

TITLE 10

MOTOR VEHICLES AND TRAFFIC

Chapter 1	Traffic and Parking
Chapter 2	Bicycles
Chapter 3	Snowmobiles
Chapter 4	All-Terrain Vehicles and Off-Road Motor Vehicle Operation
Chapter 5	Abandoned and Junked Vehicles

Chapter 1

Traffic and Parking

Article A

General Provisions

10-1-1	State Traffic Laws Adopted
10-1-2	State Administrative Code Provisions Adopted
10-1-3	Official Traffic Signs and Control Devices; Prohibited Signs, Signals and Markers
10-1-4	Registration Record of Vehicle as Evidence
10-1-5	School Bus Warning Lights
10-1-6	Blue Warning Lights on Police Vehicles
10-1-7	Accidents Reports
10-1-8	and
10-1-9	Reserved for Future Use

Article B

Controlled Intersections; Street Traffic Regulations

10-1-10	Operators to Obey Traffic Control Devices
10-1-11	Through Streets
10-1-12	Heavy Traffic Routes
10-1-13	Speed Limits
10-1-14	Through
10-1-19	Reserved for Future Use

Article C

Parking Regulations

10-1-20	Restrictions on Parking; Posted Limitations
10-1-21	Parking Restrictions During Street Maintenance or Temporary Snow Removal
10-1-22	Stopping or Parking Prohibited in Certain Specified Places
10-1-23	Parking Reserved for Vehicles of Disabled
10-1-24	Leaving Keys in Vehicle Prohibited; Parking Vehicles with Motor Running
10-1-25	Unattended Motorized Machinery
10-1-26	Angle Parking
10-1-27	Parking Prohibited During Certain Periods
10-1-28	Unlawful Removal of Parking Citations
10-1-29	Operation of Motor Vehicles in Public Parking Lots
10-1-30	Removal of Illegally Parked Vehicles
10-1-31	Inoperable, Wrecked or Discarded Vehicles
10-1-32	Traffic and Parking Regulations on School District Grounds
10-1-33	through
10-1-39	Reserved for Future Use

Article D

Miscellaneous Provisions

10-1-40	Disorderly Conduct with a Motor Vehicle
10-1-41	Pedestrian Regulations
10-1-42	Motor Vehicles on Pedestrian Ways and Overpasses
10-1-43	School Crossing Guards
10-1-44	Driving Over Curbing or Safety Islands Prohibited
10-1-45	Railroad Train Obstruction of Village Streets
10-1-46	through
10-1-49	Reserved for Future Use

Article E

Enforcement and Penalties

10-1-50	Penalties
10-1-51	Enforcement

Article A: General Provisions

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

- (a) **Statutes Adopted.** Except as otherwise specifically provided in this Code, the statutory provisions in Chapters 340 to 349 of the Wisconsin Statutes, describing and defining regulations with respect to vehicles and traffic, for

which the penalty is a forfeiture only, 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. Any act required to be performed or prohibited by any regulation incorporated herein by reference is required or prohibited by this Chapter. Any future amendments, revisions or modifications of the statutory regulations in Chapters 340 to 349 incorporated herein are intended to be made part of this Chapter in order to secure to the extent legally practicable uniform statewide regulation of vehicle traffic on the highways, streets and alley of the State of Wisconsin. Any person who shall, within the Village of Fredonia, 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 offense under this Chapter shall be as provided in Chapter 340 to 349 of the Wisconsin Statutes and the penalty for violation thereof shall be limited to a forfeiture as hereinafter provided in this Chapter:
- 941.01 Negligent Operation of Vehicle Off Highway
 - 941.03 Highway Obstruction
 - 943.11 Entry into Locked Vehicle
 - 943.23 Operating Motor Vehicles Without Owners Consent
 - 947.045 Drinking in Motor Vehicle on Highway
- (c) **Statutes Specifically Incorporated by Reference.** Whenever this Chapter incorporates by reference specific sections of the Wisconsin Statutes, such references shall mean the Wisconsin Statutes of 1991-92 as from time to time amended, repealed or modified by the Wisconsin Legislature.
- (d) **General References.** General references in this Chapter to Wisconsin statutory sections or chapters describing or defining procedures or authority for enactment or enforcement of local traffic regulations shall be deemed to refer to the most recent enactments of the Wisconsin Legislature describing or defining such procedures or authorities.

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

- (a) **Administrative Regulations Adopted.** The following administrative rules and regulations adopted by the Secretary of the Wisconsin Department of Transportation and published in the Wisconsin Administrative Code, exclusive of any provisions therein relating to the penalties to be imposed, are hereby adopted by reference and made part of this Chapter as if fully set forth herein.
- | | |
|-------------------------|--|
| Wis. Adm. Code – MVD 3 | Reciprocity – Nonresident Motor Carriers
(Penalties of Wis. Stats. Sec. 341.04 apply) |
| Wis. Adm. Code – MVD 4 | Lettering on Vehicles, Display of Evidence
of Registration and Dual Permit |
| Wis. Adm. Code – MVD 5 | Standards for Motor Vehicle Equipment |
| Wis. Adm. Code – MVD 6 | Transportation of Explosives by Motor
Vehicle |
| Wis. Adm. Code – MVD 17 | Transportation of Explosives by Motor
Vehicle |

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

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

- (b) **Non-Compliance Prohibited.** No person shall operate or allow to be operated on any highway, street or alley within the Village a vehicle that is not in conformity with the requirements of Subsection (a) or the provisions of Sec. 110.075 and Chapter 347, Wis. Stats., incorporated by reference in Section 10-1-1 of this Chapter.
- (c) **Owner's Liability.** Any owner of a vehicle not equipped as required by this Section who knowingly causes or permits such vehicle to be operated on a highway in violation of this Section is guilty of the violation the same as if he or 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.
- (d) **Safety Checks.**
 - (1) **Operators to Submit to Inspection.** When directed to do so by any law enforcement officer, the operator of any motor vehicle shall stop and submit such vehicle to an inspection and such tests as are necessary to determine whether the vehicle meets the requirements of this Section or that the vehicle's equipment is in proper adjustment or repair. No person, when operating a motor vehicle, shall fail to stop and submit such vehicle to inspection when directed to do so by any law enforcement officer as herein provided.
 - (2) **Authority of Officer.** Any law enforcement officer of the Village is hereby empowered whenever he or she shall have reason to believe that any provision of this Section is being violated to order the operator of the vehicle to stop and to submit such vehicle to an inspection with respect to brakes, lights, turn signals, steering, horns and warning devices, glass mirrors, exhaust systems, windshield wipers, tires and other items of equipment.
 - (3) **Vehicle to be Removed from Highway.** Whenever, after inspection as provided by this Section, a law enforcement officer determines that a vehicle is unsafe for operation, he or she may order it removed from the highway and not operated, except for purposes of removal and repair until the vehicle has been repaired as directed in a repair order. Repair orders may be in the form prescribed by the secretary of the Department of Transportation under Sec. 110.075(5), Wis. Stats., and shall require the vehicle owner or operator to cause the repairs to be made and return evidence of compliance with the repair order to the department of the issuing officer within the time specified in the order.
- (e) **Penalty.** 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 Subsection (c) of this Section, together with the costs of prosecution and applicable penalty assessment.

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

- (a) **Duty of Director of Public Works 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 Director of Public Works, with the cooperation of the Village Marshal, 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 highway 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 Director of Public Works, will carry out the purposes of this Chapter and give adequate warning to users of the streets and highways of the Village of Fredonia.
- (b) **Code Numbers to be Affixed to Official Traffic Control Devices.** The Director of Public Works, or his designee, shall cause to be placed on each official traffic control sign a guide board, mile post, signal or marker erected under Subsection (a), a code number assigned by the Wisconsin Department of Transportation, and shall also place or direct the placing of code numbers on all existing official traffic control devices as required by the laws of the State of Wisconsin.
- (c) **Prohibited Signs and Markers in Highways.** No person other than an officer authorized by this Chapter to erect and maintain official traffic control devices or his or her designee shall place within the limits of any street or highway maintained by the Village any sign, signal, marker, mark or monument unless permission is first obtained from the Village Board or, where applicable, the State Highway Commission. Any sign, signal, marker, mark or monument placed or maintained in violation of this Subsection shall be subject to removal as provided in Subsection (d).
- (d) **Removal of Unofficial Signs, Markers, Signals and Traffic Control Devices.** The Director of Public Works, or his designee, may remove any sign, signal, marking or other device which is placed, maintained or displayed in violation of this Chapter or state law. Any charge imposed against premises for removal of a prohibited or illegal sign, signal, marking or device shall be reported by the Director of Public Works to the Village Board for review and certification at its next regular meeting following the imposition of the charge. Any charge not paid on or before the next succeeding November 15 shall be placed upon the tax roll for collection as other special municipal taxes.

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

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)
 - (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 operator extinguishes the flashing red warning lights.
- (b) Pursuant to Sec. 349.21(2), Wis. Stats., the use of flashing red warning lights by school bus operators is prohibited when pupils or other authorized passengers are loaded or unloaded directly from or onto the school grounds or that portion of the right-of-way between the roadway and the school grounds in a zone designated by “school” warning signs as provided in Sec. 118.08(1), Wis. Stats., in which a street or highway borders the grounds of a school.

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

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

Sec. 10-1-7 Accident Reports.

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

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

Sec. 10-1-8 and Sec. 10-1-9 Reserved for Future Use.

Article B: Controlled Intersections; Street Traffic Regulations

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

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

Sec. 10-1-11 Through Streets.

The following streets in the Village of Fredonia, in the interest of public safety, are hereby declared to be through streets:

- (a) State Highway 84 from the east to west Village limits. Motor vehicles shall come to a complete stop, pursuant to stop signs erected.

Sec. 10-1-12 Heavy Traffic Routes.

- (a) **Definition.** For purposes of this Section, heavy traffic shall be defined as:
 - (1) All vehicles not operating completely on pneumatic tires; and
 - (2) All vehicles or combination of vehicles, other than motor buses, designed or used for transporting property of any nature, including recreational vehicles, and having a gross weight of more than fifteen thousand (15,000) pounds.
- (b) **Prohibited Routes.** Heavy traffic is prohibited from using any Village street or highway not designated as heavy traffic route. This Section shall not act to prohibit heavy traffic from using a Village street or highway for the purpose of obtaining orders for supplies or moving or delivering supplies or commodities to or from any place of business or residence which has an entrance on such street or highway. Furthermore, this Section will not act to prohibit heavy traffic from using any Village streets over which are routed state trunk highways. When being driven to the site of any construction, repair or maintenance of electric, gas, or water service, vehicles owned and operated by a public utility will be exempt from the provisions of this Section.
- (c) **Administration.** The Director of Public Works shall administer this Section. Administration shall include:
 - (1) **Posting of Signs.** Appropriate signs shall be posted giving notice of this Section and of heavy traffic routes established herein. Yellow sign posts may also be used to designate heavy traffic routes.
 - (2) **Maps.** Heavy traffic routes shall be shown on the Official Traffic Map.
 - (3) **Construction Equipment.**
 - a. The Director of Public Works and Village Marshal may grant temporary permits to allow heavy construction equipment to use Village streets or highways not designated as heavy traffic routes. These permits may be granted only when use of a nondesignated route is necessary for the equipment to reach a construction site. No permit may be issued unless the person or corporation owning the equipment agrees to reimburse and hold the Village harmless for any damage done to the Village street by the equipment and/or any personal injury or property damage caused in part or in whole by the street damage.
 - (4) Village-owned or operated equipment is specifically excluded from the provisions of this Section.
- (d) **Liability.** Any operator, corporation, owner or agent whose heavy traffic vehicle damages any Village streets or highways in violating this Section shall be liable and required to pay the Village the cost of repair or replacement of the damaged street or highway.
- (e) **Special and Seasonal Weight Limitations.** The Director of Public Works shall have the authority to impose special or seasonal weight limits on any highway, bridge or culvert maintained by the Village to prevent injury to the roadway or for

the safety of the users of such bridge or culvert and shall be responsible for erecting Uniform Traffic Control Devices giving notice thereof in accordance with the proving of Section 10-1-3.

- (f) **Heavy Traffic Routes Designated.** All streets and alleys within the Village of Fredonia are designated Class “B” highways subject to the weight limitations of Sec. 348.16, Wis. Stats., except the following streets or parts thereof within the jurisdiction of the Village are hereby designated heavy traffic routes and are excepted from the Class “B” weight limitations and are designated as heavy traffic routes pursuant to Sec. 349.17, Wis. Stats.:
 - (1) Park Road.
 - (2) County Hwy. H and A.
 - (3) S. Milwaukee Street from Park Street south to Meadowlark Road.
 - (4) Industrial Drive.
 - (5) Tower Drive.
 - (6) Wisconsin Street.
 - (7) Highland Drive.
 - (8) Martin Drive.
 - (9) Wheeler Avenue.
 - (10) Park Avenue.
 - (11) Meadowlark Road.
- (g) **No Engine Braking.** No engine braking within the village limits except in emergency.

Sec. 10-1-13 Speed Limits.

- (a) **Statutes Adopted.** The provisions of Sections 346.57, 346.58 and 346.59 of the Wisconsin Statutes, relating to the maximum and minimum speed of vehicles, are hereby adopted as part of this Chapter as if fully set forth in this chapter, except as modified by this chapter.
- (b) **Twenty-five Miles Per Hour.** The maximum permissible speed shall be twenty-five miles per hour on all streets, except as modified elsewhere in this Section.
- (c) **Thirty-five Miles Per Hour.** The maximum permissible speed shall be thirty-five miles per hour on the following streets:
 - (1) Fredonia Avenue from Park Road to 937 Fredonia Avenue.
 - (2) On South Milwaukee Street from Industrial Drive south to Meadowlark Road.
- (d) **Forty-five Miles Per Hour.** The maximum permissible speed shall be forty-five miles per hour on the following streets:
 - (1) Fredonia Avenue from the western village limits to Park Road.
 - (2) Meadowlark Road.
 - (3) Hwy. H/A from eastern village limits to Hwy. 57
 - (4) Hwy. 57 southbound lanes from 2200 feet north of Hwy. H to Hwy. H.
 - (5) Airport Road from Hwy. 57 east to end of village limits.
- (e) **Fifty-five Miles Per Hour.** The maximum permissible speed shall be fifty-five miles per hour on the following streets:
 - (1) Hwy. A from intersection with Hwy. H east to end of village limits.
 - (2) Hwy. 57 southbound lanes from Hwy. H south to end of village limits.
 - (3) Hwy. 57 northbound lanes from Hwy. H north to end of village limits.

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

Article C: Parking Regulations

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

- (a) 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.
- (b) Except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic control device, no person shall stop or park a vehicle in an established no stopping or standing zone when stopping or standing is prohibited. No vehicle shall be parked in a no parking zone during hours when parking is prohibited except physicians on emergency calls or as permitted by state law or elsewhere by this Code of Ordinances.
- (c) The Village Marshal is hereby granted the authority, within the reasonable exercise of police power to prohibit, limit the time or otherwise restrict the stopping, standing or parking of vehicles beyond the provisions of Chapter 346. The Director of Public Works 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.
- (d) No prohibition, restriction or limitation on parking or restriction on movement or turning or 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.
- (e) 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.

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 roadway or any part thereof, the Director of Public Works and/or Village Marshal shall post such highways or parts thereof with signs bearing the words “No Parking – Street Maintenance Work.” Such signs shall be erected at least two (2) hours prior to the time that street maintenance work is to be commenced. No person shall park a motor vehicle in violation of such signs.
- (b) **Temporary Parking Restrictions for Special Events.** Pursuant to the provisions of Subsection 349.13, Wis. Stats., the Village Marshal is authorized to direct that temporary “No Parking” signs be erected by the Director of Public

Works during parades, festivals and other authorized events that require the regulating of vehicle stopping, standing or parking on Village roadways. The temporary regulation shall be limited to the time the event exists or is likely to exist.

- (c) **Parking During Snow Removal.** No person shall park, place or leave standing any automobile, truck or other vehicle on any street or public way after one (1) hour from the time such area has been designated and marked with signs or barriers by the Village Marshal and/or the Director of Public Works indicating no parking due to snow removal.

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.
“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 twelve (12) 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 the 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 zone.
 - (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) **Vehicle Not to Block Private Drive, Alley or Fire Lane.** No vehicle shall, at any time, be parked so as to unreasonably restrict the normal access to any private drive, alley or fire lane. Said access shall be deemed to be unreasonably restricted if any vehicle is parked within four (4) feet of either side of said access. Upon discovery by a police officer or upon complaint by the owner of any such blocked drive, alley or fire lane, the Village Marshal 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 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.

Sec. 10-1-23 Parking Reserved for Vehicles of Disabled.

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

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

- (a) **Leaving Keys in Vehicle.** No person shall permit any motor vehicle to stand or remain unattended on any street, alley other public area, except an attended parking area, unless either the starting lever, throttle, steering apparatus, gear shift or ignition of the vehicle is locked and the key for such lock is removed from the vehicle. Whenever any police officer shall find any vehicle standing with the key in the ignition in violation of this Section, such officer is authorized to remove

such key from the vehicle and deliver the key to the Police Department for safe custody.

- (b) **Parking Vehicles With Motor Running.** No person shall park or leave standing any motor vehicle with the motor or refrigerator unit running for more than thirty (30) minutes within three hundred (300) feet of any residence within the Village between the hours of 10:00 p.m. and 7:00 a.m.

Sec. 10-1-25 Unattended Motorized Machinery.

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

Sec. 10-1-26 Angle Parking.

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

Sec. 10-1-27 Parking Prohibited During Certain Periods.

- (a) **Parking Prohibited in Certain Specified Areas.** No person shall stop or leave any vehicle standing in any of the following places except temporarily for the purpose of and while actually engaged in loading or unloading or in receiving or discharging passengers and while the vehicle is attended by a licensed operator so that it may promptly be moved in case of an emergency or to avoid obstruction of traffic.
- (1) On the west side of South Milwaukee Street from Fredonia Avenue south for sixty-five (65) feet.
 - (2) On the east side of South Milwaukee Street from Fredonia Avenue south to St. Rose Avenue.
 - (3) On the north side of Fredonia Avenue from Regal Drive west to the western Village limits.
 - (4) On the north side of Fredonia Avenue from Highland east to State Highway 57.
 - (5) On the south side of Fredonia Avenue in front of school at 311 Fredonia Avenue – School Bus Loading Zone from Church entrance sidewalk east to South Wilson from 1:30 a.m. to 8:00 a.m. and from 2:30 p.m. to 3:00 p.m.
 - (6) On the east side of South Wilson Street from Fredonia Avenue south for forty (40) feet.
 - (7) On the west side of South Wilson Street from Fredonia Avenue south for forty (40) feet.
 - (8) On the south side of Fredonia Avenue from South Milwaukee Street east for ninety-six (96) feet.
 - (9) On the north side of Fredonia Avenue from Fillmore Street east for twenty-five (25) feet.
 - (10) The northeast side of Meadowbrook Drive to include the area in front of Lot 2, Block 8, Meadowbrook Estates Addition No. 2; the east half of Lot 1, Block 8, Meadowbrook Estates Addition No. 2; and the west half of Lot 3, Block 8, Meadowbrook Estates Addition No. 2.
 - (11) On the east side of Fillmore Street from Fredonia Avenue north for one hundred twenty (120) feet.
 - (12) On the west side of Fillmore Street from Fredonia Avenue north for one hundred seventeen (117) feet.
 - (13) On the south/west side of Heather Lane beginning 355 feet east of the intersection of South Milwaukee Street and Heather Lane extending 18 feet to a point ending 473 feet east of the intersection of South Milwaukee Street and Heather Lane.
 - (14) On the east side of Tower Drive for fifty (50) feet north and south of the entrance for the loading dock for 275 Industrial Drive.
 - (15) On the south side of Regal Drive, from the east end of the driveway entrance to the Post Office, east for twenty (20) feet.
 - (16) On the south side of Fredonia Avenue between the two driveway entrances to 441 Fredonia Avenue.
 - (17) On the south side of Fredonia Avenue from South Milwaukee Street west for thirty-one (31) feet.
 - (19) On Park Avenue – the entire north side of the road.
- (b) **All Night Winter Parking Regulated.**
- (1) When parking restriction signs have been erected at or reasonably near the corporate limits of the Village of Fredonia as provided under Sec. 349.13, Wis. Stats., no person shall park any vehicle on any street in the Village between the hours of 2:00 a.m. and 6:00 a.m. between the dates of December 1st and April 1st. Any vehicle ticketed during winter parking restrictions and not removed within twenty-four (24) hours will be towed away at owner's expense.
 - (2) Emergency vehicles, defined as municipality-owned or leased maintenance vehicles, ambulances, fire trucks, fire equipment, police vehicles, public or private utility company vehicles, and privately owned motor vehicles being operated by physicians, chiropractors, county health nurses, nurse practitioners and physician's assistants, actually engaged in and providing emergency services to the citizens of the Village of Fredonia on behalf of the municipality itself, on any of the streets, avenues, or highways lying within the Village of Fredonia shall be excepted from the provisions of this Subsection.
- (c) **Truck Parking Regulated.** No person shall stop or leave any commercial or business vehicle, as defined in Section 10-1-12(a)(2), standing in any of the following places except temporarily for

the purpose of and while actually engaged in loading or unloading or in receiving or discharging passengers or goods and while the vehicle is attended by a licensed operator so that it may promptly be moved in case of an emergency or to avoid obstruction of traffic.

- (1) In front of 240 Highland Drive from 7:00 a.m. to 9:00 p.m.
 - (2) On the street in any residentially zoned district.
 - (3) The trailer of any commercial or business vehicle shall not be parked on any street within the Village of Fredonia.
- (d) **Van and Truck Parking Restricted.** No person shall stop or leave any van or truck standing in any of the following places except temporarily for the purpose of and while actually engaged in loading or unloading or in receiving or discharging passengers or goods and while the vehicle is attended by a licensed operator so that it may promptly be moved in case of an emergency or to avoid obstruction of traffic.
- (1) On the north side of Fredonia Avenue from Fillmore Street east for twenty-four (24) feet.
 - (2) On the east side of Highland Drive from Fredonia Avenue north to the Northern Ozaukee School District property.
- (e) **Forty-eight (48) Hour Restricted Parking.** No person, firm, or corporation shall park or leave standing any automobile, truck, tractor, trailer or other vehicle on any public street in the Village of Fredonia 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.
- (f) **Twenty-Four (24) Hour Restricted Parking.** No person, firm, or corporation shall park or leave standing any automobile, truck, tractor, trailer, or other vehicle on any public property or parking area in the Village of Fredonia for a period of twenty-four or more consecutive hours in the same location at any time, except where more restrictive parking limits have been established the more restrictive limits shall apply.
- (g) **Parking Permit.** From time to time there may be a need to park in parking lots and on Village of Fredonia property by people or businesses of the village. Special parking permits may be issued on a limited basis. Requests for monthly parking permits may be made to the Village Clerk and need to be approved by the Village Board at the next meeting after application is made. Cost of the permits shall be \$25.00/month/space. This permit is not for storage of vehicles or trailers. It is for aiding people and businesses who need a few more parking spaces for actively used equipment. Application shall consist of person or business needing the parking space, where the space is requested, how long it is needed, and payment in advance. The board shall assign which spaces are under permit.

Sec. 10-1-28 Unlawful Removal of Parking Citations.

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

Sec. 10-1-29 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 in any private parking lot 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 and on any private parking lot, road held out for use for the general public for parking or vehicular traffic.

Sec. 10-1-30 Removal of Illegally Parked Vehicles.

- (a) **Hazard to Public Safety.** Any vehicle parked, stopped or standing upon a highway or public parking lot in violation of any of the provisions of this Chapter is declared to be a hazard to traffic and public safety.

- (b) **Removal by Operator.** Such vehicle shall be removed by the operator in charge, upon request of any law enforcement officer, to a position where the parking is permitted or to a private or public parking or storage premises.
- (c) **Removal by Law Enforcement Officer.** Any law enforcement officer after issuing a citation for illegal parking, stopping or standing of an unattended vehicle in violation of this Chapter, is authorized to remove such vehicle to a position where parking is permitted.
- (d) **Removal by Private Service.** The officer may order a motor carrier holding a permit to perform vehicle towing services, a licensed motor vehicle salvage dealer or a licensed motor vehicle dealer who performs vehicle towing services to remove and store such vehicle in any public storage garage or rental parking grounds or any facility of the person providing the towing services.
- (e) **Towing and Storage Charges.** In addition to other penalties provided in this Chapter, the owner or operator of a vehicle so removed shall pay the actual cost of moving, towing and storage. If the vehicle is towed or stored by a private motor carrier, motor vehicle salvage dealer or licensed motor vehicle dealer, actual charges regularly paid for such services shall be paid. If the vehicle is stored in a public storage garage or rental facility, customary charges for such storage shall be paid. Upon payment, a receipt shall be issued to the owner of the vehicle for the towing or storage charge.

Sec. 10-1-31 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 or parking lot longer than forty-eight (48) hours after notification thereof by the Police Department. Notification shall be accomplished by placing in a conspicuous place on the vehicle and by mailing or serving upon the owner or occupant in charge of the premises a written notice setting forth briefly the applicable provisions of this Section and the date of the notice. Any vehicle so tagged which is not removed within forty-eight (48) hours after notice is declared to be a public nuisance and may be removed as provided in Section 10-1-30.
- (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 Fredonia.

Cross-Reference: Section 10-5-1.

Sec. 10-1-32 Traffic and Parking Regulations on School District Grounds.

Pursuant to the provisions of Sec. 118.105, Wis. Stats., the following regulations shall apply to the grounds of the Northern Ozaukee School District located within the Village;

- (a) **Parking.** No person shall park any vehicle in any vehicular traveling area or parking area of the Northern Ozaukee 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 Northern Ozaukee School District grounds at a speed in excess of ten (10) miles per hour.
- (c) **Vehicles Prohibited at Specified Times.** No person shall, at any time, operate a motor vehicle other than a school bus or emergency vehicle, in or upon any drive designed for buses only by sign 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.

Sec. 10-1-33 through Sec. 10-1-39 Reserved for Future Use.

Article D: Miscellaneous Provisions

Sec. 10-1-40 Disorderly Conduct with a Motor Vehicle.

- (a) **Unnecessary Noise and Display of Power Prohibited.** It shall be unlawful for any person to operate a motor vehicle in such a manner which shall make or cause to be made any loud, disturbing, or unnecessary sounds or noises such as may tend to annoy or disturb another in or about any public or private area in the Village of Fredonia.
- (b) **Unnecessary Smoke Prohibited.** It shall be unlawful for any person to operate a motor vehicle in such a manner which shall make or cause to be made any smoke, gases, or odors which are disagreeable, foul, or otherwise offensive which may tend to annoy or disturb another in or about any public or private area in the Village.
- (c) **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.
- (d) **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.
- (e) **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 Pedestrian Regulations.

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

Sec. 10-1-42 Motor Vehicles on Pedestrian Ways and Over Passes.

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

Sec. 10-1-43 School Crossing Guards.

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

Sec. 10-1-44 Driving Over Curbing or Safety Islands Prohibited.

- (a) **Driving Over Curbing Prohibited.** It shall be unlawful for any motor vehicle to be driven or backed over any curbing in the Village of Fredonia.
- (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.

Sec. 10-1-45 Railroad Train Obstruction of Village Streets.

Section 192-292, Wis. Stats., is adopted by reference in its entirety. It shall be unlawful to stop any railroad train, locomotive, or car upon or across any Village street for a period of longer than ten (10) minutes, except in the case of accidents.

Sec. 10-1-46 through Sec. 10-1-49 Reserved for Future Use.

Article E: Enforcement and Penalties

Sec. 10-1-50 Penalties.

(a) **Forfeiture Penalty.** The penalty for violation of any provision of this Chapter shall be a forfeiture as hereafter provided, together with court costs and fees prescribed by Sections 814.63(1) and (2) or 814.65(1), Wis. Stats., the penalty assessment for moving traffic violations and the driver improvement surcharge imposed by Sections 165.87 and 346.655, Wis. Stats., where applicable. Payment of the judgment and applicable court costs, fees, assessments and surcharges may be suspended by the sentencing court for not more than sixty (60) days. Any person eighteen (18) years of age or older who shall fail to pay the amount of the forfeiture, court costs, any penalty assessment or driver surcharge or other penalty imposed for violation of any provision of this Chapter may, upon order of the court entering judgment therefore and having jurisdiction of the case, be imprisoned until such forfeiture, costs and assessment are paid, but not exceeding ninety (90) days.

(b) **Other Sanctions.**

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

(2) **By Municipality.** No person who has been convicted of a violation of any provision of this Chapter shall be issued a license or permit by the Village, except a dog license, until the forfeiture imposed for such violation and any penalty assessment, court costs and fees or surcharge is paid.

(c) **Forfeitures for Violation of Uniform Moving Traffic Regulations.** Forfeitures for violations of any moving traffic regulation set forth in the Wisconsin Statutes adopted by reference in Section 10-1-1 shall conform to the forfeiture penalty permitted to be imposed for violations of the comparable Wisconsin Statute, including any variations or increases for subsequent offenses; provided, however,

that this Subsection shall not be construed to permit prosecution under this Chapter for any offense described in Chapters 341 to 349, Wis. Stats., for which an imprisonment penalty or fine may be imposed upon the defendant.

(d) Forfeitures for Parking Violations.

(1) **Forfeitures for Uniform Statewide Parking, Stopping and Standing Offenses.** Minimum and maximum forfeiture for violation of non-moving traffic violations adopted by reference in Section 10-1-1 as described in Chapters 341 to 349, Wis. Stats., shall be as found in the current edition of the Revised Uniform State Traffic Deposit Schedule.

(2) **Penalty for Other Parking Violations.**

a. The minimum forfeiture for violation of parking regulations in Section 10-1-27 is Ten Dollars (\$10.00). If the Ten Dollar (\$10.00) fine is not paid within three (3) days, the fine shall become Fifteen Dollars (\$15.00). If paid after ten days but within 28 days, the fine shall be Twenty Dollars (\$20.00). After 28 days, the fine is \$35.00.

b. **Penalty for Other Parking Violations.** The penalty for all other parking violations not included above shall be a forfeiture of not less than Ten Dollars (\$10.00).

(e) **Other Violations.** Any person who shall violate any provision of this Chapter for which a penalty is not otherwise established by this Section shall be subject to a forfeiture of not less than Ten Dollars (\$10.00) nor more than Two Hundred Dollars (\$200.00) for the first offense and not less than Twenty Dollars (\$20.00) nor more than Four Hundred Dollars (\$400.00) for the 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 this Code, the traffic regulations in this Code shall be enforced in Circuit Court in accordance with the provisions of Sec. 345.20(2)(b) and Chapter 800, Wis. Stats.

(b) Citations.

(1) **Uniform Citation and Complaint.** The Wisconsin Uniform Traffic Citation and Complaint described and defined in the Wisconsin Statutes shall be used for enforcement of all provisions of this Chapter except those provisions which describe or define non-moving traffic violations and violations of Sections 346.71 through 346.73, Wis. Stats. Violations of Sections 346.71 through 346.73, Wis. Stats., shall be reported to the District Attorney and the Wisconsin Uniform Traffic Citation shall not be used in such cases except upon written request of the District Attorney.

(2) **Parking Citations.** The Village Attorney 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.

(c) Deposits and Stipulations.

(1) Uniform Traffic Offenses.

- a. Who May Make.** Persons arrested or cited for violation of moving traffic offenses created by this Chapter shall be permitted to make deposits and stipulations of no contest or released by the arresting officer in accordance with the applicable provisions of the Wisconsin Statutes. Stipulations of guilt or no contest may be made by persons arrested for violations of this Chapter in accordance with Sec. 66.12(1)(b) of the Wisconsin Statutes whenever the provisions of Sec. 345.27 of the Wisconsin Statutes are inapplicable to such violations. Stipulations shall conform to the form contained in the uniform traffic citation and complaint under Sec. 345.11 of the Wisconsin Statutes.
- b. Delivery or Mailing of Deposit and Stipulation.** Any person stipulating guilt or no contest under the preceding Subsection must make the deposit required under Sec. 345.26 of the Wisconsin Statutes or, if the deposit is not established under such Statute, shall deposit a forfeited penalty as provided in the schedule established by the Village Board. Deposits may be brought or mailed to the Village Clerk-Treasurer within five (5) days of the issuance of the citations in lieu of court appearance.
- c. Receipt Required.** Every official accepting a stipulation under the provisions of this Chapter shall comply with the provisions of Sections 343.27, 343.28, 345.26(1)(a) and 345.27(2) of the Wisconsin Statutes 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 of the Wisconsin Statutes. The official or person receiving the deposit shall furnish and deliver or mail an original receipt for such a deposit to the alleged violator and shall deliver the deposit and stipulation, and copy of the receipt within five (5) days to the Village Clerk-Treasurer.

(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 court prosecution by mailing or forwarding within ten (10) days of the issuance of the citation to the Village Clerk-Treasurer the minimum forfeiture specified for the violation. When payment is made as provided in this paragraph, no court costs shall be charged.
- b. Court Prosecution.** If the alleged violator does not deliver or mail a deposit as provided in Subsection a. within ten (10) days

of the date of the citation, the Village Marshal shall forward a copy of the citation to the Village Attorney for prosecution.

- c. **Registration Suspension.** If the alleged violator does not pay the forfeiture or appear in court in response to the citation for a 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. **Deposit Returned to Village Clerk-Treasurer.** Officers receiving deposits for non-moving traffic violations under this Subsection shall pay over such deposits to the Village Clerk-Treasurer within seven (7) days 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. **Bonds.** Any official authorized to accept deposits under Sec. 345.26, Wis. Stats., or this Section, shall qualify by taking the oath prescribed by Sec. 19.01, Wis. Stats.

(3) **Notice of Demerit Points and Receipt.** Every officer accepting a forfeited penalty or money deposit under this Section shall receipt therefore in triplicate as provided in Sec. 345.26(3)(b), Wis. Stats. Every officer accepting a stipulation under the provisions of this Section shall comply with the provisions of Section 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 Fredonia shall participate in the Wisconsin Department of Transportation Traffic Violation and Registration Program as set forth in Sec. 345.28, Wis. Stats., and Wis. Adm. Code Trans. 128 and all amendments or changes thereto.
- b. The Village Marshal is hereby designated as a delegated authority for purposes of Sections 85.13 and 345.28, Wis. Stats., and Wis. Adm. Code Trans. 128. The Village Marshal are authorized to perform, on behalf of the Village, all functions required of a local authority under said Statutes and Code including, but not limited to:
 - 1. Preparing and completing all forms and notices, notifying the Wisconsin Department of Transportation of unpaid citations for non-moving traffic violations.
 - 2. Specifying whether the registration of vehicles involved in unpaid citations for non-moving traffic violations should be suspended and/or whether registration should be refused for any vehicle owned by persons with unpaid citations for non-moving traffic violations.
 - 3. Determining the method by which the Village will pay the Wisconsin Department of Transportation for

- administration of the program; establishing the effective date for participation;
4. And taking such other action as is necessary to institute and continue participation in the Wisconsin Department of Transportation Traffic Violation and Registration Program
- c. 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 Marshal 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.
- d. This Section 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.

Chapter 2

Bicycles and Play Vehicles

- 10-2-1 Definitions**
- 10-2-2 Lighting and Other Equipment**
- 10-2-3 Rules of the Road**
- 10-2-4 Play Vehicles**
- 10-2-5 Bicycle Registration**
- 10-2-6 Bicycle Penalties**
- 10-2-7 Play Vehicle Penalties**

Sec. 10-2-1 Definitions.

As used in this Chapter:

- (c) **Bicycle.** Every device propelled by the feet acting upon pedals and having wheels, any two (2) of which are not less than fourteen (14) inches in diameter.

- (d) **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.
- (e) **Bike Route.** Any bicycle lane, bicycle way or highway which has been duly designated by the responsible governing body and identified by appropriate signs and markings.
- (f) **Bicycle Way.** Any path or sidewalk, or portion thereof, designated for the use of bicycles by the responsible governing body.
- (g) **Carrier.** Any device attached to a bicycle designated for carrying articles.
- (h) **Right-of-Way.** The right of one vehicle or pedestrian to proceed in a lawful manner in preference to another vehicle or pedestrian approaching under such circumstances of direction, speed and proximity as to give rise to danger of collision unless one grants precedence to the other.
- (i) **Play Vehicles.** Any coaster, skateboard, roller skates, sled, toboggan, unicycle or toy vehicle upon which a person may ride.

Sec. 10-2-2 Lighting and Other Equipment

No person shall operate a bicycle upon a highway unless equipped as required in Sec. 346.77 through 346.81 and 347.81, Wis. Stats. It shall be unlawful to operate any bicycle upon the streets, alleys, public highways, or sidewalks which has been structurally altered and is considered by the Village Marshal to be unsafe in operation.

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

The provisions of Chs. 346 and 347, Wis. Stats., and applicable Village Ordinances shall govern the operation of bicycles where appropriate.

Sec. 10-2-4 Play Vehicles.

- (a) **Play Vehicle Streets Prohibited.** No person shall operate or make use of a play vehicle on any street in the Village of Fredonia.
- (b) **Play Vehicle on Sidewalk Prohibited.** Except for tricycles, coaster wagons, and similar vehicles for young children, no person shall operate or make use of a play vehicle on any sidewalk in the Village of Fredonia in any block where a business, industry, church, school, library or park is located.
- (c) **Play Vehicle Areas Prohibited.** No person shall operate or make use of a play vehicle on any public parking lot, grounds, upon any private parking lot held out for public use or upon any private driveway or private property without the owner's express consent.
- (d) **Responsibility of Parent or Guardian for Violation of Play Vehicle Regulations.** No parent or guardian of any child shall authorize or knowingly permit such child to violate any of the provisions of this Section.
- (e) **Other Restrictions.**

- (1) An operator shall turn to the right or to the left only after giving timely warning by hand signal and only after ascertaining that such a turn may be safely made without interfering with other vehicular traffic.
 - (2) Bicycles shall be operated in single file only.
 - (3) Every person operating a bicycle shall obey all highway signs and all traffic signals.
 - (4) No person operating a bicycle shall participate in any race, speed or endurance contest with any other bicycle or vehicle, except for organized activities approved by the Village Marshal.
 - (5) No person riding upon a bicycle shall cling or attach himself or his bicycle to any other moving vehicle or sleigh. The operator of a bicycle shall not carry another person on such bicycle, except as provided hereinafter, nor shall any coaster, sled, person, or roller skaters, toy vehicle or similar vehicle be attached to or towed or drawn by any bicycle.
 - (6) No person under age twelve (12) years may convey another child on any bicycle; a person over age twelve (12) years may convey a child only if such child is securely seated on a properly constructed and installed seat or platform.
 - (7) No rider of a bicycle, while in motion, shall remove both hands from the handlebars nor his feet from the pedals, nor practice any acrobatic or unsafe riding practices.
 - (8) No bicycle shall be operated by any person over twelve (12) years of age upon any public sidewalk or upon any pedestrian path in public parks, or upon public school grounds or athletic fields, except where authorized.
 - (9) Unattended bicycles shall be placed in an erect position and shall not obstruct vehicular or pedestrian traffic on any public street, public highway, public alley or sidewalk.
 - (10) Every rider of a bicycle shall, upon entering on a public street, public highway, or public alley, yield the right-of-way to any motor vehicle traffic.
 - (11) Every bicycle, operated upon a public highway, public street, or public alley or sidewalk, as located within the Village of Fredonia, during any time between one-half (1/2) hour after sunset and until one-half (1/2) hour before sunrise, shall be equipped with a lamp on the front exhibiting a white light visible for a distance of at least five hundred (500) feet to the front and a lamp on the rear exhibiting a red light visible for a distance of five hundred (500) feet to the rear, except that a red reflector as approved by the Motor Vehicle Division of the State Department of Transportation may be used in lieu of a rear light.
- (f) **Definitions.** As used in this Section, the following terms shall have the following meanings, unless the context clearly indicated that a different meaning is intended.
- (1) **Play Vehicle.** Any coaster, skateboard, roller skates, sled, toboggan, unicycle or toy vehicle upon which a person may ride.

10-2-5 Bicycle Registration.

- (a) **Registration.** It shall be unlawful for any person to operate a bicycle on any street, alley, sidewalk, or highway within the Village of Fredonia unless said

bicycle shall first have been properly registered and licensed as hereinafter provided.

- (b) **Application for Registration.** Throughout each year, every owner or operator of a bicycle within the Village of Fredonia shall have on file with the Village of Fredonia a current registration, including a complete description of such bicycle upon a form to be provided by the Village Marshal. Such filing of description shall constitute a registration for the purposes of this Section; registrations shall be serially numbered and shall be kept on file by the Village Marshal as public record.
- (c) **Bicycle Tags.** Every owner or operator of a bicycle within the Village of Fredonia is required to have a current bicycle registration (bicycle tag) upon the bicycle prior to operation on any Village street, alley, public highway, or sidewalk. The Village Marshal or Village Clerk-Treasurer shall provide suitable duplicate records of applications and registrations and, upon receipt of the required fee, shall issue to the applicant a suitable bicycle identification sticker. Said sticker shall be affixed to the bicycle for which it is issued and shall be kept clean and visible at all times by the owner of such bicycle. All bicycle registrations, and therefore all bicycle tags/stickers, shall be issued on a permanent licensing fee basis, a fee of Two Dollars (\$2.00).
- (d) **Inspection.** The Police Department shall inspect each bicycle presented to them for registration, and they may refuse to register any bicycle found by them to be unsafe as to the mechanical condition.
- (e) **Transfers.** Within ten (10) days after any bicycle registered hereunder shall have changed ownership or been dismantled or taken out of operation, such information shall be reported to the Village Marshal or Clerk-Treasurer by the person in whose name the bicycle has been registered.
- (f) **Revocation.** Any person whose registration shall have been revoked may apply to the Village Marshal or Clerk-Treasurer for reissuance of bicycle registration and tagging thereof at the end of the period of revocations. If the Village Marshal or Clerk-Treasurer finds that such a person has not further violated the provisions of this Chapter relating to bicycles, during the revocation period, they shall reissue the license and registration upon payment of a fee of One Dollar (\$1.00).

Sec. 10-2-6 Bicycle Penalties.

- (a) Any person sixteen (16) years of age or older who shall violate any provision of this Chapter may be issued a Uniform Traffic Citation and be subject to the penalties provided by the Uniform State Traffic Deposit Schedule.
- (b) Any person fourteen (14) years of age through fifteen (15) years of age who shall violate any provisions of this Chapter may be issued a citation and be subject to the penalties provided by the Deposit Schedule and, upon conviction thereof, may be required to forfeit not more than Twenty-five Dollars (\$25.00), together with the cost of the prosecution and, in default of such payment, the Court may suspend the child's operating privileges, as defined in Sec. 340.01, Wis. Stats., for not less than thirty (30) days nor more than ninety (90) days.
- (c) Any person under fourteen (14) years of age who shall violate any provision of this Chapter may be issued a special Bicycle Violation Warning Notice along with the following additional actions:

- (1) First through third offenses in one (1) year: A warning letter sent to the parent or guardian.
- (2) Fourth and subsequent offense in the same year: Mandatory referral to Ozaukee County Juvenile Court.
- (d) Any parent or guardian of any child who authorizes or knowingly permits such child to violate any of the provisions of this Chapter may be subject to the provisions of Sections 346.77 and 346.82(1), Wis. Stats.

Sec. 10-2-7 Play Vehicle Penalties.

- (a) Any person fourteen (14) years of age and over who shall violate any provisions of this Chapter may be issued a citation and be subject to the penalties provided by the deposit schedule and, upon conviction thereof, may be required to forfeit not more than Twenty-five Dollars (\$25.00), together with the costs of prosecution.
- (b) Any person under fourteen (14) years of age who shall violate any provisions of this Chapter may receive an officer's report warning notice along with the following additional actions:
 - (1) First offense in one (1) year: A warning letter sent to the parent or guardian.
 - (2) Second or third offense in the same year: The play vehicle may be impounded by law enforcement authorities.
 - (3) Fourth and subsequent offense in the same year: Mandatory referral to Ozaukee County Juvenile Court.
 - (4) Any parent or guardian of any child who authorizes or knowingly permits such child to violate any of the provisions of this Chapter may be subject to the provisions of Sections 346.77 and 346.82(1), Wis. Stats.

Chapter 3

Snowmobiles

- 10-3-1 State Snowmobile and All-Terrain Vehicles Laws Adopted**
- 10-3-2 Applicability of Traffic Regulations to Snowmobiles**
- 10-3-3 Operation Regulated**
- 10-3-4 Unattended Vehicles**
- 10-3-5 Operation on Sidewalks Prohibited**
- 10-3-6 Snowmobile and Other Off-Highway Vehicle Operation Restricted**
- 10-3-7 Snowmobile Routes and Trails Designated**
- 10-3-8 Penalty**
- 10-3-9 Enforcement**

Sec. 10-3-1 State Snowmobile and All-Terrain Vehicles Laws Adopted.

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

350.01	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
350.45	Public Utility Exemption
350.047	Local Utility Exemption
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
350.09	Head Lamps, Tail Lamps and Brakes, Etc.
350.10	Miscellaneous Provisions for Snowmobile Operation
350.12	Registration of Snowmobiles
350.125	Completion of Application for Registration by Snowmobile Dealers
350.13	Uniform Trail Signs and Standards
350.15	Accidents and Accident Reports
350.17	Enforcement
350.18	Local Ordinances
350.19	Liability of Landowners
350.99	Parties to a Violation

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

No person shall operate a snowmobile upon any street, highway or alley within the Village of Fredonia 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 Operation Regulated.

- (a) Snowmobiles operated on designated snowmobile routes over the public highway shall observe the rules of the road for motor vehicles set forth in Chapter 345, Wis. Stats., and this ordinance.

- (b) No person shall operate a snowmobile on any public right-of-way, highway, or area adjacent to residences within the Village of Fredonia at a speed in excess of twenty (20) miles per hour.
- (c) No person shall operate a snowmobile on private property not owned or controlled by him within the Village without the express consent or permission of the owner.

10-3-4 Unattended Vehicles.

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

10-3-5 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, except as specifically authorized by Section 10-3-6 or for the purpose of crossing to obtain immediate access to an authorized area of operation.

10-3-6 Snowmobile and Other Off-Highway Vehicle Operation Restricted.

- (a) **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 state law to operate such snowmobile or who is under the influence of an intoxicated or a dangerous narcotic drug.
- (b) **Operation While Under Influence Prohibited.** Section 346.63, Wis. Stats., shall apply to the operation of a snowmobile any place within the Village.

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

- (a) **Routes Designated.** Except as provided in Sections 350.02 and 350.03, Wis. Stats., no person shall operate a snowmobile upon a public right-of-way, a public street, a public sidewalk or pedestrian way, or in any public park or other public property in the Village, except upon snowmobile routes designated by the Village Board and on file with the Clerk-Treasurer. Any Village street, excluding State Highway 84, may be used only as a most direct access route to or from the nearest marked trail or areas permitted for use, provided all other regulations are followed. Snowmobiles operated on designated snowmobile routes over public highways shall observe the rules of the road for motor vehicles set forth in Chapters 346 of the Wisconsin Statutes and which is adopted by reference and made a part of this Chapter as if fully set forth in this Chapter. Any act required to be performed or prohibited by such laws is required or prohibited by this Chapter.
- (b) **Trail Markers.** The Director of Public Works is directed and authorized to procure, erect and maintain appropriate snowmobile route, trail and limit signs

and markers as approved by the State Department of Natural Resources under Sec. 350.13, Wis. Stats. The Village Marshal shall have the power to declare the stated snowmobile routes and trails either open or closed.

- (c) **Markers to be Obeyed.** No person shall fail to obey any route or trail sign, marker or limit erected in accordance with this Section.
- (d) **Operation in Cemeteries.** Snowmobiles are prohibited from operating in cemeteries within the Village.

Cross-Reference: Section 10-4-2.

Sec. 10-3-8 Penalty.

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

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 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 Sections 10-3-1 of this Chapter.
 - (c) **Other Violations.** All violations of this Chapter not described in Subsections (a) or (b) shall be enforced in accordance with Sections 66.12 and 66.114 of the Wisconsin Statutes. Stipulations of guilt or no contest may be made as provided in Sec. 66.12(1)(b), Wis. Stats., in substantially the form provided in the uniform traffic citation within five (5) days of the date of the citation for such violation. Bail deposits may also be made under Sec. 66.12, Wis. Stats. Such deposits shall include a Three Dollar (\$3.00) Clerk's fee and costs of prosecutions.
 - (d) **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.
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Chapter 4

All-Terrain Vehicles and Off-Road Motor Vehicle Operation

10-4-1 State All-Terrain Vehicles Laws Adopted

10-4-2 Unauthorized Operation of Motor Vehicles on Public or Private Property

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

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

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

Sec. 10-4-2 Unauthorized Operation of Motor Vehicles on Public or Private Property.

(a) **Purpose.**

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

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

- (1) **Unauthorized** shall mean without the express prior consent of the owner, lessee, manager or other person authorized to give consent by the owner or lessee of land. Authorization shall not be implied from a failure to post private or public land.
 - (2) **Off-Road** shall mean any location which:
 - a. Is not a paved or maintained public street or alley; or
 - b. Is not used or maintained by the owner or lessee of land as a driveway, parking lot or other way for motor vehicles; or
 - c. Is a private trail for use only by the owner of his permittees for recreational or other vehicular use. Off-road shall not include any creekbed, riverbed or lake provided, however, that this Subsection shall not apply to snowmobiles or other vehicles being operated on the ice covering such creekbed, riverbed or lake.
 - (3) **Operation** shall mean the physical manipulation or activation of any of the controls of a motor vehicle necessary to put it in motion.
 - (4) **Motor Vehicle** shall mean, for purposes of this Section, any vehicle which is self-propelled and shall include but not be limited to automobiles, trucks, jeeps, vans, motorcycles, motorbikes, go-karts, motorized three-wheeled vehicles, all-terrain vehicles, mopeds, snowmobiles, dune buggies and tractors. Motor vehicle shall not mean any airplane, railroad train, boat, wheelchair or bicycle. A vehicle which would otherwise be defined as a motor vehicle under this Section shall not be so defined while:
 - a. It is being operated solely for the purpose of construction or maintenance of an improvement to land or solely for access to construction or maintenance sites provided such operation is by persons having legitimate business on such lands or sites;
 - b. It is being operated by or at the direction of public employees or utility company employees as part of their employment duties.
 - c. It is being operated by the holder of an easement or right of access on or over the land on which operation is occurring or the holder's employees or agents.
- (c) **Unauthorized Off-Road Operation Prohibited.**
- (1) The unauthorized off-road operation of a motor vehicle is prohibited.
 - (2) Except for authorized maintenance vehicles and snowmobiles or all-terrain vehicles operating in areas authorized by the Village Board, it shall be unlawful to operate any minibike, go-kart, all-terrain vehicle or any other motor-driven craft or vehicle principally manufactured for off-highway use on the Village streets, alleys, parks, sidewalks, bikeways, parking lots or on any public lands or private lands or parking lots held open to the public. The operator shall at all times have the written consent of the owner before operation of such craft or vehicle on private lands.

Chapter 5

Abandoned and Junked Vehicles

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

Sec. 10-5-1 Abandoned Vehicles; Definitions.

- (a) **Abandonment of Vehicles Prohibited.** No person shall leave unattended any motor vehicle, trailer, semi-trailer or mobile home on any public street or highway or private or public property in the Village of Fredonia 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 Fredonia or upon private or public property without the permission of the property owner or other person charged with the lawful jurisdiction thereof for more than seventy-two (72) hours, the vehicle shall be deemed abandoned and constitutes a public nuisance.
- (b) **Definitions.** For purposes of this Chapter, the following definitions shall be applicable:
 - (1) **Vehicle.** A motor vehicle, trailer, semi-trailer, 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.
- (c) **Presumptions.** For purposes of this Section, the following irrebuttable presumptions shall apply:
 - (1) A vehicle shall be presumed unattended if it is found in the same position seventy-two (72) hours after issuance of a traffic ticket or citation and if such traffic ticket or citation remains placed upon the windshield during said seventy-two (72) hours.
 - (2) Any vehicle left unattended for more than seventy-two (72) hours on any public street or public ground or left unattended for more than seventy-two (72) hours on private property without the consent of the property owner is deemed abandoned and constitutes a nuisance; provided, that the vehicle shall not be deemed abandoned under this Subsection if left unattended on private property outside of the public view and is enclosed within a building, or if designated as not abandoned by the Village Marshal.

- (d) **Exceptions.** This Section shall not apply to a vehicle in an enclosed building or a vehicle stored on a premises licensed for storage of junk or junked vehicles and fully in compliance with Village zoning regulations, or to a vehicle parked in a paid parking lot or space where the required fee has been paid.

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

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

Sec. 10-5-3 Removal, Storage, Notice of 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.**
- (1) Any law enforcement officer who discovers any motor vehicle, trailer, semi-trailer or mobile home on any public street or highway or private or public property in the Village of Fredonia which has been abandoned shall cause the vehicle to be removed to a suitable place of impoundment.
 - (2) Upon removal of the vehicle, the officer shall notify the Village Marshal or his designee of the abandonment and of the location of the impounded vehicle.
- (c) **Storage and Reclaimer.** Any abandoned vehicle which is determined by the Village law enforcement officers to be abandoned shall be retained in storage for a period of fourteen (14) days after certified mail notice, as hereinafter provided, has been sent to the Wisconsin titled owner and/or secured party of record with the Wisconsin Motor Vehicle Division, except that if Village law enforcement officers determine 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 seven (7) days 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 in excess of One Hundred Dollars (\$100.00). Any such vehicle which may be lawfully reclaimed may be released upon the payment of all accrued charges, including towing, storage and notice charges and upon presentation of the vehicle title or other satisfactory evidence to the Village Marshal or his designee 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 Fredonia;
- (2) The “determined value” of the abandoned vehicle;
- (3) If the cost of towing and storage costs will exceed the determined value of the vehicle;
- (4) That if the vehicle is not wanted for evidence or other reason, the vehicle may be reclaimed upon the payment of all accrued charges, including towing, storage and notice charges, within fourteen (14) days of the date of notice, unless the vehicle has been determined to have a value less than One Hundred Dollars (\$100.00) or that the cost of towing and storage charges for impoundment will exceed the value of the vehicle, in which case the vehicle may be reclaimed within seven (7) days upon the payment of the aforesaid charges; and
- (5) That the owner of 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 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 1 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 Village Marshal or his designee shall advise the State of Wisconsin Department of Transportation, Division of Motor Vehicles, of such sale or disposal on a form supplied by said Division. A copy of the form shall be given to the purchaser of the vehicle enabling the purchaser to obtain a regular certificate or 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 shall be made available to any interested person or organization which makes a written request for such list to the Village Marshal. The Village may charge a reasonable fee for the list.

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

- (a) The owner of any abandoned vehicle, except a stolen vehicle, is responsible for the abandonment and all costs of impounding and disposing of the vehicles.

Costs not covered from the sale of the vehicle may be recovered in a civil action by the Village against the owner.

- (b) Payment of removal and impoundment costs is not required when the vehicle has been impounded for purposes of law enforcement investigation.

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

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

Sec. 10-5-8 Junked Vehicles and Appliances on Private Property.

(a) Storage of Automobiles Restricted.

- (1) No disassembled, inoperable, unlicensed, junked or wrecked motor vehicles, truck bodies, tractors, trailer, farm machinery, vehicle parts or tires, or appliances or construction debris, shall be stored upon private residential property or unenclosed within a building upon nonresidential property within the Village of Fredonia for a period exceeding ten (10) days unless it is in connection with a licensed junk dealer located in a properly zoned area maintained in such a manner as to not constitute a public nuisance.
- (2) The enclosure fence required by this Section shall be a minimum of five (5) feet and a maximum of eight (8) feet in height. Such fence shall be of solid wood construction of a design first approved by the Building Inspector. No such fence shall be allowed to deteriorate into an unsightly or hazardous condition; the fence shall be properly painted or stained. The finished side of the fence shall face the outside of the property.

(b) Definitions.

- (1) The term “disassembled, inoperable, junked or wrecked motor vehicles, truck bodies, tractors, trailers” as used in this Section is defined as follows: motor vehicles, recreational vehicles, truck bodies, tractors, farm machinery or trailers in such state of physical or mechanical ruin as to be incapable of propulsion, being operated upon the public streets or highways or which is otherwise not in safe or legal condition for operation on public street or highways due to missing or inoperative parts, flat or removed tires, expired or missing license plates or other defects.
- (2) The term “unlicensed – motor vehicles, truck bodies, tractors or trailers” as used in this Chapter is defined as follows: motor vehicles, truck bodies, tractors, recreational vehicles or trailers which do not bear lawful current license plates.
- (3) The term “motor vehicle” is defined in Sec. 340.01 (35), Wis. Stats.
- (4) The term “inoperable appliance” is defined as any stove, washer, refrigerator or other appliance which is no longer operable in the sense for which it was manufactured.

- (c) **Exceptions.** This Section shall not apply to any motor vehicle or motor vehicle accessories stored within an enclosed building or on the premises of a business enterprise operated in a lawful place and manner in a properly zoned area when necessary to the operation of a licensed junk dealer, in a storage place or

depository maintained in a lawful place and manner, or seasonal use vehicles such as snowmobiles, motorcycles, motor scooters and nonmotorized campers, provided such vehicles are stored in compliance with the Ordinances of the Village. Also excepted are motor vehicles registered pursuant to Sections 341.265 and 341.266, Wis. Stats. In other situations the Village Board may issue temporary permits permitting an extension of not to exceed an additional thirty (30) days' time to comply with this Section where exceptional facts and circumstances warrant such extension.

(d) Enforcement.

(1) Whenever the Village law enforcement officers shall find any vehicles, vehicle parts or tires, or appliances, as described herein, placed or stored in the open upon private property within the Village, they shall notify the owner of said property on which said vehicle or appliance is stored of the violation of this Section. If said vehicles, part thereof or appliance is not removed within five (5) days, the Village law enforcement officer shall cause to be issued a citation to the property owner or tenant of the property upon which said vehicle or appliance is stored.

(2) If such vehicle or appliance is not removed within twenty (20) days after issuance of a citation, Village law enforcement officers shall cause the vehicle or appliance to be removed and impounded, and it shall thereafter be disposed of as prescribed in Sections 10-5-3 through 10-5-6 by Village law enforcement officer or their duly authorized representative. Any cost incurred in the removal and sale of said vehicle or appliance shall be recovered from the owner. However, if the owner of the vehicle or appliance cannot readily be found, the cost of such removal shall be charged to the property from which it is removed, which charges shall be entered as a special charge on the tax roll.

(e) Penalty. Any person who shall interfere with the enforcement of any of the provisions of this Section and shall be found guilty thereof shall be subject to a penalty as provided in Section 1-1-6. Each motor vehicle or appliance involved shall constitute a separate offense.

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