

CHAPTER 7

TRAFFIC CODE

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7.001 STANDARDS FOR MOTOR VEHICLE EQUIPMENT. The statutory provisions describing and defining standards for motor vehicle equipment under Chapter 110 of the Wisconsin Statutes, and the Wisconsin Administrative Code provision adopted pursuant thereto, including Chapter TRANS 305 of the Administrative Code, exclusive of any provisions therein relating to the penalties to be imposed or the punishment for violation of same, are hereby adopted and by reference made a part of this chapter as if fully set forth herein. [Ord. 383, 523 8/02]

7.002 OFF-HIGHWAY SCHOOL PREMISES. The statutory provisions describing and defining regulations with respect to control of off-highway school premises pursuant to Sec. 118.105, Wis. Stat., shall apply to, regulate, and govern the operation and parking of motor vehicles on off-highway public school premises, school drives and parking lots, and pedestrian traffic on any such premises, drives or parking lots, where such premises, drives or

parking lots are located in the Village of Ellsworth. [Ord. 262]

7.01 STATE TRAFFIC LAWS ADOPTED. The statutory provisions describing and defining regulations with respect to vehicles and traffic in Chapters 340 - 348, Wisconsin Statutes, including the following enumerated statutes, all as time from time amended, exclusive of any provisions therein relating to the penalties to be imposed or the punishment for violation of such statutes, are hereby adopted and by reference made a part of this Chapter as if fully set forth herein, except to the extent such incorporation by reference is specifically prohibited by any section in any said Chapters, in which case such section of any such chapter is not adopted by reference. Any act required to be performed or prohibited by any Statute incorporated herein by reference is required or prohibited by this Chapter. [Ord. 143, 330, Ord. 609 12/2010]

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[Ord. 143, 148, 240, 298, 523 8/02]

7.02 THROUGH STREETS. The following streets shall be through streets:

(1) Main Street from the west Village limits to the east Village limits.

(2) Maple Street from the north curb line of Main Street to the north Village limits. [Ord. 143]

7.03 ONE-WAY STREETS AND ALLEYS. Vehicular traffic shall move only in the direction indicated on the following streets and alleys:

(1) Chestnut Street between Woodworth and Church Street, vehicular traffic to proceed north.

(2) The alley from Plum Street to Chestnut Street, all eastbound traffic upon entering Chestnut Street to turn only to the left and proceed north. [Ord. 158]

(3) Broadway Street, vehicular traffic to proceed north. The parking on such streets shall be angle parking facing north on both sides of such street. [Ord. 175]

7.04 U-TURNS PROHIBITED. In addition to the turns prohibited by Sec. 346.33, Wis. Stats., the operator of a vehicle shall not turn his vehicle so as to proceed in the opposite direction upon a street or highway at any of the following intersections:

(1) Main and Plum Streets.

(2) Main and Chestnut Streets

(3) Main and Grant Streets.

(4) Main and Bay Streets. [Ord. 149]

7.05 PARKING RESTRICTIONS. (1) PARALLEL PARKING ON CERTAIN STREETS. No person shall park a vehicle other than parallel to the edge of the street headed in the direction of traffic on the right side of the street and with the right wheels of the vehicle within twelve inches of the curb or edge of the street, and not closer than 2 feet from another vehicle upon the following streets or portions of streets:

(a) Main Street, the entire length.

(b) Plum Street, extending one block south from Main street to Spruce Street.

(c) Chestnut Street, extending one block north from Main Street to Kinne Street and one block south from Main Street to Spruce Street.

(d) Grant Street, extending one block north from Main Street to Kinne Street and one block south from Main Street.

(e) Maple Street, north of Main Street. [Ord. 143, 148]

(2) ANGLE PARKING ON CERTAIN STREETS. No person shall park a vehicle on any street or highway in the business district in said Village other than described in par. (1) of this section other than against the right-hand curb, if there be a curb, and only on the right-handed side of the street. Such vehicle shall be so parked that the right front wheel shall touch the curb, or if there be no curb, the outside line of the sidewalk, or as nearly to the outside line of the sidewalk as practicable and so that it shall make with the curb or sidewalk with its shorter angle in angle of approximately 45 degrees, and so that it shall least discommode public travel on the street and other drivers of vehicles who may desire to park, and where lines are marked on the street designating the angle for parking and the area to be occupied by each vehicle, parking shall be parallel to and between such designating lines. [Ord. 138]

(3) NO PARKING. (a) The Village Board may designate by resolution or ordinance streets with respect to which no parking is allowed, or where only restricted parking is permitted. The Director of Public Works or Chief of Police shall mark by suitable sign or curb markings those portions of streets in the Village within which parking restrictions shall apply. Length of time and other parking limits shall be specified and the signs shall include words such as "No Parking," "Two Hour Parking Only," or "Handicapped Parking Only." In addition the Director of Public Works or Chief of Police may post "No Parking" or other appropriate traffic control signs during times of public emergency, traffic accidents or road construction. [Ord. 214, 354, 447, 610 03/11, 619 01/12, 634 09/13]

(b) "Parking shall be prohibited on the following streets or portions thereof."

(1) That portion of North Maple Street between Cairns Street and the entry to the Pierce County Fair Grounds is designated a no parking area, and no vehicles may park on either side of such portion of North Maple Street at any time. [Ord. 174]

(2) East Main Street at Broadway. That portion of the South side of East Main Street from a point 72 feet east of

the east curb line of Broadway extending west for 231 feet, and no vehicle may park within such area at any time.

- (3) East Main Street At Morse. The South side of East Main Street (US Highway 10) from the center line of Morse Street to a point 490 feet East of the center line of Morse Street; and, on the North side of East Main Street from the center line of Morse Street to a point 510 feet East of the center line of Morse Street; and on the north side of Main Street 215 feet and the South side of Main 380 feet West of the center line of Morse Street.
- (4) Main Street East of Piety. The Southside of Main Street (US Highway 10) extending from the West curb of Piety Street to the West driveway curb cut of Dar Street. Also, the North side of Main Street from the East curb of Piety Street to a point directly North of the East curb of Dar Street; except that part lying between a point directly North of the East curb cut of Outlot 274 to a point directly North of the East curb cut of Beebe Street
- (5) Main Street West of Piety. That portion of the South side of Main Street (US Highway 10) extending from the West curb of Piety Street to a point 90 feet West of the West curb of Piety Street.
- (6) Main Street East of Maple. That portion of the North and South side of Main Street (US Highway 10) extending from the East curb of Maple Street to a point 44 feet East of the East curb of Oak Street.
- (7) Main Street West of Maple. That portion of the North and the South side of Main Street (US Highway 10) extending from the West curb of Maple Street to a point 207 feet West of the West curb of Oak Street.
- (8) Maple Street North of Main. That portion of the East and the West side of Maple Street (US Highway 65) extending from the North curb of Main Street to the South curb of Kinne Street.
- (9) West Kinne West of Grant. The South side of Kinne Street extending from the West curb of Grant Street to the East curb of Chestnut Street.
- (10) West Kinne West of Chestnut Street. The North side of Kinne Street from the West curb of Chestnut Street to a point 315 feet west of the West curb of Chestnut.

- (11) West Kinne East of Oak. The South side of Kinne Street from the East curb of Oak Street to a point 476 feet East of the East curb of Oak Street.
- (12) Plum Street South of Main. That portion of the East side of Plum Street extending from the South curb of Main Street to the North curb of Spruce Street.
- (13) Grant Street North of Cairns. That portion of the North and the South side of Grant Street extending from the South curb of Cairns Street 220 feet North of Grant Street.
- (14) Grant Street and Hollywood. That portion on the East side of Grant Street extending from the South curb of Hollywood 196 feet South of the South curb of Hollywood on Grant Street; and, on the West side of Grant Street from 236 feet South of the South curb of Hollywood extending 348 feet North to the East entrance of the Pierce County Fairgrounds.
- (15) Yellow Painted Curbs. That portion of any street adjacent to a yellow painted curb or otherwise designated by official traffic sign. [Ord. 634 09/13]

(c) Fair Parking. From 8:00 a.m. on the Tuesday immediately preceding the weekend of the annual Pierce County Fair at Ellsworth, Wisconsin, through the succeeding Monday, at 8:00 a.m., there shall be no parking allowed on the following Streets: [Ord. 423, 634 09/13]

Cairns St.: From Highway 65 (North Maple) east to North Grant. [Ord. 447]

(4) ALL NIGHT PARKING PROHIBITED. No person shall park on any street or highway in the Village any vehicle, except physicians on emergency calls, between 2 a.m. and 6 a.m. from and after November 1 in any year to and including March 31 in the following year. [Ord. 233, 443, 545 12/2004]

(5) TRUCK PARKING ON CERTAIN STREETS PROHIBITED. When signs are erected in any block giving notice thereof, no person shall park a truck on any portion of Main Street or on any portion of Chestnut Street at any time, except while loading or unloading, and such loading or unloading shall be accomplished diligently and with all reasonable and practical speed.

(6) PARKING LIMITS. (a) When signs are erected in any block giving notice thereof, no person shall park a vehicle at any time between 8:00 a.m. and 6:00 p.m. of any day except Sundays and public holidays for longer than 2 hours upon that portion of Broadway between Wall Street and Main Street, that portion of Wall Street between Cross Cut Avenue and Morse Street, that portion of Main Street between Maple Street and Piety

Street, that portion of Main Street between Broadway and Morse Street, or upon any street between Maple Street and Piety Street, both such streets included, for one block north and on block south of Main street near the post office designated and marked for such limited parking time. In addition to those portions of streets enumerated therein, there shall also be a two hour parking restriction as more particularly described in said Section on the North side of that portion of Kinne Street from the Southwest corner of Lot 3, Block C, Kinne's Addition to the Village of Ellsworth West to Oak Street, and on that portion of the South side of Kinne Street from a point commencing 12 feet East of the Northwest corner of Outlot 113 of the Assessor's Plat of the Village of Ellsworth East to Chestnut Street. [Ord. 143, 148, 151, 165, 172, 252, 256, 403]

(b) No person shall park a motor vehicle adjacent to any curb which is painted yellow, within the Village of Ellsworth. [Ord 252]

(c) No person other than a handicapped person, shall park a motor vehicle adjacent to any curb which is marked or posted as a handicapped parking area or stall. [Ord. 256]

(7) PARKING OF CERTAIN VEHICLES RESTRICTED. (a) Street Parking; Trucks, Trailers and Similar Vehicles. No person owning or having control of any truck, trailer, truck power unit, tractor, bus or powered recreation vehicle or combination of vehicles, weighing in excess of fifteen thousand (15,000) pounds gross weight, or over twenty-two (22) feet in length (including accessories, racks, or other physical extensions), or having a height of more than eight (8) feet from the traveled portion of the roadway, shall park the same upon any street, avenue, or public way in the Village of Ellsworth in areas zoned residential (including R-1, R-2, R-3 and R-4) or commercial. Where one side of the street is so zoned as to prohibit parking under this section, and the other side of the street is so zoned, as it would not normally prohibit such parking, parking shall be prohibited on both sides of the street. The provisions of this subsection shall not be deemed to prohibit the lawful temporary parking of such equipment upon any street, avenue or public way in the Village for the actual loading or unloading of goods, ware or merchandise, providing, however, the permissible "loading" and "unloading" as used in this subsection, shall be limited to the actual time consumed in such operation. The Village Board may, in addition, designate by resolution specific truck parking zones. [Ord 668 9/18]

(b) Forty-eight (48) Hour Limitation. Nor person shall park or leave standing any automobile, truck, boat trailer (including, but not limited to, recreational trailers, boat trailers, utility trailers, ATV/UTV trailers, and snowmobile trailers), or any other vehicle of any type or description (collectively "vehicle") on any public street or Village of Ellsworth property in the Village of Ellsworth for a period of forty-eight (48) or more consecutive hours in the same location at any time within any 120-hour period. It shall not be a defense to a citation charged under this subsection that the vehicle was not parked in the exact location and thus there is no "technical" violation. A vehicle shall be deemed in violation

of this subsection if it has been parked for more than forty-eight (48) hours out of a consecutive 120-hour period in any place in front of or adjacent to a premise owned by the same owner or related owners. "Related owners" include spouses, children, revocable and irrevocable trusts whose beneficiaries are the individual, spouses or children, stockholders in corporations and the corporation itself, and corporations and their subsidiaries. [Ord 668 9/2018]

(c) Dumpsters. No person shall place or park any dumpster or "roll off" used for collection of trash or rubbish on any street, roadway, alleyway or other public place or area unless equipped as follows:

(1) Each corner of the dumpster shall exhibit two reflective signs (one immediately adjacent to each side of the angle formed by the meeting of the two sides) of not less than 48 square inches which shall be placed at least four feet above the roadway surface. For example, a rectangular dumpster will require 8 reflective signs.

(2) Each dumpster unit shall have affixed to it the name, address and telephone number of the owner.

(3) No dumpster shall be placed upon any street or alleyway unless such dumpster is placed upon wooden planking or other similar material sufficient to protect the roadway surface.

(d) Placement of Dumpsters. The following regulations shall apply to placement of dumpsters:

(1) No dumpster used for collection of trash or rubbish shall be placed or parked on any parking space required under Chapter 46, Zoning of this code.

(2) Dumpsters used for demolition or construction debris may be allowed on a public street or alleyway only if there is no other on-site space available.

(3) Any person placing a dumpster on any street, alleyway, or other public place shall first obtain a permit from the Police Department. The fee for a permit shall be as is established from time to time by the Village Board. The form of the dumpster permit shall be as is attached here to and on file with the Village Clerk.

(e) Street Vendors. No sales of food or merchandise, including produce, flowers, crafts and artwork, may be made from vehicles, trailers, stalls, carts, wagons, tables or otherwise within the right-of-way of any street or highway in the Village of Ellsworth except such streets or highways as may be designated by the Village

Board from time to time by resolution as streets or highways, or portions thereof, upon which such sales may take place. [Ord.562 08/2006]

(f) Removal, Penalty. Any vehicle unlawfully parked under subsection (a) thru (d) above shall be deemed an abandoned vehicle for purpose of removal and may therefore be removed from the street as a public nuisance pursuant to §9.09 (2), Municipal Code. 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 impose under Section 25.04. [Ord. 515, 562 08/06, Ord. 668 9/18]

7.06 VEHICLE WEIGHT LIMITS. All streets and alleys within the Village, except those known and marked as Wisconsin State Highway 65 and Federal Highways 10 and 63, are hereby designated Class "B" Highways and shall be subject to the weight limitations imposed by Sec. 348.16, Wis. Stats. [Ord. 143, 425]

7.07 SNOWMOBILES. (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 section as if fully set forth herein. Acts required to be performed or prohibited by such statutes are required or prohibited by this section:

- (a) 350.01 Definitions
- (b) 350.02 Operation of Snowmobiles on or in the Vicinity of a Highway
- (c) 350.03 Right-of-Way)
- (d) 350.04 Snowmobile Races, Derbies and Routes
- (e) 350.045 Public Utility Exemption
- (f) 350.047 Local Ordinance to be Filed
- (g) 350.05 Operation by Youthful Operators Restricted
- (h) 350.055 Safety Certification Program Established  
[Ord. 523 8/02]
- (i) 167.31(2) Firearms and Bows [Ord. 523 8/02]
- (j) 350.07 (Driving Animals
- (k) 350.08 Owner Permitting Operation
- (l) 350.09 Head Lamps, Tail Lamps and Brakes
- (m) 350.10 Miscellaneous Provisions for  
Snowmobiles
- (n) 350.12 Registration of Snowmobiles
- (o) 350.13 Uniform Trail Signs and Standards
- (p) 350.15 Accident and Accident Reports
- (q) 350.17 Enforcement
- (r) 350.18 Local Ordinances
- (s) 350.19 Liability of Land Owners

(2) **APPLICABILITY OF RULES OF THE ROAD TO SNOWMOBILES.** The operator of a snowmobile upon a roadway shall in addition to the provisions of Ch. 350 be subject to Secs. 346.04, 346.06, 346.11, 346.14(1), 346.18, 346.19, 346.20, 346.21, 346.26, 346.27, 346.33, 346.35, 346.37, 346.39, 346.40, 346.44, 346.46, 346.47, 346.48, 346.50(1)(b), 346.51, 346.52, 346.53, 346.54, 346.55, 346.87, 346.88, 346.89, 346.90, 346.91, 346.92(1) and 346.94(1), (2) & (9), Wis. Stats. [Ord. 523 8/02]

(3) **SNOWMOBILE ROUTES AND TRAILS DESIGNATED.** (a) Except as provided in Secs. 350.02 and 350.045, Wis. Stats., or for snowmobile events authorized in accordance with Sec. 350.04, Wis. Stats., no person shall operate a snowmobile upon any public right-of-way or on any other public property in the Village, except upon the following designated snowmobile routes: Cope St. West from Walnut to S. Piety St.; North on Piety St. to Strickland; West on Strickland to S. Grant : North on Grant to Summit Ave.; East on Summit to 122 East Summit Avenue. Also, Railroad Ave. from 145 North Railroad Ave.; South to Morse St.; Morse St. to intersection with Hwy. 10. Also, South Wallace Street. Also, Kinne St. between Grant and Beulah St.; South on Beulah to intersection with Main Street. Also, Grant St. North from Summit to Cairns St.; West on Cairns across Hwy. 65, to West end of Cairns St. The designated snowmobile routes and trails shall be shown on an official map to be prepared by the Chief of Police, and left on display in his office and the office of the Village Clerk during normal business hours. [Ord. 609 12/2010]

(b) No person shall operate a snowmobile upon any State, Federal or Village highway within the Village, other than to drive directly across such street or highway at right angles to the roadway, and only at a place where no obstruction prevents a quick and safe crossing, and then only after stopping and yielding the right-of-way to all vehicles approaching on such street or highway. [Ord. 392, 406]

(4) **OPERATION ON VILLAGE STREETS.** Operators of snowmobiles:

(a) Shall yield to all vehicular traffic and pedestrian traffic.

(b) Shall come to a complete stop before entering any intersection.

(c) Shall conform with all rules and regulations set forth in Chap. 350 of the Wisconsin Statutes.

(d) Shall not operate a snowmobile on a public sidewalk provided for pedestrian travel.

(e) Shall not operate on any trails or permitted streets or crossings within the Village of Ellsworth during any period when the Pierce County snowmobile trails are closed by the Pierce County Snowmobile Council. [Ord. 406, 435]

(5) **SPEED.** All operation of snowmobiles shall be at a speed not over 15 miles per hour between 7:00 a.m. and 11:00 p.m., and not more than 10 miles per hour at other hours, whether on or off a public street; provided, however, that supervised racing contests or similar events sponsored by valid snowmobile organizations may be conducted at designated places and during designated hours upon permit therefore being obtained from the Village. Application for such permit shall be made to the Village Clerk at least 5 days prior to the day of each event, accompanied by a permit fee of \$50.00. No such event shall be conducted without permit therefore having been issued. [Ord 197, Ord. 609 12/2010]

(6) **OPERATION WITH DUE CARE.** All operation of snowmobiles in the Village shall be with due regard to the safety of the operator, his/her passengers, all other persons and the property and property rights of all persons.

(7) **REGISTRATION.** All snowmobiles operated in the Village shall be validly registered pursuant to Sec. 350.12, Wis. Stats., and shall display the registration number as required by such statute.

(8) **EQUIPMENT.** All snowmobiles operated in the Village shall be equipped with a head lamp, tail lamp and brakes as required by Sec. 350.09, Wis. Stats., and such head lamp and tail lamp shall be lighted at all times during operation of a snowmobile, regardless of the hour of the day.

(9) **OWNER PERMITTING OPERATION.** No owner or other person having charge or control of a snowmobile shall knowingly authorize or permit any person to operate such snowmobile who is incapable, by reason of age, physical or mental disability or under the influence of intoxicating liquor, fermented malt beverages, narcotics or other drugs.

(10) **MISCELLANEOUS PROVISIONS FOR SNOWMOBILE AND ALL-TERRAIN VEHICLE OPERATION.** No person shall operate a snowmobile or all-terrain vehicle in the following manner:

(a) At a rate of speed that is unreasonable or improper under the circumstances.

(b) In any careless way so as to endanger the person or property of another.

(c) While under the influence of intoxicating liquor, fermented malt beverages, narcotics or other drugs.

(d) In such a way that the exhaust of the motor makes an excessive or unusual noise.

(e) Without a functioning muffler.

(f) On the private property of another without the consent of

the owner or lessee. Failure to post private property does not imply consent for snowmobile use. Any other motor-driven craft or vehicle principally manufactured for off-highway use shall at all times have the consent of the owner before operation of such craft or vehicle on private lands.

(g) On a slide, ski or skating area except to serve the area, crossing at places where marked or after stopping and yielding the right-of-way.

(h) On or across a cemetery, burial ground, school or church property without consent of the owner.

(i) On or across a public park, street boulevard or conservancy district. [Ord. 359]

(j) The term "all-terrain vehicle," insofar as this subsection 10 applies to off-road or off-highway use, shall be deemed to include those vehicles defined in Sec. 340.01(2g), Wis. Stats., as well as any off road vehicle having less than three wheels.

#### 7.08 BICYCLE AND SKATEBOARDS REGULATED ON PUBLIC SIDEWALKS.

(1) No person shall ride a bicycle on any sidewalk in the Village.

(2) No person shall operate a skateboard on any public sidewalk on Main Street between Maple St. and Beulah St. [Ord. 579 08/06]

#### 7.085 ALL-TERRAIN VEHICLES AND ALL-TERRAIN VEHICLE ROUTES

##### (1) DEFINITIONS

(a) All-Terrain Vehicle. The term "all-terrain vehicle" includes those vehicles defined in Section 340.01(2) (g), Wis. Stats.

(b) Roadway. Any public street, highway or alley in the Village of Ellsworth.

##### (2) OPERATION OF ALL-TERRAIN VEHICLES

(a) No person may operate an all-terrain vehicle on the roadway portion of any alley, street or highway in the Village except:

(1) As otherwise provided in Wis. Stats. 23.33(4).

(2) On roadways designated as all-terrain vehicle routes under subsection (3).

(3) On all other streets other than US Highway 10, US Highway 63 and US Highway 65, when the operator of the all-terrain vehicle is driving the all-terrain vehicle

directly to or from the operator's residence to a designated all-terrain vehicle route using the shortest route reasonably possible and without deviation therefrom. US Highway 10, 63 and 65 may be crossed for the purpose permitted under this subsec.(2) (a)3. [ord. 676]

(b) The operation of all-terrain vehicles on an all-terrain vehicle route is authorized only for the extreme right side of the roadway, in the same direction as vehicular traffic flow except, left turns may be made from any part of the roadway; where it is safe to do so given prevailing conditions.

(c) All-terrain vehicles must be operated on the paved portion of the roadway and not on the dirt or gravel shoulder.

(d) All-terrain vehicles may not be operated on roads closed to vehicular traffic for maintenance, repair, construction or other purposes.

### (3) DESIGNATION OF ALL-TERRAIN VEHICLE ROUTES

The following routes are designated all-terrain vehicle routes in the Village:

The southerly one-half of Crosstown Road from the Westerly Village limits adjoining Trimble Township, crossing State Highway 65, to the intersection of Railroad Avenue; Railroad Avenue to the intersection of Wall Street and Morse Street; thence in two directions: 1) Morse Street to Main Street, terminating at US Highway 10; and 2) extending from Railroad Avenue along Wall Street to Crosscut Street, crossing U.S. Highway 10 to Hillsdale Street, then along Hillsdale Street to Pleasant Avenue; then westerly to Dar Street; then terminating on the Westerly side of Dar Street. Ridge Road from South Maple Street to County Road C. From the intersection of Crosstown Avenue and Lucas Lane; then on Lucas Lane to the intersection of Lucas Lane and the Northwesterly entrance to ShopKo parking lot; then on Lucas Lane to Overlook Drive; Overlook Drive to Brown Street; Brown Street to Industrial Road; Industrial Road to Vincent Lane, Vincent Lane to Cairns Street; Cairns Street to N. Grant Street; Grant Street to Kinne Street; thence on Kinne Street in two directions: 1) Westerly to Pierce County Government Center parking lot, and there ending; and 2) Easterly to the intersection with Beulah Street, thence to Main Street and there ending.[Ord. 647 01/2016]

### (4) CONDITIONS APPLICABLE TO ALL-TERRAIN VEHICLE ROUTES

The following restrictions are placed on the use of all-terrain vehicle routes in the Village:

(a) Routes designated by this Section shall be marked and maintained by the Pierce County ATV Association (as approved by the Public Works Director) with uniform all-terrain route signs in accordance with s. NR 64.12(7), Wisconsin Administrative Code. No person may do any of the following in regard to signs marking Village all-terrain vehicle routes:

- (1) Intentionally remove, damage, deface, move, or obstruct any uniform all-terrain vehicle route or trail sign or standard or intentionally interfere with the effective operation of any uniform all-terrain vehicle route or trail sign or standard if the sign or standard is legally placed by the state, any municipality or any authorized individual.
- (2) Possess any uniform all-terrain vehicle route or trail sign or standard of the type established by the Department of Natural Resources for the warning, instruction or information of the public, unless he or she obtained the uniform all-terrain vehicle route or trail sign or standards if the sign or standard is legally placed by the state, any municipality or any authorized individual.

(b) Operation shall be subject to all provisions of s. 23.33, Wis. Stats., which is adopted as a part of this ordinance By reference, pursuant to Sec. 23.33(11), Wis. Stats.

(5) MISCELLANEOUS PROVISIONS

(a) In addition to the provisions of Sec. 23.33, Wis. Stats., the following restrictions are placed on the use of the Village all-terrain vehicle routes designated by this Section: [ord. 676]

- (1) All-terrain vehicle operators shall observe a speed limit of 25-mph unless posted speed limit is higher, in which case the higher speed limit must be observed.
- (2) All-terrain operators shall drive single file.
- (3) The allowed hours of operation shall be from 6:00 a.m. to 9:00 p.m. [ord. 676]
- (4) All-terrain vehicle operators under the age of 18 and those born on or after January 1, 1988 shall

possess a valid state-issued ATV Safety Certification.

- (5) All-terrain operators under the ages of 12 to 15 must be under the direct supervision of a parent or legal guardian at all times when operating on a designated all-terrain vehicle route.

(b) No person shall operate an all-terrain vehicle in a manner contrary to Sec. 7.07(10) (a) through (i) of the Code of Ordinances.

(c) All-terrain vehicles operated in the Village shall be validly registered and shall display the registration number as required by law.

(d) All-terrain vehicles operated in the Village shall be equipped with such equipment as is required under State law.

(e) Operators of all-terrain vehicles shall:

- (1) yield to all vehicular traffic and pedestrian traffic,
- (2) come to a complete stop before entering any intersection,
- (3) not operate on a public sidewalk provided for pedestrian travel. [ord. 676]
- (4) operate with due regard to the safety of the operator, his/her passengers, all other persons and the property and the property rights of all persons.
- (5) Shall ride single file, [ord. 676]
- (6) Operate with headlights and taillights on at all times, [ord. 676]
- (7) Where the operator is 12 years of age but less than 16 years of age, the operator must be under the direct supervision of a parent or legal guardian at all times while operating the all-terrain vehicle, and [ord. 676]
- (8) If under the age of 18, must wear a helmet designed and approved for ATV/UTV use and safety purposes. [ord. 676]

(f) No all-terrain vehicle may be operated by any operator who is under the age of 12 years. [ord. 676]

#### (6) PENALTY

Any person violating any provision of this Section shall upon conviction

forfeit not less than \$25 nor more than \$250.

(7) This section is repealed effective 11:59 p.m. on December 31, 2020, unless otherwise extended by Ordinance of the Village Board. [Ord. 588 07/08, 590 01/09, 602 01/10, 605 06/10, 613 06/11, 619 01/12, 630 1/13, 636 12/13, 641 12/14, 646 12/15, 657 12/16, 666 12/2017, 670 12/18, 676 7/8/19, 680 12/19]

(8) This ordinance shall take effect upon passing and publication.

#### 7.086 UTILITY TERRAIN VEHICLES AND ROUTES

(1) DEFINITION: A utility terrain vehicle is defined as a motor driven device with a gross weight of more than 900 pounds but not more than 1,999 pounds that is designed to be used primarily off of a highway and that has certain characteristics such as seats for at least two (2) occupants, which are designed not to be straddled.

(2) PROVISIONS OF ALL TERRAIN VEHICLES AND ROUTES APPLY. The provisions of Sec. 7.085 concerning definitions, operation, designation of routes, conditions applicable, miscellaneous provisions and penalty provisions, as they apply to all terrain vehicles, shall also apply to utility terrain vehicles.

(3) This Section is repealed effective 11:59 p.m. on December 31, 2020, unless otherwise extended by Ordinance of the Village Board. [Ord. 623 06/12, 635 09/13, 636 12/13, 641 12/14, 646 12/15, 657 12/16, 666 12/2017, 670 12/18, 680 12/19]

7.09 DRIVING VEHICLES OVER PUBLIC AND PRIVATE PROPERTY NOT DESIGNATED FOR VEHICULAR TRAFFIC PROHIBITED. No person shall intentionally operate a motor vehicle within the Village over, on or across property owned by the Village, the County or Joint School District No. 1 of Ellsworth unless such vehicle is operated thereon in areas designated for motor vehicular traffic, or unless the property owner or the custodial authority of such property consents to such vehicle operation. [Ord. 230, 262]

7.10 OFFICIAL TRAFFIC SIGNS AND SIGNALS. (1) The Director of Public Works is hereby authorized and directed to procure, erect and maintain appropriate standard traffic signs, signals and markings conforming to the rules of the State Division of Highways giving such notice of the provisions of secs. 7.02 through 7.06 of this chapter as required by State law. Signs shall also be erected in such locations and manner as authorized by the governing body as to give adequate warning to users of the street, alley or highway in question. [Ord. 143, 148, 266, 443, Ord. 610 03/2011]

(2) REMOVAL OF UNOFFICIAL SIGNS AND SIGNALS. The Chief of Police shall have the authority granted by Sec. 346.41, Wis. Stats., and shall order the removal of a sign, signal marking or device placed, maintained or

displayed in violation of this chapter or Sec. 346.41, Wis. Stats. Any charge imposed on any premises for removal of an illegal sign, signal or device shall be reported to the Village at its next regular meeting for review and certification. [Ord. 266, 443]

7.11 SPEED RESTRICTIONS. In addition to those Speed Restrictions imposed upon vehicles under 7.01 - 346.57, the following limitations are hereby imposed:

(1) No person shall drive a vehicle at a speed in excess of 15 miles per hour on the following Streets within the Village of Ellsworth:

(a) Broadway Street

(b) Wall Street between Crosscut Street and Morse Street [Ord. 241, Ord. 609 12/2010]

7.14 DISORDERLY CONDUCT WITH A MOTOR VEHICLE. (1) No driver of any vehicle shall cause, by excessive or unnecessary acceleration, the tires of such vehicle to spin and emit loud noises, or to unnecessarily throw stones, gravel, or other material, nor shall any driver cause to be made by excessive and unnecessary acceleration any loud noise, such as would disturb the peace, nor shall any driver otherwise operate a motor vehicle within the Village limits of the Village in a manner that would disturb the public peace or endanger the safety of other motorists, pedestrians, or property. (2) Any person who violates the provisions of this section shall, upon conviction, be liable for the penalty provisions set forth in Section 25.04 of the Municipal Code. [Ord. 322, 348, 492]

7.15 Jake Brakes. No person shall use brakes in any way activated or operated by the compression of an engine (commonly known as "jake brakes") of any motor vehicle or any unit or part thereof. [Ord. 574 06/2007]

7.40 ENFORCEMENT. (1) ENFORCEMENT PROCEDURE. This chapter shall be enforced according to Secs. 66.21, 66.115, Chapter 299 and Secs. 345.20 to 345.53, Wis. Stats.

(2) DEPOSIT. Any person arrested for a violation of this chapter may make a deposit of money as directed by the arresting officer at the police station or at the office of the Clerk of Court or by mailing the deposit to such places. The arresting officer of the person receiving the deposit shall comply with Sec. 345.26, Wis Stats., or if the deposit is mailed, the signed statement required under Sec. 345.26, Wis. Stats., shall be mailed with the deposit. The arresting officer or the person receiving the deposit shall notify the arrested person, orally or in writing, that [Ord. 523 8/02]:

(a) If he fails to appear in court at the time fixed in the citation, he will be deemed to have tendered a plea of no contest and submitted to a forfeiture plus costs not to exceed the amount of the deposit; or

(b) If he fails to appear in court at the time fixed in the citation, and if the court does not accept the deposit as a forfeiture, he will be summoned into court to answer the accordance with the deposit schedule established by the Seventh Judicial Circuit. The arresting officer or the person receiving the deposit shall issue the arrested person a receipt therefore as required by Sec. 345.26 (3) (b), Wis Stats.

(c) If a deposit schedule has not been established, the arresting officer shall require the offender to deposit not less than the maximum forfeiture permitted under this chapter, plus anticipated court costs.

(3) **STIPULATION OF NO CONTEST.** Any person charged with a violation of this chapter except 7.01-346.62 and 7.01-346.63 may at the time of the alleged violation or within 5 days thereafter make a stipulation of no contest pursuant to Sec. 345.27, Wis. Stats. Such person shall at the time of entering into the stipulation make the deposit as required under sub. (2) of this section. A person who has mailed or filed or filed a stipulation under this subsection may, however, appear in court on the appearance date. [Ord. 241]

**7.45 CONSTRUCTION.** (1) The State traffic laws and Motor Vehicle Code herein adopted and incorporated by reference in this chapter are so adopted and incorporated by reference pursuant to Secs. 61.34, 349.03 and 349.06, Wis. Stats. [Ord. 523 8/02]

(2) Where this chapter adopts a State statute making an act a felony or providing a minimum prison sentence for committing or doing an act, the Village hereby adopts no such felony or minimum prison sentence provision. As provided in Sec. 66.0115, Wis. Stats., this chapter adopts only the forfeiture provisions of such State statutes. [Ord. 523 8/02]

(3) Where a State statute prohibits many acts and one or more such acts are punishable as crimes, as the term is defined in Sec. 939.12, Wis. Stats., the ordinance or the chapter or section of this Code adopting such State statute shall not be deemed to adopt those portions of such State statute which make such act or acts criminal.

(4) The reference to "Wisconsin Statutes" wherever used in this chapter shall refer to the Wisconsin Statutes for the years 1999/2000 and shall include the 2001/2002 session laws. All subsequent amendments of such Wisconsin Statutes, insofar as such amendments affect the following

enumerated sections of such Statutes, but such amendments shall be considered in strict conformity with Chs. 340-348, as provided in Sec. 349.06 (2), Wis. Stats. [Ord. 443, 523 8/02]

7.50 PENALTIES. The penalty for violation of any provision of this chapter shall be a forfeiture as hereafter provided together with costs under Sec. 345.26, Wis. Stats. [Ord. 523 8/02]

(1) STATE FORFEITURE STATUTES. Forfeitures for violation of 7.01 - 340.01 to 348.28 shall conform to the forfeiture permitted to be imposed for violation of the statutes adopted by reference, including any variations or increases for subsequent offenses, provided the minimum forfeiture for a violation of secs. 7.01 - 346.50 to 346.55 shall be \$1.00. The deposit schedule for forfeitures followed by the Village may be the same such schedule as is established pursuant to Sec. 345.26 (2)(a), Wis. Stats., and adopted by the State Board of County Judges.

(2) STATE FINE STATUTES. The forfeiture for violation of any statute adopted by reference hereunder for which the penalty is a fine shall not exceed the maximum fine permitted under such statute.

(3) LOCAL REGULATIONS. The penalty for violation of secs. 7.02 through 7.05 of this chapter shall be as provided in sec. 25.04 of this Municipal Code. [Ord. 200]