

## **CHAPTER 4**

### **TRAFFIC CODE**

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#### 4.01 STATE TRAFFIC LAWS ADOPTED

Except as otherwise specifically provided in this Code, the statutory provisions of sec. 110.075, Trans. 305 and Chapters 340 to 349 of the Wisconsin Statutes, describing and defining regulations with respect to vehicles and traffic, exclusive of any regulations for which the statutory penalty is a fine or term of imprisonment are hereby adopted and by reference made a part of this code 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 Code. 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 Code in order to secure to the extent legally practicable uniform statewide regulations of vehicle traffic on the highways, streets, and alleys of the State of Wisconsin.

#### 4.02 OFFICIAL TRAFFIC MAP AND CONTROL DEVICES: PROHIBITED SIGNS, SIGNALS AND MARKERS

- (1) *DUTY OF DIRECTOR OF PUBLIC WORKS TO ERECT AND INSTALL UNIFORM TRAFFIC CONTROL DEVICES.* Whenever traffic regulations created by this code, including a State of Wisconsin traffic regulation adopted by reference in Section 4.01, require the erection of traffic control devices for enforcement, the Director of Public Works shall procure, erect and maintain uniform traffic control devices conforming to the Uniform Traffic Control Device Manual promulgated by the Wisconsin Department of Transportation,

giving notice of such traffic regulation to the users of the streets and highways on which such regulations apply. Whenever State law grants discretion to local authorities in erecting or placement of a uniform traffic control device, devices shall be erected in such locations and in such manner as in the judgment of the Director of Public Works will carry out the purposes of this code and give adequate warning to users of the streets and highways of the Village of Eagle.

- (2) *CODE NUMBERS TO BE AFFIXED TO OFFICIAL TRAFFIC CONTROL DEVICES.* The Director of Public Works shall cause to be placed on each official traffic control sign, guide board, mile post, signal or marker erected under subsection (1) 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.
  
- (3) *OFFICIAL TRAFFIC MAP.*
  - (a) Official Traffic Map Established. - There is hereby established an Official Traffic Map for the Village of Eagle, upon which shall be indicated no parking areas, restricted parking areas, stop signs, arterial intersections, yield signs, special speed limits, one-way highways, school crossings and all other restrictions or limitations contained in this code, as from time to time amended or modified by the Village of Eagle when the laws of the State of Wisconsin require the erection or use of official traffic control devices to enforce such restrictions or limitations.
  - (b) Violations Prohibited. - When official traffic control devices giving notice of the restrictions, prohibitions and limitations shown on the Official Traffic Map are erected and maintained in accordance with the provisions of this section, a violation of the restriction, prohibition or limitation shown on the Official Traffic Map shall be a violation of the provisions of this code.

- (c) Map To Be Maintained. - A copy of the Official Traffic Map shall be maintained and displayed in the office of the Village of Eagle.
  - (d) Additions to Map. - The Village Board may from time to time, make additions to or deletions from the Official Traffic Map and the Chief of Police shall keep such Official Traffic Map current.
- (4) *PROHIBITED SIGNS AND MARKERS IN HIGHWAYS.* No person, other than an officer authorized by this code 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 of Eagle, any sign, signal, marker or monument unless permission is first obtained from the Director of Public Works or 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 sub (5).
- (5) *REMOVAL OF UNOFFICIAL SIGNS, MARKERS, SIGNALS AND TRAFFIC CONTROL DEVICES.* The Director of Public Works may remove any sign, signal, marking or other device, which is placed, maintained or displayed in violation of this code 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 rolls for collection as other special Municipal taxes.

#### 4.03 SPEED LIMITS

The Village Board hereby determines that the statutory speed limits on the following street or portions thereof are unreasonable, unsafe and modifies such speed limits as follows:

- (1) *SPEED LIMITS SET.* - Speed limits are set as follows upon the following designated streets or portions thereof:

*Residential Zones –*

- (a) 25 miles per hour on C.T.H. NN (Main Street) from east Village limits to Kettle Moraine Drive.
- (b) 45 miles per hour on S.T.H. 59 (Waukesha Road) from the east Village limits to North Sherman Street.
- (c) 30 miles per hour on S.T.H. 59 from its intersection with the northeast junction of N. Sherman Street westerly for a distance of 0.57 of a mile.
- (d) 25 miles per hour on S.T.H. 67 (Elkhorn Road) from South Street for a distance of 0.73 of a mile southwest of C.T.H. NN.
- (e) 35 miles per hour on S.T.H. 67 (Elkhorn Road) from a point 0.23 of a mile southwest of C.T.H. NN to the south Village limits.
- (f) 30 miles per hour on S.T.H. 67 (Elkhorn Road) from a point 0.3 of a mile north of the intersection of S.T.H. 59 (Waukesha Road) southerly to the intersection of S.T.H. 59 (Waukesha Road).
- (g) 25 miles per hour on South Street from the intersection of S.T.H. 67 southerly to the south Village limits.

(2) *PUBLIC PARKS AND RECREATION AREAS. -*

- (a) 15 miles per hour on all park and recreation roads.

4.04 THROUGH HIGHWAYS AND CONTROLLED INTERSECTIONS

- (1) *THROUGH HIGHWAYS DESIGNATED. -* In the interest of public safety and pursuant to authority granted by Wisconsin law, the following highways or portions thereof are declared to be through highways.
  - (a) Main Street (C.T.H. NN) from the east Village limits westerly to the intersection with South Street.
  - (b) Waukesha Road (S.T.H. 59) the full length of the Village.
  - (c) Kettle Moraine Drive (S.T.H. 67) from the north Village limits to the intersection with C.T.H. NN (Main Street).
  - (d) Elkhorn Road (S.T.H. 67) from the south Village limits to the intersection with South Street.

- (e) South Street from the south Village limits to the intersection with S.T.H. 67 (Elkhorn Road).

(2) *CONTROLLED INTERSECTION DESIGNATED* – None.

(3) *DESIGNATION OF LOCATION OF STOP SIGNS.* - In the interest of public safety, stop signs shall be installed at the following locations to control traffic on the highways over which the Village has exclusive jurisdiction:

- (a) On East Avenue at its intersection with Andrew Street.
- (b) On Fairview Street at its intersection with Schroeder Avenue.
- (c) On Fairview Street at its intersection with East Avenue.
- (d) On Olde Prospectors Trail at its intersection with Tenderfoot Trail.
- (e) On Olde Prospectors Trail at its intersection with Markham Road.
- (f) On Homesteaders Retreat at its intersection with Tenderfoot Trail.
- (g) On Tenderfoot Trail at its intersection with Markham Road.
- (h) On Golden Nugget Circle at its intersection with Markham Road.
- (i) On Grove Street at its intersection with Eagle Street.
- (j) On Grove Street at its intersection with South Street.
- (k) On Eagle Street at its intersection with Sherman Street
- (l) On Eagle Street at its intersection with South Street.
- (m) On Partridge Street at its intersection with Eagle Street.
- (n) On Apple Tree Lane at its intersection with Sherman Street.
- (o) On Thomas Street at its intersection with Maple Street
- (p) On Maple Street at its intersection with Partridge Street
- (q) On Maple Street at its intersection with Sherman Street.
- (r) On the alley opposite Maple Street at its intersection with Partridge Street.
- (s) On Andrew Street at its intersection with Park View Drive
- (t) On Andrew Street at its intersection with Schroeder Avenue
- (u) On Parkview Drive at its intersection with Schroeder Avenue.
- (v) On Parkview Drive at its intersection with Markham Road.
- (w) On Conostoga Circle at its intersection with Tenderfoot Trail.

- (x) On Clover Court at its intersection with Meadow Lane.
- (y) On Meadow Court at its intersection with Meadow Lane.
- (z) On Clover Lane at its intersection with Meadow Lane.
- (aa) On Spinning Wheel Court at its intersection with Olde Prospectors Trail.
- (bb) On Wisconsin Street at its intersection with Partridge Street.
- (cc) On Railroad Street at the Railroad tracks.
- (dd) On Partridge Street at the Railroad tracks.
- (ee) On North Sherman Street at the Railroad tracks.
- (ff) On Mitchell Drive at its intersection with Murphy Drive.
- (gg) On Anton Court at its intersection with Mitchell Drive.
- (hh) On Pleasant Street at the intersection with South Street.
- (ii) (ii) On Pleasant Street at its intersection with Park Avenue.
- (jj) On Woodfield Drive on either side of the intersection with Pleasant Street.
- (kk) On Larkin Street at the intersection with Woodfield Drive.
- (ll) On Larkin Street at the intersection with Park Avenue.
- (mm) On Hawthorne Drive at the intersection with Larkin Street.
- (nn) On Hawthorne Drive at the intersection with Pleasant Street.
- (oo) On Hawthorne Drive at the intersection with South Sherman Street.
- (pp) On Eastwood Court at the intersection with South Sherman Street
- (qq) On Field Drive at the intersections of South Sherman Street.
- (rr) On Field Drive at its intersection with Pleasant Street.
- (ss) On Field Drive at the intersection of Olde Prospectors Trail.
- (tt) North and South bound at the intersection of South Sherman Street and Hawthorne Drive.
- (uu) North and South bound at the intersection of Pleasant Street and Hawthorne Drive.
- (vv) North and South bound at the intersection of Larkin Street and Hawthorne Drive.
- (ww) On Meadow Lane at both intersections with South Street.
- (xx) On Sherman Street at the intersection with Pleasant Street.
- (yy) On South Sherman Street at the intersection with Park Avenue

(zz) On Park Avenue at the intersection with South Sherman Street

(4) *YIELD SIGNS TO BE ERECTED.* - The Director of Public Works is authorized to erect yield right-of-way signs conforming to the Wisconsin Official Traffic Control Device Manual at the following intersections or highways in the exclusive jurisdiction of the Village provided that if the intersected highway is part of a through highway designated under sub. (1), the provisions of sec. 349.07 (7) (a), Wisconsin Statutes, apply:

(a) S.T.H. 67 (Kettle Moraine Drive) north bound at intersection with S.T.H. 59 (Waukesha Road).

(5) *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 Section and Section 4.02 of this code shall obey the direction of such Official Traffic Control Device as required by the Wisconsin Statutes incorporated by reference in Section 4.01 of this code. Operators of vehicles approaching a stop sign shall stop before entering a highway as required by sec. 346.46, Wisconsin Statutes. 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, Wisconsin Statutes. 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), Wisconsin Statutes.

#### 4.05 ONE WAY HIGHWAYS, SAFETY ZONES, SAFETY ISLANDS, TURNS AND LANES.

(1) *ONE WAY HIGHWAYS.* - The following highways or portions thereof maintained by the Village are hereby designated one-way highways and no person shall drive or operate a vehicle on any such highway or portion thereof except in the one direction designated below:



- (a) None.
- (2) *SAFETY ZONES AND ISLANDS.* - None.
- (3) *TURNS PROHIBITED.*
  - (a) Right Turns Prohibited. - No operator of any vehicle shall make a right turn at the following location:
    - 1 From Railroad Street to Elkhorn Road (STH 67).
  - (b) Left Turns Prohibited. - None.
- (4) *MISCELLANEOUS LANE AND TURN CONTROLS.* - The Director of Public Works is authorized, when in his or her judgment the safety of the situation requires, to place Official Traffic Control Devices within or adjacent to intersections directing that a different course from that specified in sec. 346.31, Wisconsin Statutes, be traveled by vehicles turning at the intersection and to mark lanes for traffic designating separate lanes for slow moving traffic or for traffic moving in a particular direction.

#### 4.06 NO PASSING ZONES

- (1) *DESIGNATED.* - No passing zones shall be marked with an unbroken yellow line on the pavement indicating the beginning and end of such zones on the following highways within the jurisdiction of the Village in accordance with the standards and procedures adopted by the Wisconsin Department of Transportation.
  - (a) No passing on any State Highway within the Village limits.
  - (b) C.T.H. NN (Main Street) between S.T.H. 67 and Partridge Street
  - (c) South Street between S.T.H. 67 and the south Village limits.
  - (d) Railroad Street between S.T.H. 59 and S.T.H. 67.

- (2) *PASSING PROHIBITED.* - When no passing zone markers or signs giving notice thereof are erected or placed on the pavement as provided in the Section, no person shall operate a vehicle so as to overtake or pass another vehicle or drive to the left of the center of the roadway in designated no-passing zones.

#### 4.07 WEIGHT LIMITS AND HEAVY TRAFFIC ROUTES

- (1) *STREETS DESIGNATED CLASS "B" HIGHWAYS.* - All highways within the Village of Eagle, Wisconsin, are hereby designated Class "B" highways subject to the weight limitations imposed on Class "B" highways by the Wisconsin Statutes adopted by reference in Section 4.01 of this code except the following enumerated highways or part of highways:
  - (a) Main Street (C.T.H. NN)
  - (b) Waukesha Road (S.T.H. 59)
  - (c) Kettle Moraine Drive – Elkhorn Road (S.T.H. 67)  
(Unless otherwise designated by the county board)
- (2) *SPECIAL AND SEASON WEIGHT LIMITATIONS.* - The Director of Public Works shall have the authority to impose a 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 provisions of Section 4.02 of this Code.
- (3) *HEAVY TRAFFIC ROUTES.*
  - (a) State Highways, County Highways and any roadways, so designated by the Village Board.
  - (b) Restrictions on use of other streets by heavy traffic. - No person shall operate or move a vehicle except a motor bus, which is not equipped with pneumatic tires or has a combined vehicle load weight exceeding 6,000

pounds on any highway not part of the heavy traffic route designated in paragraph (a) of this section except for the purpose of obtaining orders for, or moving or delivering supplies or commodities to or from a place of business or residence which has an entrance thereon; provided, in no event shall the weight of vehicle and load on any street not defined or designated as a heavy traffic route under paragraph (a) exceed the limitations of pertaining to class "A" highways or deliveries on class "B" highways established by the Wisconsin Statutes.

#### 4.08 PARKING REGULATIONS

- (1) *PARKING, STOPPING OR STANDING PROHIBITED.* - No person shall park, stop or leave standing any vehicle, for any purpose upon the following highways, parts of highways, or village streets at any time.
  - (a) The alley behind the Village Garage and Fire Station located between Partridge Street and S.T.H. 67.
  - (b) On the north side of S.T.H. 59 (Waukesha Road) from the intersection of S.T.H. 67 westerly a distance of 465 feet.
  - (c) On the easterly and southerly side of S.T.H. 67 (Kettle Moraine Drive) from the intersection with Main Street (C.T.H. NN) northerly and easterly to the intersection of Partridge Street.
  - (d) On the east side of Sasso Street.
  - (e) On the north side of Eagle Street between South Street and Grove Street.
  - (f) On both sides of South Street from Main Street to Grove Street.
  
- (2) *NO PARKING EXCEPT FOR AUTHORIZED VEHICLES.* - Except as herein permitted, no person shall park, stop or leave standing any vehicle in the following places unless authorized by permit issued by the Village of by an Official Traffic Control sign:

- (a) On any drive through any Village park, parkway, recreation area or public cemetery.
- (b) At any curb or other area marked as a bus or taxi stop or stand.
- (c) Upon any portion of a street, highway or parking facility reserved by official traffic signs for vehicle displaying special registration plates, identification cards or emblems for vehicles of physically disabled persons unless the vehicle displays a special registration plate, identification card or emblem issued by the State of Wisconsin or jurisdiction in which the vehicle is registered.

(3) *MISCELLANEOUS PARKING RESTRICTIONS.* -

- (a) *STREET MAINTENANCE.* - Whenever it is necessary to clear a Village roadway or any part thereof the Public Works Department or Police Department shall post such highways or parts thereof with signs bearing the words "No Parking-Street Maintenance Work" or similar wording. Such signs shall be erected at least two (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) *PARKING in DRIVEWAYS* - No person shall park or leave standing any motor vehicle in any private driveway without the permission of the owner or lessee of the property upon which such driveway is located, whether or not such driveway is posted to limit or restrict parking.
- (c) *PARKING HEAVY VEHICLES in RESIDENTIAL DISTRICTS.* – No operator of a motor truck, truck-tractor, trailer, or semi-trailer or any other vehicle or combination of vehicles other than motorbuses weighing more than six thousand (6,000) pounds shall park such a vehicle on any highway other than a routed State Trunk Highway in any residential district except for such time as is reasonably necessary to facilitate the loading or unloading of the vehicle.
- (d) *SNOW EMERGENCY PARKING RESTRICTIONS.* - Whenever the Village President, or its designee, shall, by reason of heavy snow storm or

blizzard, proclaim a snow emergency pursuant to sec. 66.325, Wisconsin Statutes, no person shall park, stop, or leave standing any vehicle upon the streets of any portion of the streets during the hours set forth in said proclamation.

- (e) **PARKING RESERVED for VEHICLES OF DISABLED.** - When official traffic signs, indicating such restriction have been erected in accordance with Section 4.02 of this ordinance, 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 designated the vehicle as one used by a physically disabled person.
  
- (4) ***UNLAWFUL REMOVAL OF PARKING CITATIONS.*** - No person other than the owner or operator thereof shall remove a Village of Eagle parking ticket from a motor vehicle.
  
- (5) ***REMOVAL OF ILLEGALLY PARKED VEHICLES.*** -
  - (a) **HAZARD to PUBLIC SAFETY.** - Any vehicle parked, stopped or standing upon a highway in violation of any of the provisions of this Section or Section 4.01 of this Code 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 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 Code, 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 by Section 4.31 of this Code, the owner or operator of a vehicle so removed shall pay reasonable cost of moving, towing and storage. If the vehicle is moved, 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 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.
- (6) ***REGISTRATION RECORD OF VEHICLE AS EVIDENCE.*** - When any vehicle is found upon a street or highway in violation of any provision of this Code 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 Section and Section 4.01 of this Code and shall be subject to the applicable forfeiture penalty; provided the defenses defined and described in Wisconsin Statutes sec. 346.485 (5) (b) shall be a defense for an owner charged with such violation.
- (7) ***PARADE ROUTES.*** - The Eagle Police Department of Department of Public Works may cause to be erected temporary “No Parking” zones on highways or parts thereof on the day of a parade, procession, or assemblage upon the approval of the Village Board.

#### 4.09 ABANDONED VEHICLE

- (1) *ABANDONMENT OF VEHICLES PROHIBITED.* - No person shall abandon any vehicle unattended within the Village of Eagle for such time and under such circumstances as to cause the vehicle to reasonably appear to be abandoned.
- (2) *DEFINITION* - As used in this section “vehicle” means a motor vehicle, trailer, semi-trailer or mobile home as defined in Section 4.01 of this Code, whether or not vehicle is registered under Chapter 341., Wisconsin Statutes.
- (3) *PRESUMPTION OF ABANDONMENT* - Any vehicle left unattended for more than 48 hours on any public street or grounds, or on private property where parking is prohibited, limited or restricted, without the permission of the owner or lessee, is deemed abandoned and constitutes a public nuisance; provided that the vehicle shall not be deemed abandoned under this Section if left unattended on private property out of public view, by permission of the owner or lessee.
- (4) *EXCEPTIONS.* - This Section shall not apply to a vehicle in an enclosed building; a vehicle in an appropriate storage place or depository maintained in a lawful place and manner authorized by the Village of Eagle or a vehicle parked in a metered or paid lot or parking space where the required fee has been paid and meter activated.
- (5) *REMOVAL AND IMPOUNDMENT OR SALE.* - Any vehicle found abandoned in violation of this ordinance shall be impounded by the Eagle Police Department until lawfully claimed or disposed of as provided in this section. If the Chief of Police or his duly authorized representative determines that towing costs and storage charges would exceed the value of the vehicle, the vehicle may be junked or sold prior to the expiration of the impoundment period upon determination by the Chief of Police that the vehicle is not wanted for evidence or any other reason.

- (6) *MINIMUM IMPOUNDMENT PERIOD.* - The minimum period of impoundment or storage of a vehicle found in violation of this Section shall be ten (10) days.
- (7) *NOTICE TO OWNER.* - The Eagle Police Department removing or causing the removal of any vehicle found in violation of this Section shall immediately notify the Chief of Police of the abandonment and location of the impounded vehicle, and shall within 10 days thereafter notify the owner and lienholders of record by certified mail, of the impoundment and of their right to reclaim the vehicle. The notice shall set forth the information contained in sec. 342.40 (3) Wisconsin Statutes, and shall state that the failure of the owner or lienholders to exercise their rights to reclaim the vehicle shall be deemed a waiver of all right, title and interest in the vehicle and a consent to sale of the vehicle.
- (8) *SALE* - Each retained vehicle not reclaimed by the owner or lienholder may be disposed of.
- (9) *SALE TO BAR CLAIMS AGAINST VEHICLE.* - The sale of a motor vehicle under the provisions of this Section shall forever bar all prior claims thereto and interest therein except as hereinafter provided.
- (10) *PURCHASER TO REMOVE VEHICLE.* - The purchaser of any vehicle on sealed bid or auction sale under sub (7) shall have 10 days to remove the vehicle from the storage area upon payment of a storage fee of \$10.00 for each day the vehicle has remained in storage after the second business day subsequent to the sale date. Ten 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 again sold.
- (11) *REQUEST FOR LIST.* - Any listing of vehicles to be sold pursuant to this Section shall be made available by the Village Clerk to any interested person or organization who makes a written request therefore for a fee of \$5.00.
- (12) *NOTICE TO DEPARTMENT* - Within five days after sale or disposition of a vehicle under this section, the clerk shall advise the Wisconsin Department of Transportation of such sale or disposition on a form supplied by the Department.



- (13) *OWNER MAY FILE.* - At any time within two years after the sale of a motor vehicle as provided herein, any person claiming ownership of such motor vehicle or a financial interest therein may present a claim to the Village Board setting forth such facts as are necessary to establish such ownership or interest, and that the failure of the claimant to reclaim the vehicle prior to sale was not the result of the neglect or fault of claimant. If the Village Board is satisfied as to the justice of such claim, it may allow the same, but in no case shall the amount allowed exceed the sum paid into the Village Treasury as the result of the sale of such motor vehicle, not the amount of interest of the claimant therein.
- (14) *EXEMPTION* - Any owner or person operating a registered vehicle which shall become disabled or inoperative for any reason, and who shall be unable to cause removal of such vehicle from any alley, street, highway or public place, not otherwise regulated as a restricted parking, stopping or standing zone, shall, within 12 hours of such occurrence, notify the Eagle Police Department of the location of the vehicle and shall transfer and deliver clear title for said vehicle to the Village together with a fee of \$100.00 to offset the cost of towing and junking charges and shall be exempt from the provisions of this ordinance.

When so requested by the owner or person in charge of a vehicle, the Chief of Police shall be authorized to order such vehicle removed and junk directly from the scene of disablement by the Eagle Police Department or a contractor engaged by the Village for towing of disabled vehicles. The provisions of sub. (10) shall apply to any vehicle removed under this subsection.

#### 4.10 STATE ADMINISTRATIVE CODE PROVISIONS ADOPTED

- (1) *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 a part of this code as if fully set forth herein.

Wis. Adm. Code - MVD 3	Reciprocity – Nonresident Motor Carriers (Penalties of Wis. Stat. sec. 341.04 apply)
Wis. Adm. Code - MVD 4	Lettering on Vehicles, Display of Evidence of Registration and Dual Permit
Wis. Adm. Code - Trans 305	Standards for Motor Vehicle Equipment
Wis. Adm. Code - MVD 6	Transportation of Explosives by Motor Vehicle
Wis. Adm. Code - MVD 17	Transportation of School Children
Wis. Adm. Code - MVD 18	Protective Headgear Standards and Specifications
Wis. Adm. Code - MVD 22	Standards and Specifications – Design and Mounting SMV Emblem.

- (2) *NON-COMPLIANCE PROHIBITED* - No person shall operate or allow to be operated on any highway, street or alley within the Village of Eagle a vehicle that is not in conformity with the requirements of sub (1) or the provisions of Wisconsin Statutes sec. 110.075 and chapter 347, incorporated by reference in section 4.01 of this Code.
- (3) *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, Wisconsin Statutes, relating to non- applicability of demerit points, shall apply to owners convicted of violation of this Section.
- (4) *SAFETY CHECKS* -
- (a) *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.

- (b) **AUTHORITY of OFFICER** - Any Law Enforcement Officer of the Village of Eagle 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.
- (c) **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 order may be in the form prescribed by the Secretary of the Department of Transportation under sec. 110.075 (5), Wisconsin Statutes, 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.
- (5) **PENALTY** - Penalty for violation of any provision of this Section including the provisions of the Wisconsin Administration Code, incorporated herein by reference, shall be as provided in Section 4.10 (3) of this code, together with the costs of prosecution and applicable penalty assessment.

#### 4.11 DISPLAY OF POWER PROHIBITED

No person shall make unnecessary and annoying noises with a motor vehicle, by squealing tires, excessive acceleration of engine, or by emitting unnecessary and loud muffler noises.

4.12 SCHOOL BUS WARNING LIGHTS

Notwithstanding the provisions of sec. 346.48 (2) (b) 2., Wisconsin Statutes, adopted by reference in section 4.01 of this Code to the contrary, school bus operators shall use flashing red warning lights in residential and business districts when pupils or other authorized passengers are to be loaded or unloaded at locations at which there are no crosswalk or traffic signals so that pupils must cross the street or highway before being loaded or after being unloaded.

4.13 MOTOR VEHICLES ON PEDESTRIAN WAYS AND OVERPASSES

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

4.14 PARKING DURING SNOWSTORM EMERGENCY

- (1) *EMERGENCY DECLARATIONS.* - The Village Board hereby declares that an emergency exists in the Village whenever a snowfall during any period of 24 hours or less reaches a depth of three (3) inches or more, as reported by the U.S. Weather Service. Such emergency is declared to be a serious public hazard impairing transportation and public health, safety and welfare for a period of 48 hours or until such earlier time as snow removal operations have been declared completed by the Director of Public Works.
- (2) *PARKING REGULATIONS DURING SNOW EMERGENCIES.* - Whenever an emergency exists and the Director of Public Works or the Police Department shall have caused announcement thereof to be made by not less than two radio stations whose normal operating range covers the village, no person shall park, or suffer to be parked, any vehicle of any kind or description in an area marked by temporary "No Parking" signs or between the hours of 12:00

PM and 6:00 AM, inclusive, upon any street in the Village; provided that, notwithstanding such emergency restrictions, vehicles may be parked for a period of time not longer than 3 minutes for actually loading or unloading of passengers, or 30 minutes for actually loading or unloading of property and provided further that no other regulation restricting parking as to place, time, or manner is violated thereby.

- (3) *AUTHORIZATION OF ERECTION OF NO PARKING SIGNS.* - Pursuant to the provisions of sec. 66.325, Wisconsin Statutes, the Director of Public Works, or Police Department, is authorized to erect temporary "No Parking" signs during the existence of any emergency created by a snowstorm or excessive snowfall which impairs or prevents the full use of any highway, street or roadway for transportation.
- (4) *SNOW TOW-AWAY ZONES.* - The Director of Public Works, or Police Department, is hereby authorized to cause the towing away of vehicles parked in violation of this Section. The owner of said vehicles shall be responsible for any towing charges and shall be subject to prosecution and penalty, as provided in Sections 4.31 and 4.32 of this Code.
- (5) *PENALTY* - Notwithstanding any other provision of this Code, any person violating the provisions of this Section shall forfeit not less than \$10.00 nor more than \$100.00, plus penalty assessments and court costs and upon failure to pay any forfeiture, penalty assessment and court costs imposed, may be imprisoned not exceeding six months or until such forfeiture, penalty assessment and costs are paid. (Based upon special penalty provisions of sec. 66.325, Wisconsin Statutes)

#### 4.15 TRAFFIC AND PARKING REGULATIONS ON SCHOOL DISTRICT GROUNDS

Pursuant to the provisions of sec. 118.105, Wisconsin Statutes, the following regulations shall apply to the grounds of the Palmyra School District located within the

Village limits.

- (1) *PARKING* - All parking on grounds of the Palmyra/Eagle School District from 8:00
- (2) AM to 4:00 PM shall be by permit only and shall be restricted to areas designated for parking by the District Board. When signs are erected by the School Board giving notice of such restrictions, no person shall park a motor vehicle in an area, other than one for which he/she shall have been issued a permit, not without displaying a valid permit. All authorized visitors shall park only in areas designated and signed for visitor parking.
- (3) *SPEED LIMITS*. - No person shall at any time operate a motor vehicle upon the Palmyra/Eagle School District grounds at a speed in excess of 15 miles per hour.

#### 4.16 OPERATION OF MOTOR VEHICLES IN PUBLIC PARKING LOTS AND RAMPS

- (1) *UNLICENSED OPERATORS PROHIBITED*. - No person who does not hold a valid operator's license shall operate a vehicle in any public parking lot or ramp or in any private parking lot or ramp held out for the use of parking for the general public.
- (2) *TRAFFIC REGULATIONS APPLICABLE* - All provisions of Section 4.01 of this code and the Wisconsin Statutes and law incorporated herein by reference shall be applicable on any public parking lot or ramp and on any private parking lot or ramp held out for use of the general public for parking or vehicular travel.
- (3) No person shall park, or suffer any vehicle, of any kind or description to be parked in the public parking lot located on the west side of Sasso Street, between the hours of 2:00 AM and 6:00 AM year round.

#### 4.17 OBSTRUCTION OF RAILROAD CROSSINGS

No person shall leave standing or stop or permit or allow to stand or stop any railroad train, engine or car upon any street, alley or highway crossing within the Village so as to obstruct public travel for a greater period of time than 10 minutes without opening said street, alley or crossing for at least 3 minutes. Any conductor, engineer, fireman or brakeman on any train or locomotive so obstructing any street, alley or railroad crossing or any yard master, flagman, switchman or section hand who shall allow and be responsible for such obstruction shall be subject to a penalty as provided in sec. 4.31 (3) of this code. The corporation running or operating such train, engine or cars so obstructing any street or railroad crossing shall be subject to a forfeiture of not more than \$200.00.

#### 4.18 CROSSING WARNING BY TRAINS

No person shall operate or permit to be operated a locomotive, railway train, engine or railway car over any graded street or highway crossing within the limits of the Village unless a whistle or horn shall be blown ½ mile from said crossing until the crossing shall be reached. The blowing of a whistle or horn shall not be necessary where gates are operated automatically or a flagman is stationed at such traveled grade crossing. Any person violating this Section shall be subject to a penalty as provided in Section 4.31 (3) of this Code.

#### 4.19 APPLICABILITY OF TRAFFIC REGULATIONS TO SNOWMOBILES

No person shall operate a snowmobile upon any street, highway or alley within the Village of Eagle in violation of the provisions of chapter 350 and sec. 346, Wisconsin Statutes.

#### 4.20 INOPERABLE, WRECKED OR DISCARDED VEHICLES

- (1) *STORAGE PROHIBITED* - No person owning or having custody of any partially dismantled, inoperable, wrecked, junked or discarded motor vehicle shall allow such vehicle to remain on any public highway, parking lot or ramp longer than 48 hours after notification thereof by the Eagle 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 24 hours after notice is declared to be a public nuisance and may be removed and disposed of as provided in sec. 4.09 of this code.
- (2) *EXEMPTION* - 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 Eagle.

#### 4.21 STREET STORAGE PROHIBITED

No vehicle shall be left parked or standing on any street or parkway for more than 24 continuous hours. "Parkway" means that area between the sidewalk and the nearest curb line running parallel or generally parallel thereto.

#### 4.22 NIGHT PARKING RESTRICTIONS

- (1) *PARKING, STOPPING OR STANDING PROHIBITED.* - No person shall park, stop or leave standing any vehicle, for any purpose upon the following highways, parts of highways, or village streets as posted.
  - (a) The alley behind the Village Garage and Fire Station located between Partridge Street and S.T.H. 67.
  - (b) On the north side of S.T.H. 59 (Waukesha Road) from the intersection of S.T.H. 67 westerly a distance of 465 feet.



- (c) On the easterly and southerly side of S.T.H. 67 (Kettle Moraine Drive) from the intersection with Main Street (C.T.H. NN) northerly and easterly to the intersection of Partridge Street.
  - (d) On the east side of Sasso Street.
  - (e) On the north side of Eagle Street between South Street and Grove Street.
  - (f) On both sides of South Street from Main Street to Grove Street.
- (2) *PROHIBITED* –
- (a) The parking of any vehicle of any kind or description on any public highway or street of the Village for more than thirty (30) minutes between the hours of 2:00 AM and 6:00 AM, between November 1st and April 15th except as otherwise restricted or permitted herein.
  - (b) The parking of any vehicle of any kind or description for more than thirty (30) minutes between the hours of 2:00 AM and 6:00 AM on any Village municipal lot as posted.
- (3) *EMERGENCIES* - This section shall not apply to licensed physicians and emergency personnel responding to calls.

#### 4.23 REGISTRATION AND REGULATION OF BICYCLES

- (1) *DEFINITIONS* - As used in this Section:
- (a) “Bicycle” means every device propelled by the feet acting upon pedals and having wheels, any two of which are not less than 14 inches in diameter.
  - (b) “Bicycle Lane” means that portion of a roadway set aside for exclusive use of bicycles and so designated by appropriate signs and markings by the responsible governing body.
  - (c) “Bike Route” means any bicycle lane, bicycle way or highway, which has been duly designated by the responsible governing body and identified by appropriate signs and markings.
  - (d) “Bicycle Way” means any path or sidewalk, or portion thereof, designated for the use of bicycles by the responsible governing body.

- (e) "Carrier" means any device attached to a bicycle designed for carrying articles.
- (f) "Identification Tag" means a metal plate or sticker indicating that a bicycle is registered.
- (g) "Right of Way" means 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.

(2) REGISTRATION OF BICYCLES -

- (a) REGISTRATION of BICYCLES REQUIRED - No person who resides within the Village of Eagle shall operated or propel a bicycle upon any public highway, bicycle way or bicycle path within the Village which has not been duly registered and an identification tag attached thereto as provided in this Section.
- (b) HOW MADE - Registration shall be made by filing with the Eagle Police Department on forms provided by the Village, giving the name, address, and telephone number of the owner, and a complete description of the bicycle, including the name of the manufacture, style, model, frame number and color.
- (c) REGISTRATION FEE - The fee for the registration of a bicycle and length of term shall be determined by the Village Board or Eagle Police Department.
- (d) IDENTIFICATION TAG - The registering employee or officer shall issue to the registrant a registration slip and an identification tag. The identification tag shall be immediately affixed to the registered bicycle, be serially numbered to correspond with the registration number and shall be firmly attached to the bicycle for which issued and kept visible and clean at all times.
- (e) UNSAFE BICYCLES NOT TO BE REGISTERED - No bicycle shall be registered which is in an unsafe mechanical condition.

- (f) RECORD OF REGISTRATION - A duplicate registration slip shall be filed with the Police Department as a public record. In the event of theft or loss of an identification tag, the bicycle must be re-registered as stated in (2) (a) and a new fee paid.
  - (g) PERIOD OF REGISTRATION - All bicycle registrations shall be issued for the length of ownership of the bicycle.
  - (h) OWNER TO REGISTER - The licensing authority shall not register any bicycle which it knows, or has reasonable grounds to believe, is not owned by, or lawfully in the possession of the applicant.
  - (i) CHANGE OF OWNERSHIP - All bicycles must be registered within ten (10) days of purchase. Within ten (10) days after any bicycle registered as provided herein is sold or transferred to a new owner or dismantled and taken out of operation, the person in whose name the bicycle is registered shall report such information to the Eagle Police Department. The Police Department shall thereupon cancel the registration of the bicycle and the new owner, if any, shall be responsible for obtaining a new registration. In the case of dismantling or taking out of operation, the owner shall return the identification tag to the Police Department.
- (3) *RESPONSIBILITY OF PARENT OR GUARDIAN* - No parent or guardian of any child shall authorize, or knowingly permit such child to violate any of the provisions of this Section or of any ordinance or State law applicable to the registration or operation of bicycles.
  - (4) *REGISTRATION TO BE DISPLAYED* - The identification tag issued under this Section shall be affixed to registered bicycle so as to be plainly seen and read and shall remain so affixed until ordered removed by the Eagle Police Department for cause. In the case of theft or loss, a replacement tag shall be issued upon payment of a new registration fee.
  - (5) *EXEMPTION FROM REGISTRATION* - Any non-resident may operate a bicycle, which is duly registered in any municipality without obtaining local registration if a valid identification tag is attached thereto.
  - (6) REMOVAL AND ALTERATION OF IDENTIFICATION TAGS -

- (a) REMOVAL PROHIBITED - No person shall remove an identification tag from a bicycle during the period for which issued except upon a transfer of ownership or when the bicycle is dismantled and no longer operated upon any highway within the Village of Eagle.
  - (b) ALTERATION PROHIBITED - No person shall alter or counterfeit any identification tag.
- (7) *UNCLAIMED OR UNIDENTIFIED BICYCLES* - All abandoned or unidentified bicycles shall be delivered to the Eagle Police Department for storage and all such bicycles remaining in the hands of the Police Department at the end of any year shall be sold at auction or disposed of by the discretion of the department.
- (8) *OPERATING RULES* - No person operating a bicycle upon any highway, bicycle path or bicycle way within the Village of Eagle shall fail to observe all applicable traffic regulations of the municipality and State or to comply with the following regulations.
- (a) CARRYING EXTRA PASSENGERS - Bicycle operators shall not use a bicycle, except a tandem, to carry another person; provided a bicycle operator may carry a child securely attached to his or her person in a back pack or sling and may carry another person on a bicycle if it is equipped with a child's seat securely attached to and properly designed for use on a bicycle.
  - (b) STUNT or TRICK RIDING - No person operating or pedaling a bicycle shall participate in any trick or stunt riding or racing on any highway within the Village unless such race or contest is held pursuant to permission granted by the authority having jurisdiction over the highway.
  - (c) TOWING with BICYCLE - No person riding or operating a bicycle shall tow, drag or cause to be drawn behind the bicycle, any person on roller skates, coaster, sled, or any other type of conveyance not designed to be towed by a bicycle.
  - (d) OBEDIENCE to TRAFFIC CONTROL DEVICES - Any person operating a bicycle shall obey the instruction of official Traffic Control Devices

applicable to vehicles unless otherwise directed by a law enforcement officer.

(e) STOPPING, TURNING and SIGNALING -

1. Signal Required - No bicycle operator shall suddenly stop, slow down, or turn without giving an arm signal required by State law for the operation of motor vehicles.
2. Prohibited Turns - Whenever a Uniform Traffic Control Device is erected indicating that no right or left turn, or U-turn is permitted, no person operating a bicycle shall disobey the direction of such Device, except after dismounting from the bicycle to make such turn, in which event said person shall then obey the regulations, ordinances and laws applicable to pedestrians.
3. Right Turns - Every person operating a bicycle intending to turn to the right at an intersection, alley or driveway shall approach the turning point in the line of traffic nearest the right hand curb of the street.
4. Left Turns - Every person operating a bicycle intending to turn left at an intersection or to enter an alley or driveway shall approach the point of turning in the line of traffic nearest to the center of the roadway and shall pass to the left of the center of the intersection before turning, unless otherwise directed by Official Traffic Control Devices. At intersections where traffic moving in the opposite direction, if it is not safe for the operator to make a left turn as described above, he or she shall stay in the right hand lane and drive to the opposite corner, dismount and walk the bicycle to the left hand corner and proceed. A bicycle operator may also make a left turn by driving to the opposite corner and then turning left and driving in a normal driving position.
5. Use of Crosswalks - Crosswalks shall be used when walking a bicycle through an intersection.

- (f) **SPEED** - No person shall operate a bicycle at a speed greater than is reasonable and prudent under existing conditions or in excess of any posted speed limit.
- (9) **BICYCLE PARKING** - No person shall park any bicycle against windows or in the main traveled portion of any sidewalk or highway nor in such manner as to constitute a hazard to pedestrians, traffic or property. If there is no bicycle rack or other facility intended to be used for the parking of bicycles in the vicinity, the operator may park a bicycle on the sidewalk in an upright position parallel to and within 24 inches of the curb.
- (10) **BICYCLE DEALERS** -
  - (a) **BUYERS** - Every person engaged in the business of buying second hand bicycles is hereby required to make a monthly report to the Eagle Police Department giving the name and address of the person from whom each bicycle is purchased, the name, color, type, size and serial number of each bicycle purchased and the number of the identification tag, if any, found thereon.
  - (b) **SELLERS** - All persons engaged in the business of selling new or second hand bicycles are required to make a monthly report to the Eagle Police Department listing all sales including the name and address of each buyer, a description of the bicycle including the frame number and the number of the identification tag attached thereto, if any.
- (11) **RENTAL AGENCIES** - No person shall rent or offer to rent any bicycle within the Village which bicycle is not registered and to which an identification tag has not been attached, as provided herein, or which is not equipped as required by the laws of the State of Wisconsin and this ordinance.
- (12) **APPLICABILITY OF REGULATIONS** - Regulations and restrictions contained in this Section are applicable to persons operating bicycles upon any highway, bicycle way, or bicycle path or upon any path set aside for the exclusive use of bicycles except as expressly stated herein.

- (13) *PARENTAL RESPONSIBILITY* - The parent of any child or the guardian of any ward shall not authorize or permit any child or ward to violate any of the provisions of this Section.
- (14) *PENALTIES* - Every person convicted of a violation of any provision of this Section may be required to surrender their identification tag, in addition to any forfeiture imposed under Section 4.31 of this code, to the Village Police Department or the court for a period not to exceed 90 days.
- (15) *ENFORCEMENT* -
- (a) *JUVENILE OFFENDERS UNDER AGE 16* - Any offender under the age of sixteen (16) years who shall disregard the rules and regulations governing the operation of bicycles in this Section may be directed to appear before the Municipal Court Officer who shall dispose of such person's case in the manner prescribed by the Court. Bicycle riders under the age of sixteen (16) years shall be issued a special bicycle violation ticket for violations of any of the provisions of this Section. This special ticket must be signed by a parent or guardian and returned to the Police Department by the violator.
  - (b) *OFFENDERS AGE 16 AND OLDER* - Any person having attained the age of sixteen (16) years may be dealt with in accordance with Section 4.32 of this code.
- (16) *BICYCLE SAFETY BUREAU* -
- (a) The Chief of Police shall establish a Bicycle Safety Bureau in the Village Police
  - (b) Department for the purpose of promoting and teaching traffic safety to violators of this Section and any other individuals who desire to attend. The scheduling of this Bureau and the rules, regulations and curriculum shall be established by the Chief of Police subject to approval of the Village Board.

#### 4.24 LICENSING AND REGULATIONS OF TAXICABS AND TAXICAB DRIVERS

- (1) *LICENSE REQUIRED* - No person shall operate or cause to be operated a taxicab within the limits of the Village of Eagle without having first secured a Taxicab Business License as herein provided.
- (2) *DEFINITION* - As used in this Section:
  - (a) "TAXICAB" means a motor vehicle having a seating capacity of less than 8 persons, regularly engaged in the business of carrying passengers for hire, not operated on a fixed route and equipped with a taxi meter or similar device by which the fare is mechanically calculated on the basis of distance traveled or waiting time.
  - (b) "TAXICAB DRIVER" means a person who operates a taxicab as defined in paragraph (a).
- (3) *EXCEPTIONS* - No license shall be required of an owner or driver for operating or driving a taxicab licensed by another municipality for the purpose of delivering passengers to a point within the village nor to persons operating vehicles over regular routes or between fixed terminals, funeral cars, ambulances, vehicles licensed by permit of the Wisconsin Public Service Commission, or rent-a-cars.
- (4) *TAXICAB BUSINESS LICENSE* -
  - (a) *APPLICATION* - Application for a taxicab license to operate one or more taxicabs or an application to operate additional taxicabs under an existing license shall be made in writing to the Village Clerk upon forms furnished, giving the address from which the business is conducted, and signed by the owner of the business or his duly authorized agent. This application must also state for each vehicle to be operated, the make, model and year of manufacture, the engine number, serial number, capacity for passengers, and the Wisconsin State Certificate of Title number and license number.
  - (b) *PUBLIC HEARING* - The application shall be submitted by the Clerk to the Village Board which shall set a date for a public hearing before the Police Committee to examine the public convenience and necessity of granting



such license. The Clerk shall notify the applicant of the time and place set for the hearing and shall publish a Class 2 notice under chapter 985, Wisconsin Statutes.

- (c) **PUBLIC CONVENIENCE AND NECESSITY** - Not later than thirty (30) days after the hearing, the committee shall submit to the Village Board its recommendations as to whether public convenience and necessity will be served by the granting of the application. No license shall be granted until the Village Board shall, by resolution, have determined that the public convenience and necessity will be served by the service proposed in the application for license. The Village Board may hold such further hearings and procure such additional information as it may deem necessary or advisable in making such determination.
- (5) **LICENSE FEES** - The taxicab fee shall be One Hundred Dollars (\$100.00) per year or any fractional part thereof for each vehicle operated by the same licensee. The license year shall commence July 1<sup>st</sup> and end June 30<sup>th</sup>.
- (6) **INSURANCE** - No taxicab license shall be issued until the applicant deposits with the Clerk a policy of liability insurance covering all vehicles to be included under the license. Such policy shall describe each vehicle by make, model and serial number, number of passengers capable of being accommodated therein at one time and the number of State Motor Vehicle license. Such insurance policy shall be issued by a company licensed to do business in Wisconsin and shall insure against loss from liability to the amount of \$300,000 for the injury or death of one person in any one accident; and the amount of \$500,000 for the injury or death of more than one person in any one accident; and in the amount of \$50,000 for damage to property of others for any one accident due to the negligent operation of such vehicle. The policy of insurance shall be approved by the Attorney as to legal form before it is filed, and shall contain a provision that the same may not be canceled before the expiration of its term except upon ten days written notice to the Village. The cancellation or other termination of any insurance policy issued in compliance with this Section shall automatically revoke and terminate all

licenses issued for the vehicle covered by such insurance policy, unless another policy shall have been filed and approved pursuant to this Section, and shall be in effect at the time of such cancellation or termination.

- (7) *RATES* - Upon application for license, or any renewal thereof, the applicant shall file with the Clerk a schedule of fares to be charged. Such fares shall not be changed during the license year without approval of the Village Board. No licensee or operator shall charge any rate other than the established rate. The licensee shall post or cause posting of established fares in all cabs.
- (8) *POLICE INSPECTION* - The Police Department shall cause to be inspected the mechanical condition of each vehicle for which an application for a license is made and shall make periodic inspections of all licensed vehicles. No vehicle shall be operated, whether licensed or not, as a taxicab if the Police Department shall find that the mechanical condition thereof makes it unsafe for the carrying of passengers.
- (9) *LICENSING OF TAXICAB DRIVERS* - Except as exempted under sub. Sec. (2), no person shall operate a taxicab as a taxicab driver within the Village without first obtaining a license as herein provided.
  - (a) *QUALIFICATIONS* - A taxicab driver must be at least 18 years of age. No taxicab driver's license shall be issued to any applicant who has been convicted of a felony within the 5 years prior to filing application unless the Village Board determines that such offense is unrelated to the applicant's competency and qualifications for the license, nor to any applicant who is the holder of a State occupational operator's license.
  - (b) *APPLICATION* - Written application for taxicab driver's license shall be filed with the Clerk on blanks furnished by the Village giving the name, address and age, whether or not applicant has been convicted of a felony, the type of State operator's license issued to applicant, and stating experience and the number of State operator's license.
  - (c) *FEE* - The application must be accompanied by a license fee of \$50.00 per year or fractional part thereof.

- (d) **BADGE** - After the applicant has been granted a license, he shall obtain a suitable badge or identification card from the Police Department, which must be displayed on the licensee's person whenever he is driving or operating a taxicab. The cost of the driver's badge or card is to be borne by the licensee.
- (e) **FALSE APPLICATION STATEMENT** - The license of any applicant who makes a false statement in his application shall be void and the license be surrendered to the Chief of Police or any member of the Police Department upon demand.

(10) **GENERAL REGULATIONS** -

- (a) **IDENTIFICATION** - All taxicabs shall be suitably marked or identified as such.
- (b) **SUBJECT TO TRAFFIC REGULATIONS** - The State traffic code and the Village traffic regulations shall apply to the use and operation of taxicabs.
- (c) **NUMBER OF PASSENGERS LIMITED** - No taxicab owner or operator shall carry or permit to be carried in any taxicab more than the number of passengers specified on the license applicable to the taxicab.
- (d) **OPERATOR NOT TO DRINK** - No person operating a taxicab shall drink any intoxicating beverage or be under the influence thereof while so engaged.

(11) **REVOCAION** - A taxicab business or driver's license may be revoked by the Village Board for a violation of this Section, any provisions of chapters 340 to 349, Wisconsin Statutes, the Village traffic code or for any offense affecting the safety or welfare or passengers. Such revocation may be for all vehicles or any vehicle included under a license. A taxicab driver license issued shall be automatically revoked if the licensee shall be convicted of violation of this code or of any provision of chapters 340 to 348, Wisconsin Statutes, three times within any consecutive twelve month period. The Clerk shall notify the licensee of such revocation, and the licensee may, within 10 days of such notice, in writing, request a hearing on such revocation before the Village Board.

- (12) *OFF-STREET PARKING REQUIRED* - Before a license will be issued under this Section, the licensee must provide adequate off-street parking for the vehicles to be licensed. Such off-street parking shall be stated in the application for a license.

#### 4.25 PARADES AND PROCESSIONS REGULATED: (Permit Required)

- (1) *PURPOSE* - The governing body of the Village of Eagle recognizes that the highways of the Village are primarily for the use of the traveling public in the ordinary way. However, it further recognizes that there is a fundamental and constitutional right to use the public streets for processions and parades which do not substantially interfere with the public's right to travel on such highways. This ordinance is intended to regulate and control parades and processions for the purpose of protecting the general welfare and safety of the persons using the highways of the Village of Eagle.
- (2) *DEFINITIONS* - As used in this section:
- (a) "PARADE" means any parade, march or procession of any kind and the assembly areas thereof.
- (b) "HIGHWAY" has the meaning set forth in sec. 340.01 (22), Wisconsin Statutes, and also includes areas owned by the Village which are used principally for pedestrian or vehicular traffic.
- (3) *PERMIT REQUIRED* - No person shall form, direct, marshal, lead or participate in any parade on any highway under the jurisdiction of the Village unless a permit has been obtained in advance as provided in this section; provided that, upon notification to the Eagle Police Department a parade on sidewalks and footways, in which persons move not more than two (2) abreast and which does not substantially hinder normal use of the sidewalk or footway and conforms with Traffic Control Devices and other traffic regulations, may be conducted without a permit.
- (4) *EXEMPTIONS FROM PERMIT REQUIREMENT* - A permit is not required for assembling or movement of a funeral procession or for any parade sponsored

by an agency of the Federal or State government, acting in it's governmental capacity within the cope of its authority. Federal and State authorities are requested to coordinate preparations for and holding parades sponsored by them under this Section with the Chief of Police.

- (5) *WHEN APPLICATION MUST BE MADE* - A written request for any parade on the highways under the jurisdiction of the Village shall be made by one of the organizers to the Village Clerk no less than fourteen (14) days prior to the parade. Application made less than thirty-five (35) days prior to the date of the proposed parade must be made in person.
- (6) *INFORMATION REQUIRED IN APPLICATION* - The application shall set forth the following information regarding the proposed parade:
  - (a) The name, address and telephone number of the applicant.
  - (b) If the parade is proposed to be conducted for, on behalf of, or by an organization, the name, address and telephone number of the headquarters of the organization, and of the authorized and responsible heads of such organization.
  - (c) The name, address and telephone number of the person who will be responsible for conducting the parade.
  - (d) The date when the parade is to be conducted and it's duration.
  - (e) The assembly area, the starting point, the route to be traveled and the termination point.
  - (f) The number and size of units comprising the parade.
  - (g) If the parade is to be conducted by or for any person other than the applicant, the applicant for such permit shall file with the Clerk a communication in writing from the person proposing to hold the parade authorizing the applicant to apply for the permit on his behalf.
  - (h) Any additional information which the Clerk finds reasonably necessary to be a fair determination as to whether a permit should be issued.
- (7) *RECOMMENDATIONS OF GOVERNMENTAL AGENCIES* - The Clerk shall submit a copy of the written request to the municipal agencies of the

Department of Public Works and the Eagle Police Department for report and recommendation.

- (8) *BASIS FOR DISCRETIONARY DENIAL OF PERMIT* - The application may be denied for any of the following:
- (a) If it is for a parade that is to be held on a work day during the hours when and at places where, in addition to the proposed parade, the flow of vehicular traffic is usually delayed by its own volume.
  - (b) If it is for a parade that is to be held between the hours of 5:00PM and 8:00AM.
  - (c) If sufficient parade marshals are not provided as to reasonably assure the orderly conduct of the parade.
- (9) *MANDATORY DENIAL OF PERMIT* - The application shall be denied for any of the following:
- (a) If it is made less than fourteen (14) days in advance of the time the parade is scheduled to commence.
  - (b) If it is for a parade that is primarily for private or commercial economic gain.
  - (c) If it is for a parade which would involve violation of Federal, State or Local laws relating to use of highways or of other applicable regulations of the municipality.
  - (d) If the granting of the permit would conflict with another permit already granted or for which application is already pending.
  - (e) If the application does not contain the information required by sub. (6).
  - (f) If more than one assembly area or more than one dispersal area is proposed.
  - (g) Failure to receive permit under sec. 84.07 (4), Wisconsin Statutes.
- (10) *PERMIT ISSUED UNLESS THREAT TO PUBLIC SAFETY* - The Village Board shall authorize the issuance of a permit to the applicant subject to the foregoing paragraphs of this Section, unless it concludes that:

- (a) The policing of the parade will require so large a number of persons and vehicles, including ambulances, as to prevent adequate service of the needs of the rest of the municipality; or
- (b) The parade will so substantially hinder the movement of police and fire and other emergency vehicles as to create a substantial risk to persons and property; or
- (c) The conduct of the parade will substantially interrupt the safe and orderly movement of other traffic contiguous to its route; or
- (d) The parade is so poorly organized that participants are likely to engage in aggressive or destructive activity.

(11) *GRANT OR DENIAL OF PERMIT -*

- (a) **TIME WHEN REQUIRED** - The Clerk shall act as promptly as he or she reasonably can on all written requests for permits after consulting with other government agencies directly affected and after consulting with the applicant, if necessary. All written requests filed thirty-five (35) days or more in advance shall be granted or denied not less than twenty-eight (28) days before the date of the parade stated in the written request. Action on written requests filed less than thirty-five (35) days in advance shall be taken within seven (7) days after the written request is filed, but in no case later than ten (10) hours in advance of the time applied for. The Clerk shall immediately by the most reasonable means of communication, notify the applicant of such action, and if the written request is denied, the reasons for denial of the permit.
- (b) **MODIFICATION OF REQUESTED PERMIT** - In lieu of denying a permit the Clerk may authorize the changing of assembly areas or dispersal areas or the conducting of the parade at a date or time or over a route different than as applied for as permitted. The applicant or permittee may accept such modification by immediately notifying the Clerk in writing, of such acceptance.

(12) *CHARGE FOR INCREASED COSTS* - Where the Village Board determines that the cost of municipal services incident to the staging of the parade will be

increased because of the parade, the Clerk may require the permittee to make payment into the general fund of the municipality in an amount equal to the increased cost for the municipal services.

- (13) *PARADE PERMIT CONTENTS* - Each parade permit shall state such information as the Clerk shall find necessary to the enforcement of this Section.
- (14) *COPIES OF PARADE PERMIT DISTRIBUTED* - Immediately upon the issuance of a parade permit, the Clerk shall send a copy thereof to the following:
  - (a) *PERMITTEE* - A permittee under this Section shall comply with all permit directions and conditions and with all applicable laws, ordinances and other regulations of the State and the Village of Eagle.
  - (b) *PARTICIPANTS* - No person who leads or participates in a parade shall disobey, or encourage others to disobey, this Section after a law enforcement officer has directly and presently informed him or her of any of the provisions of this Section or the terms of the applicable parade permit.

#### 4.26 PEDESTRIAN REGULATIONS

- (1) *PEDESTRIAN OBEDIENCE TO TRAFFIC CONTROL DEVICES AND REGULATIONS* -
  - (a) *OBEDIENCE TO 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 Eagle unless otherwise directed
    - (b) by a law enforcement officer.
  - (c) *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.

- (2) *PROHIBITED PEDESTRIAN CROSSINGS* -
  - (a) *BETWEEN CONTROLLED INTERSECTIONS* - No pedestrian shall cross between adjacent intersections at which Official Traffic Control Signals are in operation and crosswalks are provided, unless such crossing is permitted by Official Traffic Control Devices.
  - (b) *CROSSING IN BUSINESS DISTRICTS* - No pedestrian shall cross a roadway other than in a crosswalk, in any business district.
- (3) *JAYWALKING PROHIBITED* - No pedestrian shall jaywalk. The following shall constitute jaywalking and shall be deemed a violation of this section:
  - (a) Crossing a roadway at a point within 300 feet of a marked crosswalk;
  - (b) Crossing at a controlled intersection contrary to the signal lights or the direction of a traffic officer;
  - (c) Failing to walk on the extreme left side of any roadway when there are no sidewalks or pathways for pedestrian travel available adjacent to or abutting said roadway;
  - (d) Crossing a roadway intersection diagonally, unless authorized by Official Traffic Control Devices or a traffic officer;
  - (e) Crossing a roadway intersection in any manner prohibited by Official Traffic Control Devices pertaining to such crossing movements.

## 4.27 ALL TERRAIN VEHICLES

- (1) *DEFINITIONS* -
  - (a) “Accompanied” means being subject to continuous verbal direction or control.
  - (b) “All-Terrain Vehicle” has the meaning specified under sec. 340.01.
  - (c) “All-Terrain Vehicle Route” means a highway or sidewalk designated for use by all-terrain vehicle operators by the governmental agency having jurisdiction as authorized under this section.

- (d) "All-Terrain Vehicle Trail" means a marked corridor on public property or on private lands subject to public easement or lease, designated for use by all-terrain vehicle operators by the governmental agency having jurisdiction, but excluding roadways of highways except those roadways which are not seasonally maintained for motor vehicle traffic.
- (e) "Controlled Substance" has the meaning specified under sec. 961.01 (4).
- (f) "Fermented Malt Beverages" has the meaning specified under sec. 125.02 (6).
- (g) "Game" has the meaning specified under sec. 29.01 (5).
- (h) "Immediate Family" means persons who are related as spouses, as siblings or parent and child.
- (i) "Intoxicating Liquor" has the meaning specified under sec. 125.02 (8).
- (j) "Owner" means a person who has lawful possession of an all-terrain vehicle by virtue of legal title or equitable interest in the all-terrain vehicle which entitles the person to possession of the all-terrain vehicle.
- (k) "Used Exclusively for Agricultural Purposes" means used for an agricultural use as defined under sec. 91.01 (1).
- (l) "Used Exclusively for Commercial Purposes" includes use of an all-terrain vehicle by a dealer for demonstration purposes but does not include all-terrain vehicles leased or rented.
- (m) "Used Exclusively on Land under the Management and Control of a Person's Immediate Family" means use of an all-terrain vehicle only on land owned or leased by the person or a member of the person's immediate family over which the owner or lessee has management and control. This term excludes use of an all-terrain vehicle on land owned or leased by an organization of which the person or a member of the person's immediate family is a member.
- (n) "Used Exclusively on Private Property" means use of an all-terrain vehicle by the owner of the all-terrain vehicle or a member of his or her immediate family only on land owned or leased by the all-terrain vehicle owner or a member of his or her immediate family.

(2) *REGISTRATION* -

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

(3) *RULES OF OPERATION* - No person may operate an all-terrain vehicle:

- (a) In any careless way so as to endanger the person or property of another;
- (b) While under the influence of a fermented malt beverage, intoxicating liquor or controlled substances;
- (c) On private property of another without the consent of the owner or lessee. Failure to post private property does not imply consent for all-terrain vehicle use.
- (d) With any firearm in his or her possession unless it is unloaded and enclosed in a carrying case, or any bow unless it is unstrung or enclosed in a carrying case.
- (e) To drive or pursue any animal except as a part of normal farming operations involving the driving of livestock.
- (f) When within 150 feet of any dwelling without a permit from the Village.
- (g) In a manner which violates operating rules promulgated by the Department of Natural Resources.

(4) *PERMIT REQUIRED* -

- (a) No person may operate an all-terrain vehicle within the corporate limits of the Village of Eagle on lands of others without a permit issued by the authority of the Village Board.
- (b) **APPLICATION** - All applications for permits hereunder shall be made on forms provided by the Village and distributed by the Police Department.

The application shall be signed by the applicant filed with the Chief of Police. Such application shall be forwarded to the Village Board for review and approval or disapproval.

(c) ACTION BY VILLAGE BOARD -

1. Written permission must accompany the application from the owners and/or occupants of the land on which it is proposed to operate said vehicle.
2. Written permission must accompany the application from all property owners and/or occupants within 150 feet of the property on which it is proposed to operate the said vehicle.
3. The Village Board reserves the right to revoke any permit granted under this section in the event the Village Board or Police Department receives justified complaints regarding the operation of such vehicle after written notice to the permit holder of such complaints and being afforded an opportunity to be heard before the Board prior to such revocation.

(d) PERMIT CONDITIONS - All permits issued by the Village Board under this section are subject to the following conditions:

1. The name, address and telephone number of the operator; the make, model and serial number of the vehicle; and a copy of the registration with the Department of Natural Resources.
2. The owner of the land may revoke his permission to operate such vehicles in any area at any time upon notice to the operator and the Village Board.
3. Permitted hours of operation shall be limited to the hours of 9:00AM to 6:00PM and operation shall be such that it will not create a public nuisance.
4. All permits shall expire on December 31 following the date of issuance.
5. Each operator must have the permit in his or her possession during periods or operation.

- (5) *OPERATION ON OWN PROPERTY* - Any vehicle owned by the operator and operated by him or her or by the members of the immediate family, may be operated on the owner's own premises subject to the provision of subsection (4)(d) 3, "Hours of Operation".
- (6) *OPERATION ON OR NEAR HIGHWAYS* -
- (a) *FREEWAYS* - No person may operate an all-terrain vehicle upon any part of any freeway that is a part of the federal system of interstate highways. No person may operate an all-terrain vehicle upon any part of any other freeway unless the Department of Transportation authorizes all-terrain vehicle use on that freeway.
- (b) *OTHER HIGHWAYS: OPERATION RESTRICTED* - All-terrain vehicles may not be operated on highways except as authorized under paragraphs (c) and (e) or as authorized by rules promulgated by the Department and approved by the Department of Transportation.
- (c) *EXCEPTION* - Municipal, State and Utility operations; races and derbies.
1. Paragraphs (a) and (b) do not apply to the operator of an all-terrain vehicle owned by a municipality, state agency or public utility while the operator is engaged in emergency operations or in operations directly related to the functions of the municipality, state agency or public utility if safety does not require strict adherence to these restrictions.
  2. Paragraph (b) does not apply to a highway blocked off for special all-terrain vehicle events. A county, town, city or village may block off highways under its jurisdiction for the purpose of allowing special all-terrain vehicle events. No state trunk highway or connecting highway, or part thereof, may be blocked off by any county, town, city or village for any all-terrain vehicle race or derby. A county, town, city or village shall notify the local police department and the county sheriff's office at least one week in advance of the time and place of any all-terrain vehicle race or derby which may result in any street, or part thereof, of the county, town, city or village being blocked off.

- (d) OPERATION ON ROADWAY - All-terrain vehicles may be operated on the roadway portion of any highway only in the following situations:
1. To Cross a Roadway - The crossing of a roadway is authorized only if the crossing is done in the most direct manner practical; if the crossing is made at a place where no obstruction prevents a quick and safe crossing, and if the operator stops the all-terrain vehicle prior to the crossing and yields the right-of-way to other vehicles and pedestrians using the roadway.
  2. On any roadway which is not seasonally maintained for motor vehicle traffic. Operation on this type of roadway is authorized only during the seasons when no maintenance occurs and only if the roadway is not officially closed to all-terrain vehicle traffic.
  3. To cross a bridge, culvert or railroad right-of-way. The crossing of a bridge, culvert or railroad right-of-way is not authorized if the roadway is officially closed to all-terrain vehicle traffic. The crossing is authorized only if the crossing is done in the most direct manner practical; if the crossing is made at a place where no obstruction prevents a quick and safe crossing and if the operator stops the all-terrain vehicle prior to the crossing and yields the right-of-way to other vehicles and pedestrians using the roadway.
  4. On roadways which are designated as all-terrain vehicle routes. Operation of all-terrain vehicles on a roadway which is an all-terrain vehicle route is authorized only for the extreme right side of the roadway except that the left turns may be made from any part of the roadway which is safe given prevailing conditions.
  5. On roadways if the all-terrain vehicle is an implement of husbandry, if the all-terrain vehicle is used exclusively for agricultural purposes and if the all-terrain vehicle is registered for private use. Operation of an all-terrain vehicle which is an implement of husbandry on a roadway is authorized only for extreme right side of the roadway except that left

turns may be made from any part of the roadway which is safe given prevailing conditions.

- (e) OPERATION ADJACENT TO ROADWAY - An all-terrain vehicle may be operated adjacent to a roadway on an all-terrain vehicle route or trail if the all-terrain vehicle is operated in the following manner:
  - 1. The all-terrain vehicle is operated at a distance of 100 or more feet from the roadway along U.S. numbered highways and state and county highways. Travel on the median of a divided highway is prohibited except to cross.
  - 2. The all-terrain vehicle is operated outside of the roadway along town highways.
  - 3. During hours of darkness the all-terrain vehicle is operated in the same direction as motor vehicle traffic in the nearest lane, although during daylight hours travel may be in either direction regardless of the flow of motor vehicle traffic.
  - 4. The all-terrain vehicle does not exceed the speed limits of the adjacent roadway.
  - 5. The all-terrain vehicle is operated with due respect to safety and in compliance with rules promulgated by the Department and approved by the Department of Transportation.
- (7) AGE RESTRICTIONS - Safety Certification Program
  - (a) AGE RESTRICTION - No person under 12 years of age may operate an all-terrain vehicle unless he or she is accompanied by a parent, guardian or person over 18 years of age. No person who is under 12 years of age may operate an all-terrain vehicle which is an implement of husbandry on a roadway under the authorization provided under sub. (4) (d) (5) regardless of whether he or she is accompanied by a parent, guardian or person over 18 years of age.
  - (b) ALL-TERRAIN VEHICLE SAFETY CERTIFICATE - A person who is at least 12 years of age but under 16 years of age may not operate an all-terrain vehicle unless he or she holds a valid all-terrain safety certificate or

is accompanied by a person over 18 years of age. A person who is at least 12 years of age but under 16 years of age may not operate an all-terrain vehicle which is an implement of husbandry on a roadway under the authorization provided under sub. (4) (d) (5) unless he or she holds a valid all-terrain vehicle safety certificate regardless if he or she is accompanied by a person over 18 years of age. A person who is at least 12 years of age but under 16 years of age who holds an all-terrain vehicle safety certificate shall carry it while operating an all-terrain vehicle and shall display it to a law enforcement officer on request. Persons enrolled in a safety certification program approved by the Department of Natural Resources may operate an all-terrain vehicle in an area designated by the instructor.

- (c) EXCEPTIONS - Paragraphs (a) and (b) do not apply to a person who uses an all-terrain vehicle exclusively on land under the management and control of the person's immediate family. Paragraphs (a) and (b) do not apply to a person at least 12 years of age but under 16 years of age who holds a valid certificate issued by another state or a province of Canada.
- (d) SAFETY CERTIFICATION PROGRAM ESTABLISHED - The Department shall establish laws, supervise the establishment of programs of instruction on all-terrain vehicle laws, regulations, safety and related subjects. The department may charge or authorize an instruction fee.

(8) *EQUIPMENT REQUIREMENTS* –

- (a) An all-terrain vehicle operated during hours of darkness or operated during daylight hours on any highway right-of-way is required to display a lighted headlamp and tail lamp.
- (b) The headlamp on an all-terrain vehicle is required to display a white light of sufficient illuminating power to reveal any person, vehicle or substantial object at a distance of at least 200 feet ahead of the all-terrain vehicle.
- (c) The tail lamp on an all-terrain vehicle is required to display a red light plainly visible during hours of darkness from a distance of 500 feet to the rear.



- (d) Every all-terrain vehicle is required to be equipped with at least one brake operated either by hand or by foot.
- (e) Every all-terrain vehicle is required to be equipped with a functioning muffler to prevent excessive or unusual noise.

(9) *ACCIDENTS* –

- (a) If an accident results in the death of any person or in the injury of any person which requires the treatment of the person by a physician, the operator of each all-terrain vehicle involved in the accident shall give notice of the accident to a conservation warden or local law enforcement officer as soon as possible and shall file a written report of the accident with the Department on the form provided by it within 10 days after the accident.
- (b) If the operator of an all-terrain vehicle is physically incapable of making the report required by this subsection and there was another witness to the accident capable of making the report, the witness may make the report.

(10) *ROUTES AND TRAILS* –

- (a) *ROUTES* - The Village may designate highways or all-terrain vehicle routes, but no state trunk highway or connecting highway may be designated as an all-terrain vehicle route unless the Department of Transportation approves the designation.
- (b) *TRAIL* - The Village may designate corridors through land which it owns or controls, or for which it obtains leases, easements or permission for the use as all-terrain vehicle trails.
- (c) *RESTRICTIONS* - The Village may specify effective periods for the use of all-terrain vehicle routes and trails and may restrict or prohibit the operation of all-terrain vehicles during certain periods of the year.

(11) *LIABILITY OF LAND OWNERS* -

Section 895.52 applies to the activities regulated herein.

(12) *PENALTIES* -

- (a) As to violators 14 years or over, see Chapter 30 of this code.

- (b) As to those violators 13 years or younger, penalties shall include revocation of any permit to operate such vehicle within the corporate limits of the Village, and possible penalties established by Juvenile Court.

#### 4.28 CONTROL OF UNLICENSED MOTOR VEHICLES

- (1) No person shall operated a motor or power driven vehicle not licensed by the State of Wisconsin, including, but not limited to those vehicles commonly known as mini-bikes:
  - (a) On the property of another without his consent.
  - (b) Between the hours of 10:00PM and 8:00AM within five hundred (500) feet of a dwelling.
  - (c) On the shoulders or in the drainage ditches of a public street or highway.
  - (d) In excess of 25 m.p.h.
  - (e) With more than one passenger.
  - (f) Without protective headgear.
  - (g) Within the established right-of-way of a public street or highway.
  - (h) Who is under twelve (12) years of age.
  - (i) So as to race the engine or otherwise cause unnecessary or unusual noise which annoys, disturbs, injures or endangers the comfort, health, peace or safety of others.
  - (j) On any property which is owned by the Village of Eagle, or under its control.

#### 4.29 REGULATION OF SKATEBOARDS, ROLLER SKATES & ROLLER SKIS

- (1) No person shall ride, push or travel upon a skateboard, roller skates or roller skis on any public street, alley or pedestrian way in the Village of Eagle.

- (2) No person shall ride, push or travel upon a skateboard, roller skates or roller skis on any sidewalk or Public Park in any business zoned district in the Village of Eagle.

#### 4.30 PENALTIES

- (1) *FORFEITURE PENALTY* - The penalty for violation of any provision of this Code shall be a forfeiture as hereafter provided, together with court costs and fees prescribed by sec. 814.63 (1) and (2) or 814.65 (1), Wisconsin Statutes, the penalty assessment for moving violations and the driver improvement surcharge imposed by sec. 165.87 and 346.655, Wisconsin Statutes, where applicable. Payment of the judgment and applicable court costs, fees, assessments and surcharges may be suspended by the sentencing court for not more than 60 days. Any person 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 Code may, upon order of the court entering judgment thereof and having jurisdiction of the case, be imprisoned until such forfeiture, costs and assessments are paid, but not exceeding 90 days.
- (2) *OTHER SANCTIONS* -
  - (a) *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.
  - (b) *BY MUNICIPALITY* - No person who has been convicted of a violation of any provision of this Code shall be issued a license or permit by the Village Clerk except a marriage, hunting, fishing or 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 MOVING TRAFFIC REGULATIONS -*

(d) Forfeitures for violations of any moving traffic regulation set forth in the Wisconsin Statutes adopted by reference in Section 4.01 of this Code 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 code for any offense described in chapters 341-348, Wisconsin Statutes, for which an imprisonment penalty or fine may be imposed upon the defendant.

(4) *FORFEITURES FOR PARKING VIOLATIONS -*

(a) *FORFEITURES IN UNIFORM STATEWIDE PARKING, STOPPING, & STANDING OFFENSES.* - Minimum and maximum forfeiture for violation of non-moving traffic violations adopted by reference in Section 4.01 of this Code as described in Wisconsin Statutes chapters 341-348, shall be as provided for the comparable state non-moving traffic violation.

(b) *PENALTY FOR OTHER PARKING VIOLATIONS* - The penalty for all other parking violations not included under paragraph (a) shall be a forfeiture of not less than \$10.00 nor more than \$50.00.

(5) *OTHER VIOLATIONS* - Any person who shall violate any provision of this code for which a penalty is not otherwise established by this Section shall be subject to a forfeiture of not less than \$10.00 nor more than \$100.00

#### 4.31 ENFORCEMENT

This Ordinance shall be enforced in accordance with the applicable provisions of the Wisconsin Statutes and this Section.

(1) *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 Municipal Court in accordance with the provisions of chapters 345 and 800, Wisconsin Statutes.

(2) *CITATIONS* -

- (a) **UNIFORM CITATION & 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 code except those provisions which describe or define non-moving traffic violations and violations of sec 346.71 through 346.73, Wisconsin Statutes. Violations of section 346.71 through 346.73, Wisconsin Statutes 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.
- (b) **PARKING CITATIONS** - The Chief of Police shall recommend a citation for use in enforcing the non-moving traffic offenses in this code. When approved by the Village Board, such citation shall be used for enforcement of non-moving traffic regulations defined and described in the Wisconsin Statutes, adopted by reference in section 4.01 and all provisions of section 4.08 and 4.09 of this code. 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 sub (3) of this Section. Non-moving traffic citations may be issued by law enforcement officers or by civilian employees of the Eagle Police Department.

(3) *DEPOSITS AND STIPULATIONS* -

**MOVING & NON-MOVING TRAFFIC OFFENSES –**

- (a) **WHO MAY MAKE** - Persons arrested or cited for violation of moving and non-moving traffic offenses created by this code 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.

- (b) DELIVERY OR MAILING OF DEPOSIT & STIPULATION - The deposit and stipulation shall be delivered personally by the person cited or mailed to the office of the Eagle Police Department.
- (c) RECEIPT REQUIRED - The official or person receiving the deposit shall furnish and deliver or mail an original receipt for such deposit to the alleged violator and shall deliver the deposit and stipulation to the Clerk of Courts for the proper court assigned.

#### 4.32 REFERENCES TO WISCONSIN STATUTES

- (1) *STATUTES SPECIFICALLY INCORPORATED BY REFERENCE* - Whenever this code incorporates by reference specific sections of the Wisconsin Statutes, such reference shall mean the Wisconsin Statutes of 1981 as from time to time amended, repealed or modified by the Wisconsin Legislature.
- (2) *GENERAL REFERENCES* - General references in this code 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.

#### 4.33 SEVERABILITY

The provisions of this code shall be deemed severable and it is expressly declared that the Village Board would have passed the other provisions of this code irrespective of whether or not one or more provisions may be declared invalid and if any provision of this code or the application thereof to any person or circumstances is held invalid, the remainder of the code and the application of such provision to other persons or circumstances shall not be affected thereby.

#### 4.34 EFFECTIVE DATE

This code shall take effect and be in force upon passage and posting as provided by law.