)(2)b-e, no person under the age of twelve (12) years of age may operate an all-terrain vehicle unless any of the following criteria applies:
1. He or she is operating the ATV for an agricultural purpose and he/she is under the supervision of a person over eighteen (18) years of age. "Supervision" does not require that the person under twelve (12) years of age be subject to continuous direction or control by the person over eighteen (18) years of age.
  2. He or she is operating a small all-terrain vehicle on an all-terrain vehicle trail designated by the Wisconsin Department of Natural Resources and he or she is accompanied by his or her parent or guardian or by a person who is a minimum of eighteen (18) years of age who is designated by the parent or guardian.
- b. No person who is under twelve (12) years of age may operate an all-terrain or utility terrain vehicle that is an implement of husbandry on a roadway under any circumstances.
- c. No person who is under twelve (12) years of age may operate an all-terrain vehicle or utility terrain vehicle on a roadway under the authorization provided under Sec. 23.33(4)(d)6, Wis. Stats., under any circumstances.
- d. No person who is under sixteen (16) years of age may operate an all-terrain vehicle under the authority provided under Sec. 23.33(4)(d)4 or 7, Wis. Stats., unless the person is accompanied by his or her parent or guardian or by a person who is at least eighteen (18) years of age who is designated by the parent or guardian.
- e. No person who is under sixteen (16) years of age may operate an all-terrain vehicle under the authorization provided under Sec. 23.33(4)(f), Wis. Stats., under any circumstances.
- f. No person who is under twelve (12) years of age may rent or lease an all-terrain vehicle.

(3) **Utility Terrain Vehicles – Age Restrictions.**

- a. No person under sixteen (16) years of age may operate, rent, or lease a utility terrain vehicle unless any of the following apply:
    - 1. He or she is operating the UTV for an agricultural purpose and he or she is under the supervision of a person over eighteen (18) years of age. "Supervision" does not require that the person under sixteen (16) years of age be subject to continuous direction and control by the person over eighteen (18) years of age.
    - 2. He or she is at least twelve (12) years of age, is operating a small utility terrain vehicle on an all-terrain vehicle trail designated by the Wisconsin Department of Natural Resources and he or she is accompanied by his or her parent or guardian or by a person who is at least eighteen (18) years of age who is designated by the parent or guardian.
  - b. Except as provided in Sec. 23.33(4)(d)1, 2, and 3a, Wis. Stats., no person who is under sixteen (16) years of age may operate a utility terrain vehicle on a roadway.
- (4) **Safety Certification Requirements.**
- a. No person who is at least twelve (12) years of age and who was born on or after January 1, 1988, may operate an all-terrain or utility terrain vehicle unless he or she holds a valid safety certificate issued by the Wisconsin Department of Natural Resources, another state, or a province of Canada.
  - b. Any person who is required to hold an all-terrain or utility terrain vehicle safety certificate while operating an ATV or UTV shall carry proof that the person holds a valid safety certificate and shall display this proof to a law enforcement officer upon request. Persons enrolled in a safety certification program approved by the Wisconsin Department of Natural Resources may operate an all-terrain or utility terrain vehicle in an area designated by the instructor.
  - c. Notwithstanding the safety certificate requirements under this Subsection, a person is not required to hold a safety certificate if all of the following apply:
    - 1. The person operates an all-terrain or utility terrain vehicle at an all-terrain or utility terrain vehicle demonstration event.
    - 2. The event under Subsection (b)(4)c.1 above is sponsored by an all-terrain or utility terrain dealer, an all-terrain or utility terrain vehicle club, the State of Wisconsin, a city, a village, a town, or a county.
    - 3. If the person is under eighteen (18) years of age, the person is accompanied by his or her parent or guardian or is accompanied by a person over eighteen (18) years of age who is designated by the parent or guardian.
    - 4. Notwithstanding Subsection (d)(2), the person wears protective headgear of the type required under Sec. 347.485(1), Wis. Stats.
    - 5. The person operates the all-terrain or utility terrain vehicle in a closed course area in the manner prescribed by the event sponsor.
- (5) **Age Restrictions Exceptions.**
- a. Subsections (b)(2)-(4) above do not apply to a person who operates an all-terrain or utility terrain vehicle exclusively on land that is either of the following:
    - 1. Land under the management and control of the person's immediate family.

2. Land, other than land described in Subsection (b)(5)a.1 above, on which operation is authorized.
  - b. A person who operates an all-terrain or utility terrain vehicle on land on which operation is authorized qualifies for the exception under Subsection (b)(5)a.2 above only if the person is under twelve (12) years of age and operates the all-terrain or utility terrain vehicle when accompanied by his or her parent or guardian or by a person who is at least eighteen (18) years of age who is designated by the parent or guardian.
- (c) **Use of Headgear.**
- (1) **General Requirement.** No person may operate or be a passenger on an ATV/UTV on any designated route without wearing protective headgear of the type required by Sec. 347.485(1)(a), Wis. Stats., and with the chin strap properly fastened.
  - (2) **Exceptions to Headgear Requirements.** Protective headgear required under Subsection (d)(1) above need not be worn if:
    - a. The person is a minimum of eighteen (18) years of age.
    - b. The person is traveling for the purposes of hunting or fishing and is a minimum of twelve (12) years of age.
    - c. The all-terrain or utility terrain vehicle is being operated for an agricultural purpose.
    - d. The all-terrain or utility terrain vehicle is being operated by a person on land under the management and control of the person's immediate family.
- (d) **Storage Restrictions.** No more than three (3) all-terrain or utility terrain vehicles may be parked or stored outside of a building or garage on a residential property for more than seventy-two (72) hours.
- (e) **Enforcement.** This Chapter shall be enforced by any law enforcement officer authorized to enforce the laws of the State of Wisconsin or ordinances of the Village of Rio.
- (f) **Penalties.** Wisconsin State All-Terrain and Utility Terrain Vehicle penalties as found in Sec. 23.33(13), Wis. Stats., and Chs. 340 through 348, Wis. Stats., are adopted and incorporated herein by reference. Depoits amounts for such violations shall be as set forth in the current Revised Uniform State Traffic Deposit Schedule. The penalty for any violation of this Chapter not addressed in Sec. 23.33(13), Wis. Stats., or Chs. 340 through 347, Wis. Stats., shall be a forfeiture as set forth in Section 1-1-6 of the Village of Rio Code of Ordinances.
- (g) **Required Notifications.** The Village of Rio shall submit a copy of this Chapter upon adoption to the Wisconsin Department of Natural Resources, Wisconsin State Patrol, and the County Sheriff's Department of Columbia County, as required by law.



## Title 10 ► Chapter 5

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# Abandoned and Junked Vehicles

<b>10-5-1</b>	Abandoned Vehicles; Definitions
<b>10-5-2</b>	Removal and Impoundment of Vehicles
<b>10-5-3</b>	Removal, Storage, Notice or Reclaimer of Abandoned Vehicles
<b>10-5-4</b>	Disposal of Abandoned Vehicles
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<b>10-5-6</b>	Owner Responsible for Impoundment and Disposal Costs
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<b>10-5-8</b>	Inoperable Vehicles, Junk 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 Village of Rio 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 Village of Rio or upon private or public property without the permission of the property owner or other person charged with the lawful jurisdiction thereof for more than forty-eight (48) hours, the vehicle shall be deemed abandoned and constitutes a public nuisance.
- (b) **Definitions.** For purposes of this Chapter, the following definitions shall be applicable:
- (1) **Vehicle.** A motor vehicle, trailer, semitrailer or mobile home, whether or not such vehicle is registered under Wisconsin law.
  - (2) **Unattended.** Unmoved from its location with no obvious sign of continuous human use.
  - (3) **Street.** Any public highway or alley and shall mean the entire width between the boundary lines of any public way where any part thereof is open to the public for purposes of vehicular traffic.
  - (4) **Abandoned Motor Vehicle.** Any motor vehicle which has been left or abandoned upon a public highway, the right-of-way thereof, or other publicly owned property for forty-eight (48) hours or more, or upon the property of another person without the permission of that person.

**10-5-1**

- (5) **Removal.** The physical relocation of any property hereunder to an authorized location.
- (c) **Presumptions.** For purposes of this Section, the following irrebuttable presumptions shall apply:
  - (1) A vehicle shall be presumed unattended if it is found in the same position forty-eight (48) hours after issuance of a traffic ticket, citation and if such traffic ticket or citation remains placed upon the windshield during said forty-eight (48) hours.
  - (2) Any vehicle left unattended for more than forty-eight (48) hours on any public street or public ground or left unattended for more than forty-eight (48) hours on private property without the consent of the property owner is deemed abandoned and constitutes a nuisance; provided, that the vehicle shall not be deemed abandoned under this Subsection if left unattended on private property and/or 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 which is fully in compliance with applicable zoning regulations or other Village ordinances, 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 may be removed and impounded until lawfully claimed or disposed of under the provisions of Section 10-5-3.

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

- (a) **Applicability.** The provisions of this Section shall apply to the removal, storage, notice, reclaimer or disposal of abandoned vehicles as defined in Section 10-5-1.
- (b) **Removal.** Any law enforcement officer (or other enforcement authority) who discovers any motor vehicle, trailer, semitrailer, mobile home or other vehicle described in Section 10-5-1 on any public street or highway or private or public property in the Village of Rio 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 law enforcement officer to be abandoned shall be retained in storage for a period of ten (10) 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 law 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 having a value of less than 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 law 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 Village of Rio;
  - (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 ten (10) 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 Village of Rio 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 law enforcement officer shall advise the 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 Village 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 Village of Rio shall be made available to any interested person or organization which makes a written request for such list to the Village. The Village of Rio may charge a reasonable fee for the list.

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

- (a) **Disposal Costs.** 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 Village of Rio against the owner.
- (b) **Exceptions.** 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 Inoperable Vehicles, Junk and Appliances on Private Property.**

- (a) **Purpose and Intent.** The purpose and intent of this Section is to eliminate the inappropriate and unnecessary keeping and storage of inoperable motor vehicles, motor vehicle accessories, junk and appliances on private property. The Village Board finds that such keeping and storage is unsightly, unhealthy and unsafe, and contrary to the health, safety and welfare of the residents of the Village of Rio.

(b) **Storage of Automobiles, Appliances and Other Debris Restricted.**

(1) ***Prohibition; Time Limit; Screening.***

- a. No inoperable motor vehicles, motor vehicle accessories, appliances, solid waste, or unsightly junk [including but not limited to, truck bodies, truck tractors, trailers, farm or construction machinery or implements, appliances, household furnishings, tires, lumber, bricks/blocks, vehicle parts, motor vehicle accessories, recreational vehicles (boats, trailers, campers, snowmobiles, all-terrain vehicles, utility terrain vehicles, etc.), improperly stored refuse and recyclables, scrap metal, refuse, debris, abandoned mobile home or trailer, improperly stored personal property, unsightly debris, or construction waste or debris shall be allowed by a property owner or tenant to be stored unenclosed outside of a building or within public view within the Village of Rio for a period exceeding fourteen (14) days, or outside an industrial or commercial property for more than fourteen (14) days, unless it is in connection with an authorized agricultural, commercial or industrial enterprise located on a properly zoned property maintained in such a manner as to not constitute a public nuisance, and which is fully in compliance with this Section and all other applicable Village of Rio ordinances.
- b. No disassembled, inoperable or junked farm machinery shall be kept or stored outside upon property zoned agricultural for a period exceeding thirty (30) days. A one-time thirty (30) day storage extension may be granted by the Village Board pursuant to Subsection (d) below. Violations of this Subsection are deemed to be a public nuisance. For purposes of this Section, equipment primarily used with construction or commercial contractor work is not classified as agricultural equipment, even if occasional use of such equipment is made for agricultural purposes.
- c. Thirty (30) day extension applications shall be made to the Village Board, which shall make a determination regarding such application, following recommendations from the Police Department and Zoning Administrator. The thirty (30) day extension shall run from the time of the Village Board's determination. Reconsideration of the Village Board's determination may be made to the Village Board on the basis of new information or factors being presented.
- d. No person, after notification to remove any junked or inoperable motor vehicle, abandoned motor vehicle, motor vehicle accessories or other debris in violation of this Section has been given pursuant to Village ordinances, shall move the same to another private property upon which such storage is not permitted or onto any public highway or other public property for purposes of storage.
- e. Outside storage of items listed above (but not limited to) on a commercial or industrial property shall be enclosed by a fence or other enclosure or landscaping of a design approved by the Village Board.

- (2) ***Limited Permitted Storage.*** Any business engaged in automotive sales or repair located in a properly zoned district may retain no more than three (3) disassembled,

inoperable, unlicensed or wrecked vehicles, or other item(s) listed in Subsection (b)(1), in the open and/or outside its Village-approved enclosure, for a period not to exceed thirty (30) days, after which such vehicles shall be removed.

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

(1) ***Disassembled, inoperable, junked or wrecked motor vehicles, truck bodies, tractors, trailers.***

a. Motor vehicles, recreational vehicles (boats, campers, snowmobiles, all-terrain vehicles, etc.), truck bodies, tractors, construction/contractors equipment, farm machinery, implements or trailers, and other items listed in Subsection (b), or defined in this Subsection, in such state of physical or mechanical ruin or disrepair as to be incapable of designed use or propulsion, being operated upon the public streets or highways or which is otherwise not in safe or legal condition for operation on public streets or highways, or for the equipment's design purpose, due to missing or inoperative parts, flat or removed tires, expired or missing license plates, disrepair, or other defects. Also includes any motor vehicle which is partially dismantled or wrecked and does not comply with the standards of TRANS 305, Wis. Adm. Code. For purposes of this Section, may also be referred to as "nuisance motor vehicles".

b. Included in this definition are "inoperable motor vehicles" which are motor vehicles that are incapable of operation or use upon a highway, or for the equipment's design purpose, and that have nominal or no resale value except as a source of parts or scrap or a vehicle that an insurance company has taken possession of or title to if the estimated cost of repairing the vehicle exceeds its fair market value.

c. To be considered "operable" under this Section, non-automotive equipment, such as construction or contractor's equipment, must be fully capable of starting and performing design tasks, and must be in full operation as designed at least four (4) times per year, and off-site in the case of construction/contractors equipment.

(2) ***Inoperable motor vehicle.*** Any motor vehicle which satisfies any one (1) or more of the following criteria:

a. That is partially dismantled or wrecked;

b. That is not operable;

c. That is unlicensed (when the State of Wisconsin requires licensing);

d. That could not be safely or legally operated on a highway or for its manufactured purpose;

e. That has become a habitat for rodents, vermin or insects;

f. That in any other way constitutes a threat to the public health or safety; or

g. That has not been moved under its own propulsion for a continuous period of more than forty-five (45) days.

- (3) **Unlicensed – motor vehicles, truck bodies, tractors or trailers.** Motor vehicles, truck bodies, tractors, recreational vehicles or trailers which do not bear lawful current license plates or registration stickers.
- (4) **Motor vehicle.** Is defined in Sec. 340.01(35), Wis. Stats., and further includes any self-propelled land vehicle which can be used for towing or transporting people, animals or materials, including, but not limited to, automobiles, trucks, buses, motorized campers, motorcycles, motor scooters, boats, motorized construction equipment, tractors, snowmobiles, all-terrain vehicles, etc., and trailers used with such vehicles and equipment. For purposes of this Section, "motor vehicle" includes, but is not limited to, all of the following:
- a. **Aircraft** as defined in Sec. 29.001(16), Wis. Stats.
  - b. **All-Terrain vehicles** as defined in Sec. 340.01(2g), Wis. Stats.
  - c. **Antique vehicles** as described in Sec. 341.265, Wis. Stats.
  - d. **Automobiles** as defined in Sec. 340.01(4), Wis. Stats.
  - e. **Boats** as defined in Sec. 29.001(16), Wis. Stats.
  - f. **Camping trailers** as defined in Sec. 340.01(6m), Wis. Stats.
  - g. **Farm equipment** as defined in Sec. 100.47(1), Wis. Stats.
  - h. **Farm tractors** as defined in Sec. 340.01(16), Wis. Stats.
  - i. **Hobbyist or homemade vehicles** as defined in Sec. 341.268, Wis. Stats.
  - j. **Junk vehicles** as defined in Sec. 340.01(25j), Wis. Stats.
  - k. **Implements of husbandry** as defined in Sec. 340.01(24), Wis. Stats.
  - l. **Manufactured homes** as defined in Sec. 101.91(2), Wis. Stats.
  - m. **Mobile homes** as defined in Sec. 340.01(29), Wis. Stats.
  - n. **Mopeds** as defined in Sec. 340.01(29m), Wis. Stats.
  - o. **Motor bicycles** as defined in Sec. 340.01(30), Wis. Stats.
  - p. **Motor buses** as defined in Sec. 340.01(31), Wis. Stats.
  - q. **Motor homes** as defined in Sec. 340.01(33m), Wis. Stats.
  - r. **Motor trucks** as defined in Sec. 340.01(34), Wis. Stats.
  - s. **Motorcycles** as defined in Sec. 340.01(32), Wis. Stats.
  - t. **Railroad trains** as defined in Sec. 340.01(48), Wis. Stats.
  - u. **Recreational vehicles** as defined in Sec. 340.01(48r), Wis. Stats.
  - v. **Road machinery** as defined in Sec. 340.01(52), Wis. Stats.
  - w. **Road tractors** as defined in Sec. 340.01(53), Wis. Stats.
  - x. **Salvage vehicles** as defined in Sec. 340.01(55g), Wis. Stats.
  - y. **School buses** as defined in Sec. 340.01(56), Wis. Stats.
  - z. **Semi trailers** as defined in Sec. 340.01(57), Wis. Stats.
  - aa. **Snowmobiles** as defined in Sec. 340.01(58), Wis. Stats.
  - bb. **Special interest vehicles** as defined in Sec. 341.266, Wis. Stats.
  - cc. **Trailers** as defined in Sec. 340.01(71), Wis. Stats.
  - dd. **Truck tractors** as defined in Sec. 340.01(73), Wis. Stats.

- ee. *Unlicensed demolition motor vehicles, unlicensed racing motor vehicles, and go carts, garden tractors, riding lawn mowers, and other motorized tractors, motorized carts, and motorized utility vehicles* that require no registration or licensure by the State of Wisconsin.
- (5) **Appliance.** Any stove, washer, refrigerator, freezer, dishwasher or other household or commercial appliance, whether or not it is no longer operable in the sense for which it was manufactured.
- (6) **Removal.** The physical relocation of a motor vehicle, or other item(s) in violation of this Section, to an authorized location.
- (7) **Junk.** Worn out or discarded material of little or no value, including but not limited to, household appliances or parts thereof, tools, discarded building materials or any other unsightly debris, the unsightly accumulation of which has an adverse effect upon the neighborhood or Village property values, health, safety or general welfare.
- (8) **Enclosure.** Type of construction, enclosure or screening required to hide and harbor vehicles from public view, excluding tarps, plastic sheeting, or blankets. The Village Board shall have sole authority to determine the adequacy of enclosures and their construction required under this Chapter, which may be a structure, fence, berm, vegetative screening, or other type of acceptable enclosure acceptable to the Village Board.
- (9) **Owner.** Considered to be the person(s) who either owns or occupies the premises and who may or may not be the responsible person(s) harboring such unlicensed motor vehicle.
- (10) **Abandoned mobile home or trailer.** One which has not been used or occupied, or which due to dilapidated condition cannot be occupied in a healthful manner, within the past three hundred sixty-five (365) days.
- (11) **Repair Work.** Includes mechanical, electrical and body work, maintenance, construction, reconstruction, assembly, disassembly, restoration, painting, upholstering or any similar or related work performed on any motor vehicle.
- (12) **Street Repairs.** Means "temporary repair work" performed on a motor vehicle in a manner and place which will not create a danger or hazard to vehicular or pedestrian traffic.
- (13) **Temporary Repair Work.** Repair work which is performed within twenty-four (24) hours of a motor vehicle becoming unexpectedly unroadworthy on a street, highway or thoroughfare, which work will make, or attempts to make, said motor vehicle roadworthy.
- (14) **Public View.** Items stored or maintained outside of an approved enclosure which are visible from any direction from either public right-of-ways or from property in private ownership. Covering a vehicle, appliance or junk with a tarp, blanket, etc., does not constitute compliance with this Section.
- (15) **Not Registered.** In reference to all-terrain/utility terrain vehicles, as defined in Sec. 340.01(2g), Wis. Stats., "snowmobiles" as defined in Sec. 340.01(58a), Wis. Stats.,

or "boat" as defined in Sec. 29.001(16), Wis. Stats., are those that are required to, but do not have nor bear any current and valid State of Wisconsin registrations.

- (16) **Improperly Stored Personal Property.** Any personal property open to public view which is stored or otherwise placed or kept in violation of the provisions of this Section.
  - (17) **Motor Vehicle Accessories.** Any part or parts of any motor vehicle.
  - (18) **Unightly Debris/Junk.** Any personal property which is stored in public view which is junked, discarded, unused, in disrepair or otherwise unsightly, including but not limited to, refrigerators, furnaces, washing machines, stove, machinery or machinery parts, wood, bricks, cement blocks, wood products, piles of vegetation and/or branches, bottles, rags, paper products, solid waste, barrels and other containers, miscellaneous construction materials, or other unsightly debris which is injurious to the public health, has negative impacts on property values, or which causes the air or environment to become noxious or offensive. This includes, but is not limited to, discarded or worn out materials and equipment, whether owned, abandoned, donated or purchased, regardless of whether they are being kept or stored for purposes of sale, resale or other purpose.
  - (19) **Solid Waste.** As defined in Sec. 281.01(15), Wis. Stats.
- (d) **Exceptions.**
- (1) **Exceptions Described.** This Section shall not apply to:
    - a. Any motor vehicle or motor vehicle accessories stored within an enclosed building or on the premises of a business enterprise operated in a lawful, properly zoned place in compliance with this Code of Ordinances, in such a manner as to not constitute a nuisance, when necessary to the operation of such business enterprise, or in an enclosed storage place or depository maintained in a lawful place and manner.
    - b. A vehicle meeting the standards for a "repair work" exception under Subsection (d) below.
    - c. Any business engaged in the sale, repair or storage of such unlicensed vehicles may store such vehicles provided a public nuisance is not created and activities are in full compliance with this Section, the Village Zoning Code, Property Maintenance Ordinances and other pertinent Village regulations, including enclosure requirements. The Village Board, following optional recommendations from the Building Inspector and/or Zoning Administrator, may determine the necessity of such storage and may impose limitations or require fencing or other type of approved enclosure of such non-residential properties. Appeals of determinations of the Village Board may be made to the Village Board upon presentation of new information or factors.
  - (2) **Temporary Permit.** In other situations, the Village Board may issue a one-time temporary permit, following the procedures in Subsection (b)(1)b above, permitting an extension of not to exceed an additional thirty (30) days' time to comply with this Section where exceptional facts and circumstances warrant such extension.

- (3) **Race Cars; Parts Cars; Collectible Vehicles.** No exceptions shall be recognized by the Village under this Section for vehicles deemed by their owners to be race cars, parts cars, or collectible vehicles.
- (e) **Vehicle Repair Work — Limitations.** "Repair work" of vehicles may only be performed upon observance of the following conditions and restrictions:
  - (1) **Residential Property Limitations.** "Repair work" upon residential private property cannot be performed for financial gain or profit obtained through fees, barter, charges or appreciation in the value of a motor vehicle purchased for the purpose of resale. "Repair work" upon other than residential property shall be in accordance with applicable state, county and Village ordinances, rules and regulations, licenses and permits.
  - (2) **Time Restrictions.** Except when a temporary time extension has been granted per Subsection (d)(2) above, "repair work" which renders a motor vehicle inoperable for a period of more than five (5) days shall only be performed inside a garage, shed or enclosed structure, or, in the case of a non-residential property, in a fenced area which fully screens repair work from the view of the owners, users and occupiers of abutting and neighboring properties and from the view of passersby using public thoroughfares, streets and highways.
  - (3) **Street Repairs.** "Street repairs" may be performed only within the scope of the definition thereof.
- (f) **Enforcement.**
  - (1) **Notice; Citation.**
    - a. Whenever a law enforcement officer, Building Inspector or Zoning Administrator shall observe any violation of this Section in the performance of duty, or upon complaint from any person, the law enforcement officer, Building Inspector or Zoning Administrator may investigate the parcel. The law enforcement officer, Building Inspector or Zoning Administrator shall provide written notice to the owner and/or occupant of the real estate upon which the violation is found to exist, and/or to the owner and/or occupant of such nuisance property causing the violation, to remove such violating property, either immediately in the case of any emergency, or within ten (10) days in the case of a non-emergency situation, or within the time period otherwise specified in the Village notice. Property ownership shall be determined as shown on the property tax assessment records.
    - b. If the owner of record of the private property on which such junked, inoperable or abandoned motor vehicle or other offending materials or equipment are located and cannot be notified in person, the Police Department, Building Inspector or Zoning Administrator shall send by certified mail to such person(s) a notice as set forth herein to remove the violating vehicle(s), equipment or debris within ten (10) days in the case of a non-emergency situation, or within the time period otherwise specified in the Village notice.



- c. The enforcement official shall document the time, date and place of service of the notice. Such notice shall also contain the following information:
    1. Nature of the complaint.
    2. Description and location of the motor vehicle, motor vehicle accessories, or other junk/debris or equipment in violation of this Section. If possible, the make, model, style, year and license or other identification number should be noted.
    3. Statement that the motor vehicle, motor vehicle accessories or other junk/debris or equipment in violation of this Section be removed from the premises no later than ten (10) days from the date of notification, or within the time period otherwise specified in the Village's notice.
    4. Statement that removal from the location specified in the notification to another location upon which storage is not permitted is prohibited and shall subject the person to additional penalties.
    5. Statement that if removal is made within the time limits specified, the property owner and/or occupant shall provide written notification of such removal to the Village Administrator or Police Department.
    6. Statement that failure to remove the vehicle, debris or materials within the specified time shall result in issuance of a citation to the owner and/or tenant, and possible removal of the offending materials by the Village at the cost of the property owner, or both.
  - d. In the event there is not compliance at the expiration of the notice period set forth above by the enforcement official, the Police Department shall cause to be issued a citation to the property owner and/or occupant of the property on which said violation exists and/or to the owner and/or occupant of such property causing the violation. Said citation shall provide that the violation shall be remedied:
  - e. In the case of an emergency immediately; or
  - f. In non-emergency situations, within ten (10) days, or within the time period otherwise specified in the Village's notice. Such citation shall provide for a forfeiture pursuant to Section 1-1-6.
- (2) **Removal of Violating Property.** If such violation is not remedied within the time set forth in the citation issued under Subsection (f)(1) above, the Police Department may cause the vehicle, appliance, junk/debris, or other property causing the violation to be removed and impounded, and it shall thereafter be disposed of as prescribed in Sections 10-5-3 through 10-5-6 by the Police Department, or his/her duly authorized representative. Any costs incurred in the removal and sale of said vehicle, appliance, or other violating items on the property shall be recovered from the tenant of the property from upon which it was removed and/or the owner of the property upon which it was removed. However, if the owner of the vehicle, appliance or other property can not be readily found, the cost of such removal shall be charged to the

property from which it is removed, which charges shall be entered as a special charge on the tax roll pursuant to Sec. 66.0627, Wis. Stats., or to the owner of that property in a civil action maintained against the owner to recover the Village's enforcement costs.

- (3) ***Each Day a Separate Offense; Remedies Not Limited.*** Each day a violation exists after the expiration of time set forth in the citation above shall constitute a new and separate offense for which a forfeiture may be imposed. Use of the abatement procedures in this Subsection shall not preclude the Village's use of other enforcement measures, including, but not limited to, imposing a forfeiture under Section 1-1-6 pursuant to Subsection (g) below or enforcement of nuisance regulations per Section 11-6-6, and/or injunctive relief.
- (g) **Penalty.** In addition to Subsection (e) above, any person violating this Section or who shall interfere with the enforcement of any of the provisions of this Section and shall be found guilty thereof shall be subject to a penalty as provided in Section 1-1-6. Each motor vehicle, appliance, accumulation of junk/debris or other violating property involved shall constitute a separate offense.

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

***Cross-Reference:*** Title 11, Chapter 6, Public Nuisances.

Title 15, Chapter 4, Minimum Housing and Property Maintenance Code.