

## Chapter 94 TRAFFIC AND VEHICLES\*

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\***Cross references:** Civil emergencies, ch. 30; law enforcement, ch. 46; offenses and miscellaneous provisions, ch. 58; speed limits in parks, § 62-3; stop signs in parks, § 62-4; streets, sidewalks and other public places, ch. 82.

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## **ARTICLE I. IN GENERAL**

### **Sec. 94-1. State forfeiture laws.**

All provisions of Wis. Stats. chs. 340--349 describing and defining regulations with respect to vehicles and traffic of which the penalty is a forfeiture only, including the penalties that constitute forfeitures are imposed are adopted by reference as part of this section as if fully set forth. Any act that is a violation of statute shall be incorporated by reference if required or prohibited by this section.

(Ord. No. OR96-03, § 1, 6-24-1996)

### **Sec. 94-2. Penalty for violation of chapter.**

The penalty for violation of any provision of this chapter shall be a forfeiture, together with the costs of prosecution as provided in Wis. Stats. §§ 345.20--345.53.

(Code 1983, § 7.20)

### **Sec. 94-3. Uniform offenses.**

Forfeitures for violation of any provision of Wis. Stats. chs. 340--349 shall conform to forfeitures for violation of the comparable state offense, including any variations or increases for second offenses and Wisconsin Administrative Code per Act 190 (5-12-1998).

(Code 1983, § 7.20(1))

### **Sec. 94-4. State traffic laws adopted.**

The statutory provisions describing and defining regulations with respect to vehicles and traffic in the following enumerated sections of the statutes, exclusive of any provisions relating to the penalties to be imposed or the punishment for violation of such statutes, are adopted and by reference made a part of this chapter as if fully set forth in this section. Any act required to be performed or prohibited by any statute incorporated by reference is required or prohibited by this chapter.

TABLE INSET:

	Subject
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	Subject
Wis. Stats. §§ 340.01, 341.01, 342.01, 343.01, 344.01, 346.01, 347.01, 348.01, 349.01	Words and Phrases Defined
Wis. Stats. § 341.04	Penalty for Operating Unregistered or Improperly Registered Vehicle
Wis. Stats. § 341.045	Use of Registered Farm Trucks
Wis. Stats. § 341.05	When Vehicle Exempt from Registration
Wis. Stats. § 341.07	Certain Vehicles To Be Registered by Resident Lessee
Wis. Stats. § 341.08	Application for Registration
Wis. Stats. § 341.11(4)	Display of Registration Certificates
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Wis. Stats. § 341.55	Penalty for Misuse of Plates
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Wis. Stats. § 342.30(2), (3)	Assignment and Stamping of New Identification Numbers
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Wis. Stats. § 343.10(6)	Occupational Licenses
Wis. Stats. § 343.12	School Bus Operators To Obtain Special Authorization
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Wis. Stats. § 343.19	Duplicate Licenses
Wis. Stats. § 343.22	Notice of Change of Address or Name
Wis. Stats. § 343.303	Preliminary Breath Screening Test
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Wis. Stats. § 343.35	Surrender of License Upon Revocation, Cancellation or Suspension
Wis. Stats. § 343.44	Driving While Disqualified
Wis. Stats. § 343.45	Permitting Unauthorized Persons To Drive
Wis. Stats. § 343.46	Duty of Person Renting Vehicles to Another
Wis. Stats. § 343.52	Improper Use of Special ID Cards
Wis. Stats. § 344.45	Surrender of License and Registration Upon Suspension
Wis. Stats. § 344.46	Transfer of Ownership To Defeat Purpose of Chapter
Wis. Stats. §§ 344.51, 344.52	Financial Responsibility for Rented Vehicles
Wis. Stats. § 345.55	Traffic Officers Not To Profit From Arrests
Wis. Stats. § 346.02	Applicability of Ch. 346
Wis. Stats. § 346.03	Applicability to Authorized Emergency Vehicle
Wis. Stats. § 346.04(1), (2)	Obedience to Traffic Officer, Signs and Signals

	Subject
Wis. Stats. § 346.05	Vehicles To Be Driven on Right Side of Roadway
Wis. Stats. § 346.06	Meeting of Vehicles
Wis. Stats. § 346.07	Overtaking and Passing on Left
Wis. Stats. § 346.075	Overtaking and Passing Bicycles
Wis. Stats. § 346.08	When Overtaking and Passing on Right Permitted
Wis. Stats. § 346.09	Limitations on Overtaking on Left or Driving on Left Side of Roadway
Wis. Stats. § 346.10	When Passing at Railroad Crossing or Intersection Prohibited
Wis. Stats. § 346.11	Passing or Meeting Frightened Animal
Wis. Stats. § 346.12	Driving Through Safety Zones Prohibited
Wis. Stats. § 346.13	Driving on Roadways Laned for Traffic
Wis. Stats. § 346.14	Distance Between Vehicles
Wis. Stats. § 346.15	Driving on Divided Highway
Wis. Stats. § 346.16	Use of Controlled-Access Highways, Expressways and Freeways
Wis. Stats. § 346.18	General Rules of Right-of-Way
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Wis. Stats. § 346.34	Turning Movements and Required Signals on Turning and Stopping
Wis. Stats. § 346.35	Method of Giving Signals on Turning and Stopping
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Wis. Stats. § 346.38	Pedestrian Control Signals
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Wis. Stats. § 346.44	All Vehicles To Stop at Signal Indicating Approach of Train
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Wis. Stats. § 346.57(4)(i)	Speeding in Park or Recreation Area
Wis. Stats. § 346.57(5)	Zoned and Posted Speed Limits
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Wis. Stats. § 346.59	Minimum Speed Regulations
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Wis. Stats. § 346.61	Applicability of Sections Relating to Reckless and Drunken Driving
Wis. Stats. § 346.62	Reckless Driving (First Offense Within Four Years)
Wis. Stats. § 346.63(1)(a)	Operating Under Influence of Intoxicant (First Offense)
Wis. Stats. § 346.63(1)(b)	Operating Vehicle Over 0.10% Blood Alcohol (First Offense)
Wis. Stats. § 346.66	Applicability of Sections Relating to Accidents and Accident Reporting
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Wis. Stats. § 346.70	Duty To Report Accident
Wis. Stats. § 346.71	Coroners To Report
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Wis. Stats. § 346.73	Accident Reports Confidential
Wis. Stats. § 346.77	Responsibility of Parent or Guardian for Violation of Bicycle and Play Vehicle Regulations
Wis. Stats. § 346.78	Play Vehicles Not To Be Used on Roadway
Wis. Stats. § 346.79	Special Rules Applicable to Bicycles
Wis. Stats. § 346.80	Riding Bicycle on Roadway
Wis. Stats. § 346.802	Riding Bicycle on Bicycle Lane
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Wis. Stats. § 346.87	Limitations on Backing
Wis. Stats. § 346.88	Obstruction of Operator
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Wis. Stats. § 346.90	Following Emergency Vehicle
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	Subject
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Wis. Stats. § 347.17	Color of Clearance and Marker Lamps and Reflectors
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Wis. Stats. § 347.19	Visibility of Clearance Lamps and Reflectors
Wis. Stats. § 347.20	Lamp or Flag on Projecting Load
Wis. Stats. § 347.21	Lamps and Flags on Trains of Agricultural Vehicles
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Wis. Stats. § 941.01	Reckless Driving off Highways

(Code 1983, § 7.347.41)

#### **Sec. 94-5. Ratification of traffic control devices.**

All traffic control signs, signals, devices and markings in place on the date of adoption of this Code are expressly ratified and confirmed by the council.

#### **Sec. 94-6. Public property operating restrictions.**

No person shall operate any motor vehicle, including motorcycles, minibikes and mopeds, on any property of the city, except upon clearly marked public roadways.

(Code 1983, § 7.14)

Secs. 94-7--94-35. Reserved.

## **ARTICLE II. ADMINISTRATION AND ENFORCEMENT\***

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**\*Cross references:** Administration, ch. 2.

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### **Sec. 94-36. Traffic procedures.**

- (a) Except as provided in subsection (b), the apprehension of alleged violators of traffic regulations and the trial of forfeiture actions for the violation of traffic regulations shall be governed by Wis. Stats. §§ 23.33, 66.12, 345.21--345.53, 350.17, ch. 800.
- (b) Provisions relating to the uniform traffic citation in Wis. Stats. §§ 345.11, to arrests in 345.21--345.24, to deposits and pleas of no contest under 345.26, to the authority of the court under 345.37, 345.47, 345.48 and 345.50 and to guaranteed arrest bonds under 345.61 apply.
- (c) Wis. Stats. § 967.055 applies to traffic forfeiture actions for violations of Wis. Stats. § 346.63(1) or (5) adopted in section 94-1.

(Code 1983, § 7.21)

**State law references:** Similar provisions, Wis. Stats. § 345.20(2).

### **Sec. 94-37. Uniform citation.**

The uniform traffic citation promulgated under Wis. Stats. § 345.11 shall be used for all moving traffic violations under this chapter.

### **Sec. 94-38. Parking and nonmoving citations.**

- (a) Citations for all nonmoving traffic violations under this chapter shall conform to Wis. Stats. § 345.28 and shall permit direct mail payment of the applicable minimum forfeiture to the police department within five days of the issuance of the citation in lieu of court appearance. The issuing officer shall specify on the citation the amount of the applicable forfeiture as follows:
  - (1) Parking in handicapped parking zone . . . \$20.00
  - (2) Parking too close to fire hydrant . . . 20.00
  - (3) Parking in area designated as school zone . . . 15.00
  - (4) Parking overnight on street during winter parking ban . . . 10.00
  - (5) Parking in manner that obstructs traffic . . . 10.00

- (6) Parking on wrong side of street facing traffic . . . 10.00
- (7) Parking within or on crosswalk . . . 10.00
- (8) Double parking . . . 10.00
- (9) Parking across or blocking sidewalk . . . 10.00
- (10) Overtime parking in limited zones . . . 5.00
- (11) Parking in no parking zones . . . 5.00
- (12) Parking to obstruct driveway or alleyway . . . 5.00
- (13) Any other parking violation . . . 5.00

An additional \$10.00 will be assessed for nonpayment within ten days after the date of violation. Thirty dollars after 20 days, \$45.00 after 30 days, and an order of license suspension after 45 days.

- (b) Any vehicle remaining stationary at one location for three consecutive days, and after three consecutive parking tickets have been issued shall be towed at the owner's expense. It shall be deemed abandoned and the owner of the vehicle will be responsible for the costs of towing, storage, and outstanding parking violations, prior to the release of the vehicle.

(Code 1983, § 7.20(3)(b); Ord. No. OR92-09, § I, 10-26-1992; Ord. No. OR98-16, § I, 7-13-1998; Ord. No. OR01-12, § I, 11-26-2001)

**Sec. 94-39. Information to persons charged.**

- (a) Whenever a person is charged with a violation of a traffic regulation, the police officer shall inform the person of the following:
  - (1) That certain convictions may result in revocation or suspension of his operating privilege if the conviction will have that effect.
  - (2) That demerit points may be assessed against his driving record for the offense. The police officer may estimate the number of demerit points for the particular offense and list it on the traffic citation form.
  - (3) The number of demerit points that is cause for revocation or suspension.
- (b) Before taking the plea of a person charged with a violation of law, the judge shall inform the violator of the following:
  - (1) That conviction of the charge may result in the revocation or suspension of his operating privilege.
  - (2) The number of demerit points that may be assessed against the violator upon conviction of the violation, based on the available information.
- (c) Whenever a person has been convicted on the basis of a forfeiture of deposit or a plea of guilty or no contest and the person was not informed as required under subsections (a) and (b), the person may, within 60 days after being notified of the revocation or

suspension of the operating privilege, petition the court to reopen the judgment and grant him an opportunity to defend on the merits. If the court finds that the petitioner was not informed as required under subsections (a) and (b), the court shall order the judgment reopened. The court order reopening the judgment automatically reinstates the revoked or suspended operating privilege.

**State law references:** Similar provisions, Wis. Stats. § 345.27.

#### **Sec. 94-40. Deposit.**

(a) *Authorized.*

- (1) A person arrested under Wis. Stats. § 345.22 or 345.28(5) for the violation of a traffic regulation who is allowed to make a deposit by statute shall deposit the money as the arresting officer directs by either mailing the deposit at a nearby mailbox to the office of the clerk of court, or by going, in the custody of the arresting officer, to such place to make the deposit.
- (2) The arresting officer or the person receiving the deposit shall notify the arrested person, orally or in writing, that if the person makes a deposit for a violation of a traffic regulation, the person need not appear in court at the time fixed in the citation, and the person will be deemed to have tendered a plea of no contest and submitted to a forfeiture and a penalty assessment, if required by Wis. Stats. § 165.87, and a jail assessment, if required by Wis. Stats. § 302.46(1), plus any applicable fees prescribed in Wis. Stats. ch. 814, not to exceed the amount of the deposit that the court may accept as provided in Wis. Stats. § 345.37.

(b) *Amount.*

- (1) The basic amount of the deposit for the alleged violation of a traffic regulation shall be determined in accordance with the deposit schedule established by the judicial conference.
- (2) In addition to the amount in subsection (b)(1), the deposit shall include court costs, including any applicable fees prescribed in Wis. Stats. ch. 814, any applicable penalty assessment, and any applicable jail assessment.
- (3) If a deposit schedule has not been established, the arresting officer shall require the alleged offender to deposit not less than the maximum forfeiture permitted under this chapter.

(Code 1983, § 7.21(2))

**State law references:** Similar provisions, Wis. Stats. § 345.26.

#### **Sec. 94-41. Official traffic signs and signals.**

- (a) *Public works director authorized to procure and erect signs and signals.* The public works director shall procure, erect and maintain appropriate standard traffic signs, signals and markings conforming to the rules of the state highway division, giving such notice of the provisions of this chapter as required by state law. Signs shall be erected

in such locations and manner as the public works director shall determine will best effect the purposes of this chapter and give adequate warning to users of the streets or highways.

- (b) *Removal of unofficial signs and signals.* The public works director shall have the authority granted by Wis. Stats. § 349.09 and may order the removal of a sign, signal, marking or device placed, maintained or displayed in violation of this chapter or Wis. Stats. § 346.41. Any charge imposed on premises for removal of such an illegal sign, signal or device shall be reported to the council at its next regular meeting for review and certification.

(Code 1983, § 7.10)

#### **Sec. 94-42. Accident reports.**

- (a) *Immediate notice of accident.* The operator of a vehicle involved in an accident resulting in injury to or death of any person, any damage to state or other government-owned property, except a state or other government-owned vehicle, to an apparent extent of \$200.00 or more or total damage to property owned by any one person or to a state or other government-owned vehicle to an apparent extent of \$1,000.00 or more shall immediately by the quickest means of communication give notice of such accident to the police department, the sheriff's department or the traffic department of the county or municipality in which the accident occurred or to a state traffic patrol officer. In this subsection, "injury" means injury to a person of a physical nature resulting in death or the need of first aid or attention by a physician or surgeon, whether or not first aid or medical or survival treatment was actually received; "total damage to property owned by one person" means the sum total cost of putting the property damaged in the condition it was before the accident, if repair thereof is practical, and if not practical, the sum total cost of replacing such property. For purposes of this subsection if any property which is damaged is held in a form of joint or multiple ownership, the property shall be considered to be owned by one person.
- (b) *Written report of accident.* Unless a report is made under subsection (e) of this section by a law enforcement agency, within ten days after an accident of the type described in subsection (a) of this section, the operator of a vehicle involved in the accident shall forward a written report of the accident to the department. The department may accept or require a report of the accident to be filed by an occupant or the owner in lieu of a report from the operator. Every accident report required to be made in writing shall be made on the appropriate form approved by the department and shall contain all of the information required therein unless not available. The report shall include information sufficient to enable the department to determine whether the requirements for deposit of security under Wis. Stats. § 344.14 are inapplicable by reason of the existence of insurance or other exceptions specified in Wis. Stats. ch. 344.
- (c) *Who to report when operator unable.* Whenever the operator of a vehicle is physically incapable of giving the notice and making the report required by subsections (a) and (b) of this section, the owner of the vehicle involved in the accident shall give the notice and make the report required by subsections (a) and (b) of this section. If the owner of the vehicle is physically or mentally incapable of giving the notice and making the report required by subsections (a) and (b) of this section, and if there was another occupant in

the vehicle at the time of the accident capable of giving the notice and making the report, the occupant shall give the notice and make the report.

- (d) *Duty of department with respect to accident reports.* The department may require any operator, occupant or owner of a vehicle involved in an accident of which report must be made as provided in section 94-42(a) to file supplemental reports whenever the original report is insufficient in the opinion of the department and may require witnesses of accidents to render reports to the department. The department shall tabulate and may analyze all accident reports and shall publish annually or at more frequent intervals statistical information based thereon as to the number and circumstances of traffic accidents. The department shall prepare and supply at its own expense to police departments, coroners, sheriffs and other suitable agencies or individuals, forms or an automated format for accident reports required to be made to the department. Any report forms and automated format shall call for sufficiently detailed information to disclose with reference to a traffic accident the cause, conditions then existing, and the persons and vehicles involved.
- (e) *Police and traffic agencies to report.* Every law enforcement agency investigating or receiving a report of a traffic accident as described in subsection (a) of this section shall forward an original written report of the accident or a report of the accident in an automated format to the department within ten days after the date of the accident.
- (f) *Forms.* The reports shall be made on a uniform traffic accident report form or in an automated format prescribed by the secretary. The uniform traffic accident report form shall be supplied by the secretary in sufficient quantities to meet the requirements of the department and the law enforcement agency.
- (g) *Copying reports.* Notwithstanding Wis. Stats. § 346.73, any person may with proper care, during office hours, and subject to such orders or regulations as the custodian thereof prescribes, examine or copy such uniform traffic accident reports, including supplemental or additional reports, statements of witnesses, photographs and diagrams, retained by local authorities, the state traffic patrol or any other investigating law enforcement agency.
- (h) *Data from reports.* The department, upon request of local enforcement agencies, shall make available to them compilations of data obtained from such reports.
- (i) *Copies of accident report.* Every law enforcement agency investigating or receiving a report of a traffic accident as described in subsection (a) of this section shall forward a copy of the report of the accident to the county traffic safety commission or to the person designated to maintain spot maps under Wis. Stats. § 83.013(1)(a) in the county where the accident occurred when the accident occurred on a county or town road or on a street where the population of the city, village or town is less than 5,000. For traffic accidents occurring within a city or village with a population of 5,000 or more, the law enforcement agency investigating or receiving a report shall forward a copy of the report of the accident to the city or village where the accident occurred.
- (j) *Falsifying reports.* No person shall falsely make and file or transmit any accident report or knowingly make a false statement in any accident report which is filed or transmitted pursuant to this section.

**State law references:** Duty to report accident, Wis. Stats. § 346.70.

**Sec. 94-43. Abandoned vehicles.**

- (a) *Removal and impoundment.* Any vehicle in violation of this section shall be impounded pursuant to Wis. Stats. § 342.40 until lawfully claimed or disposed of under subsection (b); except if the chief of police determines that the cost of towing and storage charges for the impoundment would exceed the value of the vehicle, the vehicle may be junked by the city prior to expiration of the impoundment period upon determination by the chief that the vehicle is not wanted for evidence or other reason.
- (b) *Disposal.*
  - (1)
    - a. If the chief of police determines that the value of an abandoned vehicle exceeds \$100.00, he shall notify the owner and lienholders of record by certified mail that the vehicle has been deemed abandoned and impounded by the city and may be reclaimed within 15 days upon payment of accrued towing, storage and notice charges, and if not so reclaimed shall be sold.
    - b. If an abandoned vehicle determined to exceed \$100.00 in value is not reclaimed within the period and under the conditions as in subsection (b)(1)a., it shall be sold at private sale.
    - c. After deducting the expense of impoundment and sale, the balance of the proceeds, if any, shall be paid into the city treasury.
  - (2) Any abandoned vehicle determined by the chief of police to have a value of less than \$100.00 may be disposed of by direct sale to a licensed salvage dealer upon determination that the vehicle is not reported stolen.
- (c) *Owner responsible for impoundment and sale costs.* The owner of any abandoned vehicle, except a stolen vehicle, is responsible for the abandonment and all costs of impounding and disposing of the vehicle. Costs not recovered for the sale of the vehicle may be recovered in a civil action by the city against the owner.
- (d) *Notice of sale or disposition.* Within five days after the sale or disposal of a vehicle as provided in subsection (b)(1), (2), the chief of police shall advise the state department of transportation, division of motor vehicles, of such sale or disposition on a form supplied by the division. A copy of such form shall also be given to the purchaser of the vehicle. A copy shall also be retained on file in the city.

(Code 1983, § 9.14(2)(b)--(e))

Secs. 94-44--94-69. Reserved.

**ARTICLE III. TRAFFIC SCHEDULES**

**DIVISION 1. GENERALLY**

### **Sec. 94-70. Compliance.**

Upon being properly signed or marked, no person shall fail to adhere to or obey the regulations set forth in this article.

### **Sec. 94-71. Pedestrian safety zones.**

Pedestrian safety zones are established as follows:

- (1) In the center of the block on Francis Street between Oak Street and Park Avenue from the Brillion Iron Works employee entrance to the parking lot, being approximately 135 feet from the corner of Park Avenue and Francis Street.
- (2) In the center of the block on Center Street between Main and Columbus Street from the Community Center Building to the parking lot approximately 240 feet from the corner of Main and Center Street.
- (3) West Water Street between Custer Street and Elm Street from the entrance to Trinity Evangelical Lutheran Church to the entrance to the Trinity Evangelical Lutheran School.

(Code 1983, § 7.05)

### **Sec. 94-72. U-turns.**

In addition to Wis. Stats. § 346.33, no person shall turn his vehicle so as to proceed in the opposite direction at the following intersections:

- (1) South Main Street and Horn Street.

(Code 1983, § 7.08(1))

Secs. 94-73--94-90. Reserved.

## **DIVISION 2. SCHOOL DISTRICT REGULATIONS**

### **Sec. 94-91. Speed, parking signs.**

In accordance with Wis. Stats. § 118.105, the following shall apply to all the property of the Brillion School District or private schools, whether owned or leased, within the city:

- (1) *Speed limits.* The speed limit on school premises where motor vehicle traffic is permitted shall be 15 miles per hour. No person shall operate a motor vehicle on school property in excess of 15 miles per hour.
- (2) *Parking restrictions.* Where posted, no person shall park any motor vehicle where prohibited. The posting of no parking signs on school property shall be dictated by the board of education.
- (3) *Obedience to signs.* Where posted, no person shall operate a motor vehicle

where specifically prohibited by sign.

(Ord. No. OR96-03, § 1, 6-24-1996)

Secs. 94-92--94-110. Reserved.

### **DIVISION 3. SPEED**

#### **Sec. 94-111. Speed limits.**

Unless otherwise designated and posted, the speed limit on all streets and public ways in the city shall be 25 miles per hour.

(Code 1983, § 7.02)

Secs. 94-112--94-130. Reserved.

### **DIVISION 4. STREETS**

#### **Subdivision I. In General**

Secs. 94-131--94-145. Reserved.

#### **Subdivision II. One-Way Streets**

##### **Sec. 94-146. Designated.**

The following streets in the city are designated as one-way streets, and no vehicles shall travel in any direction on such streets except as indicated:

- (1) Beach Street from Main Street to North Francis Street, traffic to move in an easterly direction only.

(Code 1983, § 7.06(1))

Secs. 94-147--94-165. Reserved.

#### **Subdivision III. Through Streets**

##### **Sec. 94-166. Designated.**

The following streets in the city are designated as through streets:

- (1) Ryan Street and U.S. Highway 10 from east city limits to west city limits.
- (2) Park Avenue from North Main Street east to east city limits.

- (3) Center Street west from North Main Street to west city limits.
- (4) Horn Street east from South Main Street to east city limits.
- (5) West Water Street west from South Main Street to west side of South Custer Street.
- (6) Custer Street north from West Water Street to south side of Center Street.

(Code 1983, § 7.03)

Secs. 94-167--94-185. Reserved.

## **DIVISION 5. STOPS**

### **Subdivision I. In General**

#### **Sec. 94-186. Enumerated.**

Stop signs shall be placed at the following locations to control the movement of vehicles as indicated:

- (1) East on Calumet Street at Francis Street.
- (2) West on Calumet Street at Main Street.
- (3) West on MacArthur Avenue at Lincoln Street.
- (4) East on MacArthur Avenue at South Parkway Drive.
- (5) East on Grand Avenue at Lincoln Street.
- (6) West on Grand Avenue at Lincoln Street.
- (7) West on Wisconsin Street at Lincoln Street.
- (8) East on Wisconsin Street at South Parkway Drive.
- (9) North on Mary Street at Madison Street.
- (10) South on Mary Street at Horn Street.
- (11) East on Oak Street at Francis Street.
- (12) East on Pine Street at Francis Street.
- (13) East on Roselawn Drive at Lee Avenue.
- (14) West on Roselawn Drive at Glenview Avenue.
- (15) East on Springdale Drive at Lee Avenue.
- (16) West on Springdale Drive at Glenview Avenue.
- (17) West on Wolf Circle at Glenview Avenue.

- (18) North on Apollo Court at Wolfschmidt Street.
- (19) East on Wolfschmidt Street at Glenview Avenue.
- (20) East on Wolfschmidt Street at Elm Street.
- (21) West on Lavesta Court at Glenview Avenue.
- (22) West on Schley Street at Columbus Avenue.
- (23) East on Schley Street at North Main Street.
- (24) West on Dewey Street at Columbus Avenue.
- (25) East on Dewey Street at North Main Street.
- (26) West on Trier Street at Columbus Avenue.
- (27) East on Trier Street at North Main Street.
- (28) West on Pagel Avenue at Glenview Avenue.
- (29) West on Grand Avenue at South Main Street.
- (30) East on Valleyview Drive at Driftwood Drive.
- (31) West on Valleyview Drive at Fairway Drive.
- (32) North on Driftwood Drive at Bentwood Drive.
- (33) West on Washington Street at Elm Street. (No stop required for right turn.)
- (34) West on Bentwood Drive at Valleyview Drive.
- (35) West on Homewood Drive at Valleyview Drive.
- (36) East on Sunrise Circle at Valleyview Drive.
- (37) East on Homewood Drive at Harvest Drive.
- (38) Northway Drive at West Ryan Street (U.S. Highway 10).
- (39) West on Tesch Street at South Glenview Avenue.
- (40) East on Market Street at Custer Street.
- (41) West on James Court at Bentwood Drive.
- (42) North on Bentwood Drive at Fieldcrest Drive.
- (43) North on Joan Court at James Court.
- (44) North on Fawn Drive at LaVesta Court.
- (45) North on Hiawatha at LaVesta Court.
- (46) North on Harvest Drive at West National Avenue.
- (47) North on Glenview Avenue at West Ryan (Hwy. 10).
- (48) North on Lee Avenue at West Ryan (Hwy. 10).

- (49) South on Lee at West Ryan (Hwy. 10).
- (50) South on Columbus at West Ryan (Hwy. 10).
- (51) East on Petty Street at North Main Street.
- (51.1) West on Petty Street at Columbus Avenue.
- (52) South on Lee Avenue at Center Street.
- (53) South on Columbus Avenue and Center Street.
- (54) West on Pine Street at North Main Street.
- (55) West on Oak Street at North Main Street.
- (56) West on Park Avenue at North Main Street.
- (57) East on Beach Street at Francis Street.
- (58) East on Center Street at North Main Street.
- (59) North on Custer Street at Center Street.
- (60) East on Jackson Street at Custer Street.
- (61) West on Jackson Street at Custer Street.
- (62) East on Jackson Street at North Main Street.
- (63) East on West Water Street at Elm Street.
- (64) West on West Water Street at Elm Street.
- (65) South on Custer Street at West Water
- (66) West on Wolfschmidt Street at South Glenview Avenue.
- (67) East on Peters Park Road at Elm Street.
- (68) West on Peters Park Road at South Glenview Avenue.
- (69) East on Washington Street at South Main Street.
- (70) East on Tesch Street at South Main Street.
- (71) North on South Main Street at Fairway Drive (angle at safety island).
- (72) East on Hillview Drive at South Glenview Avenue.
- (73) South Glenview Avenue at Fairway Drive.
- (74) West on West National Avenue at South Glenview Avenue.
- (75) West on Fawn Drive at South Glenview Avenue.
- (76) South on Hiawatha Drive at Fawn Drive.
- (77) East on West National Avenue of Fairway Drive.
- (78) West on West National Avenue at Fairway Drive.

- (79) South on Harvest Drive at Bentwood Drive.
- (80) West on Horn Street at South Main Street.
- (81) West on Monroe Street at South Main Street.
- (82) East on West Water Street at South Main Street.
- (83) West on East Water Street at South Main Street.
- (84) South on Cleveland Street at East Water Street.
- (85) North on Cleveland Street at East Water Street.
- (86) South on South Francis Street at East Water Street.
- (87) West on South Francis Street at East Water Street.
- (88) West on Madison Street at Francis Street.
- (89) East on Madison Street at Francis Street.
- (90) South on South Francis Street at Horn Street.
- (91) North on Lincoln Avenue at Horn Street.
- (92) East on East Water Street at South Parkway Drive.
- (93) East on Madison Street at South Parkway Drive.
- (94) West on Madison Street at South Parkway Drive.
- (95) South on Kennedy Drive at Horn Street.
- (96) South on South Lake Drive at National Avenue.
- (97) South on South Parkway Drive at Horn Street.
- (98) North on South Parkway at Horn Street.
- (99) East on Grand Avenue at South Parkway Drive.
- (100) South on South Parkway Drive at East National Avenue.
- (101) South on Meadowood Lane at East National Avenue.
- (102) North on South Main Street at Horn Street.
- (103) East on Clearwater Drive at Highway PP.
- (104) North on Sunset Drive at Highway PP.
- (105) North on North Francis Street at East Ryan (Highway 10).
- (106) West Summer Drive at Sunset Drive.
- (107) West Ridgeway Drive at Highway PP.
- (108) South Autumn Drive at Summer Drive.
- (109) North Autumn Drive at Ridgeway Drive.

- (110) West Rustic Road at Autumn Drive.
- (111) Ridgeway Drive at Fairway Drive.
- (112) Summer Drive at Sunset Drive.
- (113) Autumn Drive at Ridgeway Drive.
- (114) Autumn Drive at Summer Drive.
- (115) Estate Drive at Golfview Drive.
- (116) Paradise Court at Golfview Drive.
- (117) Intersection of Progress Drive and West Ryan Street.
- (118) Fawn Drive at LaVesta Court.
- (119) Hiawatha at LaVesta Court.
- (120) Harvest Drive at West National Avenue.
- (121) West on Washington at Elm (no stop required for right turn).
- (122) West on Bentwood Drive at Valleyview Drive.
- (123) West on Homewood Drive at Valleyview Drive.
- (124) East on Sunrise Circle at Valleyview Drive.
- (125) East on Bentwood at Harvest Drive.
- (126) East on Homewood Drive at Harvest Drive.
- (127) Northway Drive at West Ryan Street (U.S. Highway 10).
- (128) Tesch Street at South Glenview Avenue.
- (129) East on Market Street at Custer Street.
- (130) Kennedy at Madison.
- (131) West on Maple Street at Lee Avenue.

(Code 1983, § 7.04(1); Ord. No. OR95-01, § 11, 7-10-1995; Ord. No. OR98-19, § I, 9-28-1998; Ord. No. OR99-06, § I, 6-28-1999; Ord. No. OR99-12, § I, 11-8-1999; Ord. No. OR00-14, § I, 8-14-2000)

Secs. 94-187--94-210. Reserved.

## **Subdivision II. Four-Way Stops**

### **Sec. 94-211. Enumerated.**

Four-way stop signs shall be placed at the following locations to control movement of vehicles as indicated:

- (1) South Main Street and National Avenue.
- (2) North Main Street and Ryan Street (U.S. Highway 10).
- (3) North Francis Street and Park Avenue.
- (4) Center Street and Glenview Avenue.
- (5) South Francis Street and East Water Street.
- (6) Round Lake Road and East National Avenue.

(Code 1983, § 7.04(1); Ord. No. OR94-08, § I, 10-24-1994; Ord. No. OR95-01, § 1, 7-10-1995; Ord. No. OR98-18, § I, 7-27-1998; Ord. No. OR05-08, § I, 10-24-2005)

Secs. 94-212--94-230. Reserved.

## **DIVISION 6. PARKING**

### **Subdivision I. In General**

#### **Sec. 94-231. All-night parking restricted.**

No person shall park or leave standing any vehicle or equipment upon any street or alleyway in the city between 1:00 a.m. and 6:00 a.m. from November 15 to April 1, except physicians on emergency calls and persons attending divine services.

(Code 1983, § 7.09(2)(c))

#### **Sec. 94-232. Public parking lots.**

No person shall park between 1:00 a.m. and 6:00 a.m., November 15 through April 1, in the city in any public parking lot, except the single most northerly row of the parking stalls in the public parking lot located immediately north of the city hall. No unauthorized vehicles that exceed 8,000 pounds will be allowed to park at any time in any public parking lot except for the purpose of pickup and delivery.

(Ord. No. OR97-06, § I(7.09(3)), 6-23-1997)

Secs. 94-233--94-240. Reserved.

### **Subdivision II. Parking and Standing Prohibited**

#### **Sec. 94-241. Designated streets.**

No person shall park or stand a vehicle on any of the following streets or parts of streets:

- (1) North side of West Water Street from a point 132 feet west of Custer Street to

Elm Street, from 7:30 a.m. to 4:30 p.m. on school days.

(Ord. No. OR98-15, § I, 7-13-1998)

Secs. 94-242--94-245. Reserved.

### **Subdivision III. Parking Prohibited**

#### **Sec. 94-246. Designated streets.**

No person shall park a vehicle on any of the following streets or parts of streets except temporarily for the purpose of loading or unloading or receiving or discharging passengers and while the vehicle is attended by a licensed operator so that it may be promptly moved in an emergency or to avoid obstruction of traffic:

- (1) West side of Custer Street between West Water and 50 feet north of Jackson Street.
- (2) South side of West Water Street between South Main and Elm Streets.
- (3) North side of Market Street between Custer and Elm Streets.
- (4) West side of Main Street between Washington Street and the north line of the front yard of the public school property. During school days, no person shall park on the west side of South Main Street in front of the school property between 7:30 a.m. and 4:30 p.m.
- (5)
  - a. North side of Washington Street, between the hours of 7:30 a.m. and 4:30 p.m. on school days, from Main Street West for a distance of 150 feet.
  - b. South side of Washington Street from the east driveway of the school district parking lot to the Main Street corner.
- (6) West side of North Francis Street between Park Avenue and East Ryan Street.
- (7) South side of Oak Street between North Main Street and North Francis Street.
- (8) West side of North Francis Street between Park Avenue and East Ryan Street.
- (9) East side of North Francis Street between Oak Street and East Ryan Street.
- (10) North side of Calumet Street from North Main Street east a distance of 115 feet.
- (11) Main Street:
  - a. East side of North Main 45 feet north and south of Park Avenue.
  - b. West side of North Main 45 feet south of Center Street.
  - c. West side of North Main 45 feet south of Jackson Street.
  - d. East side of South Main 45 feet north and south of East Water Street.
  - e. North and south of Madison Street, 45 feet.
  - f. West side of South Main 45 feet north and south of West Water Street.

- g. West side of South Main 45 feet north of Washington Street.
- (12) North side of Pine Street between North Main Street and North Francis Street.
  - (13) East side of South Francis Street from its intersection with East Water Street south to the bridge on South Francis Street.
  - (14) North side of Beach Street from its intersection with North Main Street to its intersection with North Francis Street.
  - (15) West side of North Francis Street from its intersection with Park Avenue to its intersection with Beach Street.
  - (16) West side of North Francis Street, 75 feet between Oak Street and Pine Street as the same shall lay opposite the Brillion Iron Works, Inc., parking lot.
  - (17) East side of North Francis Street from a point 150 feet south of Park Avenue to a point 50 feet south of Beach Street.
  - (18) South side of Calumet Street from a point 240 feet west of North Francis Street westerly for a distance of 140 feet.
  - (19) West side of North Francis Street from East Ryan Street to Park Avenue.
  - (20) West side of North Parkway Drive from the corner of North Parkway Drive and Park Avenue south 36 feet.
  - (21) South side of Park Avenue from North Parkway Drive westerly 115 feet.
  - (22) South side of Schley Street from Columbus Street to North Main Street.
  - (23) West side of Lee Avenue between Maple Street and Ryan Street.
  - (24) South side of Jackson Street 65 feet west of Main Street; north side of Jackson Street 54 feet west of Main Street and 50 feet east of Custer Street.
  - (25) Both sides of Fairway Drive from 421 South Fairway Drive to 511 South Fairway Drive.
  - (26) South side of Center Street between North Custer Street and North Main Street.
  - (27) North side of Jackson Street 54 feet west of Main Street and 50 feet east of Custer Street.
  - (28) East side of Francis Street from a point on the north side of Park Avenue north 45 feet to a point on the east side of Francis Street.
  - (29) During school hours on the west side of Custer Street between Center and Jackson Streets with the exception of the first two parking stalls south of Center Street. These stalls are designated "Handicapped Parking Only" and are located 45.58 feet south of Custer Street and extending 40 feet to the south of Center Street.
  - (30) North side of Park Avenue from North Francis Street west 110 feet.
  - (31) North side of Oak Street from North Francis Street west 60 feet.

- (32) West side of South Francis Street between Calumet Street and East Water Street.
- (33) North and south sides of Peters Drive from South Glenview Avenue east 500 feet.
- (34) East side of North Parkway Drive from the north exit of Horn Park to Park Avenue.
- (35) West side of North Parkway Drive from Park Avenue south 318 feet.
- (36) North Side of West Ryan St. 142 feet, to the West side of the first driveway entrance from the east.
- (37) West side of South Main St. 122 feet North from National Ave. to a point adjacent to the driveway at 610 S. Main St.

(Code 1983, § 7.09(1); Ord. No. O-86-5, § 1, 10-13-1986; Ord. No. O-88-2, § 1, 5-23-1988; Ord. No. OR91-103, 5-28-1991; Ord. No. 92-08, § 1, 6-22-1992; Ord. No. 96-02, § 1, 4-8-1996; Ord. No. 97-11, § § I, II, 8-25-1997; Ord. No. OR98-15, § I, 7-13-1998; Ord. No. OR03-06, § 1, 11-17-2003)

Secs. 94-247--94-265. Reserved.

## **Subdivision IV. Two-Hour Parking**

### **Sec. 94-266. Parking time limitations.**

When signs are erected in any block giving notice, no person shall park any vehicle on any of the following streets or alleys or parts of such streets or alleys for longer than two hours between 7:00 a.m. and 9:00 p.m. on Fridays and from 7:00 a.m. to 6:00 p.m. on any other day except Sundays and holidays:

- (1) Westernmost row of parking spaces of the City Hall, 130 Calumet Street, west public parking lot.
- (2) North side of Calumet Street with its intersection with Main Street east to the fire department driveway.
- (3) West side of Main Street commencing with a point on the north side of Park Avenue; across Main Street and south to a point 174.5 feet south of West Water Street directly in front of the light standard in front of the municipal pump station.
- (4) East side of Main Street from the south curb on Park Avenue south along the east side of Main Street to a point 174.5 feet south of West Water Street or directly across from the light standard in front of the pump station.
- (5) South side of Calumet Street from its intersection with Main Street east a distance of 106 feet.
- (6) North and South Main Streets between Park Avenue and West Water Street.

- (7) Directly in front of the city hall property on the north side of Calumet Street.
- (8) East side of North Francis Street from Park Avenue to a point 150 feet south.
- (9) North side of Oak Street between Main Street and Francis Street, except for residents and tenants having an Oak Street address. Visitors must first receive permission from the police department. Residents and tenants do not require permission to park adjacent to their residence as long as the vehicle involved is currently registered to the person residing at that address with the proper address listed on DOT registration and the vehicle is operable.

Any guest or other family member with registration listing to any other address must first contact the Brillion Police Department and receive permission to park a vehicle on Oak Street prior to such parking.

- (10) North side of Park Street between Main Street and Francis Street.
- (11) North side of Schley Street from its intersection with North Main Street west a distance of 150 feet.
- (12) Either side of Jackson Street, from Main Street to Custer Street, between 8:00 a.m. and 6:00 p.m. on any day, Monday through Friday, except holidays.

(Code 1983, § 7.09(4); Ord. No. OR92-11, § I, 11-23-1992; Ord. No. OR93-01, § I, 4-26-1993; Ord. No. OR98-03, § I, 1-26-1998; Ord. No. OR06-14, § 1, 8-28-2006)

Secs. 94-267--94-285. Reserved.

## **Subdivision V. 30-Minute Limits**

### **Sec. 94-286. Parking time limits.**

When signs are erected in any block giving notice, no person shall park any vehicle on any of the following streets, alleys or parts of such streets or alleys for longer than 30 minutes between 7:00 a.m. and 9:00 p.m. on Fridays and from 7:00 a.m. to 6:00 p.m. on any other day except Sundays and holidays:

- (1) East side of Main Street from Park Street to Oak Street.

(Code 1983, § 7.09(2))

Secs. 94-287--94-305. Reserved.

## **Subdivision VI. Ten-Minute Parking**

### **Sec. 94-306. Parking time limits.**

When signs are erected in any block giving notice, no person shall park any vehicle on any of the following streets, alleys or parts of such streets or alleys for longer than ten minutes between 7:00 a.m. and 6:00 p.m. on any day except Sundays and holidays and from 7:00 a.m.

to 9:00 p.m. on Fridays:

- (1) East side of Francis Street from a point 45 feet north on Francis Street from the north side of Park Street to a point 165 feet north on Francis Street from the north side of Park Street (approximately 120 feet total length of zone).
- (2) North side of Park Avenue from North Parkway Drive 155 feet west.
- (3) West side of Custer Street from Center Street to a point 100 feet south.

(Ord. No. O-88-2, § 2, 5-23-1988)

Secs. 94-307--94-325. Reserved.

### **Subdivision VII. Three-Minute Parking (Reserved)**

Secs. 94-326--94-345. Reserved.

### **Subdivision VIII. Heavy-Traffic Parking**

#### **Sec. 94-346. Parking time limits.**

- (a) *Generally.* When signs are erected in any block giving notice, no person shall park any vehicle over 12,000 pounds on any of the following streets, alleys or parts of such streets or alleys for longer than the period herein specified between 7:00 a.m. and 9:00 p.m. on Fridays and from 7:00 a.m. to 6:00 p.m. on any other day except Sundays and holidays:
  - (1) No person may park or leave standing on any city street, alley or parking lot a motor vehicle, trailer, implement of husbandry or other equipment for more than 24 hours other than a vehicle licensed as an automobile or truck with a gross vehicle weight of more than 12,000 pounds unless such street, alley or parking lot is designated a truck route.
- (b) *Truck routes.* No person may park or leave standing on any city street designated as a truck route a motor vehicle, trailer, implement of husbandry or other equipment for more than 72 hours other than a vehicle licensed as an automobile or truck with a gross vehicle weight of less than 12,000 pounds, or heavy traffic vehicle or trailer, as defined in section 94-366.
- (c) *Loading zone.* No person shall park a vehicle on the east side of Parkway Drive between East Water Street and Madison Street in an area approximately 45 feet in length designated as a loading zone.

(Ord. No. 415, § 1, 10-8-1984; Ord. No. OR93-102, § I, 5-24-1993)

#### **Sec. 94-347. Penalties for violation of subdivision.**

Any person who shall violate any provision of this subdivision shall be subject to a penalty of not less than \$25.00 per offense nor more than \$250.00 per offense. Each day a

motor vehicle, trailer, implement of husbandry or other equipment is in violation shall constitute a separate offense.

(Ord. No. OR93-102, § I, 5-24-1993)

Secs. 94-348--94-365. Reserved.

## **DIVISION 7. HEAVY-TRAFFIC ROUTES**

### **Sec. 94-366. Definitions.**

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

*Heavy traffic* means all vehicles not operating completely on pneumatic tires and all vehicles or combination of vehicles, other than motorbuses, designed or used for transporting property of any nature and having a gross weight of more than 6,000 pounds.

(Code 1983, § 7.07(1))

**Cross references:** Definitions generally, § 1-2.

### **Sec. 94-367. Operation on certain streets prohibited.**

No person shall operate a heavy-traffic vehicle on any streets or parts of streets not designated in section 94-368; however, the ordinary use of such streets for obtaining orders for supplies, or moving or delivering supplies or commodities to or from any place of business or residence fronting on such streets shall be permitted, but the weight of the vehicle and its load shall not exceed the limitations of Wis. Stats. § 348.15 or 348.16(3), pertaining to class "A" highways or deliveries on class "B" highways.

(Code 1983, § 7.07(3))

### **Sec. 94-368. Routes designated.**

The following streets and parts of streets are designated as heavy-traffic routes:

- (1) All of North and South Main Street.
- (2) All of East and West Ryan Street.
- (3) North Francis Street, between Ryan Street and East Water Street.
- (4) Park Avenue.
- (5) Calumet Street.
- (6) Jackson Street west from North Main Street to Custer Street.
- (7) West Water Street from South Main Street to Custer Street.
- (8) East Water Street from Main Street to the Bridge.

- (9) Beach Street.
- (10) Custer Street from Jackson Street to West Water Street.
- (11) Tesch Street.
- (12) Glenview Street.

(Code 1983, § 7.07(2))

**Sec. 94-369. Penalty for violation of division.**

The forfeiture for a violation of this division shall be \$30.00 for any such violation plus court costs and suit tax as prescribed by state statute.

(Code 1983, § 7.20(2); Ord. No. O-89-6, § 1, 9-11-1989)

Secs. 94-370--94-385. Reserved.

**ARTICLE IV. BICYCLES\***

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**\*State law references:** Bicycles and play vehicles generally, Wis. Stats. § 346.77 et seq.

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**Sec. 94-386. Registration required.**

No person shall operate a bicycle or any similar wheeled vehicle customarily kept within the city upon any street or public way within the city unless the bicycle shall first have been registered by the owner and properly licensed or tagged as provided in this article.

(Code 1983, § 7.12(1))

**Sec. 94-387. License plates; fees.**

- (a) *Registration.* Registration of bicycles shall be made by filing an application with the police department, setting forth the name and address of the owner, together with a complete description of the bicycle on forms provided by the department, and paying a one time registration fee of \$3.00. Each registration shall be serially numbered and kept on file in the police department as a public record. Upon such registration, the department shall affix an identification tag or license plate to the bicycle registered at or near the rear of the seat or saddle, such identification tag or license plate to be serially numbered to correspond with the registration number. Such tag or license plate shall remain fixed to the bicycle unless removed by order of the chief of police for cause.
- (b) *Inspection.* The chief of police shall inspect each bicycle presented for registration and may refuse registration of any bicycle found to be in unsafe mechanical condition.
- (c) *Fees placed in general fund.* All moneys received from fees provided for in this section shall be placed in the city's general fund.

(Code 1983, § 7.12(2))

**Sec. 94-388. Lost license plates.**

In case of theft, loss, mutilation or defacing of such tag or plate, a new tag or license plate shall be issued by the police department for \$1.00. No person shall willfully remove, deface or destroy any such identification tag or license plate.

(Code 1983, § 7.12(4))

**Sec. 94-389. Transfer and cancellation.**

- (a) *Transfer.* Within ten days after any bicycle registered under this article changes ownership, the registration of the person in whose name the bicycle had been registered shall be canceled and a new license plate shall be issued to the new owner upon payment by him of a \$1.00 registration fee.
- (b) *Cancellation.*
  - (1) In case of dismantling and taking out of operation or use of a bicycle, the registration shall be canceled and the identification tag or license plate returned to the police department.
  - (2) The chief of police may cancel the registration of and remove the identification tag from any bicycle being operated in the city in an unsafe manner or in violation of any law or ordinance. Such cancellation and removal shall be in addition to other penalties provided in this chapter.

(Code 1983, § 7.12(5))

**Sec. 94-390. Operation without owner's consent.**

No person shall operate a bicycle in the city without consent of the registered owner.

(Code 1983, § 7.12(6))

**Sec. 94-391. Rules of operation.**

Bicycles are classed as vehicles, and their operation shall be governed by all laws regulating traffic upon the streets of the city. In addition to complying with the bicycle regulations imposed in Wis. Stats. §§ 346.77--346.81, the operator shall also comply with the following:

- (1) Persons operating bicycles shall signal for left-hand turns and stops with left hand extended.
- (2) No person operating a bicycle shall do trick riding such as riding the bicycle without keeping at least one hand upon the handlebars, nor engage in racing upon the city streets.
- (3) An operator of a bicycle may ride on any public residential sidewalk in a

reasonably safe manner, but in no case shall such operator ride on the grass or lawns of any residential property or public park.

(Code 1983, § 7.12(7))

Secs. 94-392--94-415. Reserved.

## ARTICLE V. SNOWMOBILES

### Sec. 94-416. State snowmobile laws adopted.

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

#### TABLE INSET:

350.01	Definitions.
350.02	Operation of snowmobiles on or in the vicinity of highways.
350.03	Right-of-way.
350.04	Snowmobile races, derbies and routes.
350.045	Public utility exemption.
350.047	Local utility exemption.
350.05	Operation by youthful operators restricted.
350.055	Safety certification program established.
350.06	Firearms and bows.
350.07	Driving animals.
350.08	Owner permitting operation.
350.09	Head lamps, tail lamps and brakes, etc.
350.10	Miscellaneous provisions for snowmobile operation.
350.101	Intoxicants snowmobiling.
350.102	Preliminary breath screening test.
350.1025	Application of intoxicants snowmobile law.
350.103	Implied consent.
350.104	Chemical tests.
350.106	Report arrest to department.
350.107	Officer's action after arrest for operating a snowmobile while under influence of intoxicant.
350.108	Public education program.
350.11	Penalties.
350.115	Snowmobile registration restitution payments.
350.12	Registration of snowmobiles; trail use stickers.
350.125	Completion of application for registration by snowmobile dealers.

350.13	Uniform trail signs and standards.
350.135	Interferences with uniform trail signs and standards prohibited.
350.137	Uniform snowmobile rail crossing standards.
350.138	Snowmobile rail crossings requiring permits.
350.1395	Snowmobile rail crossings; closing; review of rail authorities; insurance rules.
350.14	Duties of snowmobile recreational council.
350.145	Recommendations of the snowmobile recreational council.
350.15	Accidents and accident reports.
350.155	Coroners and medical examiners to report; require blood specimen.
350.17	Enforcement.
350.18	Local ordinances.
350.19	Liability of landowners.
350.99	Parties to a violation.

(Ord. No. OR02-10, § 1, 11-25-2002)

**Sec. 94-417. Applicability of traffic regulations to snowmobiles.**

No person shall operate a snowmobile upon any street, highway or alley within the city in violation of the traffic regulation provisions of the Wis. Stats.

(Ord. No. OR02-10, § 1, 11-25-2002)

**Sec. 94-418. Speed and equipment.**

- (a) *Speed.* No person shall operate a snowmobile within the city or on any trail or street or other public way designated in section 94-421 of this chapter at a speed in excess of twenty (20) miles per hour.
- (b) *Restriction on equipment.* No snowmobile or other vehicle operating within the city snowmobile route shall be allowed, if it is operating with an expansion chamber or any muffler other than a properly functioning muffler of the type and size provided by the manufacturer.
- (c) *Headlight.* Every snowmobile operating within the city must display a lighted headlight and taillight at all times, day or night and said lights must conform to the requirements of the Wis. Stats.

(Ord. No. OR02-10, § 1, 11-25-2002)

**Sec. 94-419. Unattended vehicles.**

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

(Ord. No. OR02-10, § 1, 11-25-2002)

**Sec. 94-420. Operation on sidewalks prohibited.**

No person shall operate a snowmobile lengthwise upon any sidewalk, pedestrian way or upon the area between the sidewalk and the curb line of any street in the city, except as specifically authorized for the purpose of legally crossing the street, to obtain immediate access to an authorized area of operation.

(Ord. No. OR02-10, § 1, 11-25-2002)

**Sec. 94-421. Restrictions on operators.**

- a) No person under the age of 12 years may operate a snowmobile. No person over the age of 12 years but under the age of 16 years may operate a snowmobile unless he/she holds a valid snowmobile safety certificate or is accompanied by a person over 18 years of age or by a person over 14 years of age having a snowmobile safety certificate issued by the department of natural resources.
- (b) No person shall operate any snowmobile upon any street, alley, or other public right-of-way in the city unless such person shall have a valid motor vehicle operator's license or unless such operator is accompanied by a person who has a valid motor vehicle operator's license and who is occupying a seat on the vehicle.

(Ord. No. OR02-10, § 1, 11-25-2002)

**Sec. 94-422. Snowmobile routes and trails designated.**

- (a) *Routes designated.* Except as provided in Wis. Stats., no person shall operate a snowmobile upon any public right-of-way, in any public park or cemetery or on any other public or private property in the city except upon snowmobile routes and trails designated by the city council. There shall be certain established routes or streets within the city limits. These snowmobile routes shall be designated as snowmobile routes and are to be used only to leave and enter the city at a speed not to exceed 20 miles per hour, under any circumstances or at any time of day or night.
- (b) Operation prohibited in certain areas:
  - (1) No person may operate a snowmobile for any reason on the following streets:
    - a. USH-10/East Ryan St. on its entire length
    - b. USH-10/West Ryan St. on its entire length
    - c. CTH-PP/North Main St. on its entire length
    - d. CTH-PP/South Main St., South to Horn St.  
(operation along Fairway Dr. is allowed)
  - (2) No person may operate a snowmobile in the following areas, unless authorization is obtained from the city council:
    - a. Any city parks;

- b. Any city cemeteries;
  - c. Any property owned or leased by the city;
- (3) Snowmobile routes are described as follows:
- a. Trail markers--The director of public works and city law enforcement officers are directed and authorized to procure, erect and maintain appropriate snowmobile route, trail and limit signs and markers as approved by the state department of natural resources under Wis. Stats.
  - b. Trail status--city law enforcement officers shall have the power to declare the stated snowmobile routes and trails either open or closed.
  - c. Markers to be obeyed--No person shall fail to obey any route or trail sign, marker or limit erected in accordance with this section or traffic sign or signal under authority of Wis. Stats.

(Ord. No. OR02-10, § 1, 11-25-2002)

**Sec. 94-423. Snowmobile travel within the city limits.**

- (a) *Statutory authority.* State law allows towns, cities and villages to enact local regulations allowing snowmobilers to travel between a legal trail to a place of lodging, stores or restaurants.
- (b) *Travel by shortest route.* Establishment to travel along roadways and / or shoulders of highways to the closest snowmobile route or trail. The authority to enact local snowmobile residential access regulations is found in the Wis. Stats. By authority of the Wis. Stats., the city does hereby provide for snowmobile access to residential areas, stores and lodging establishments within the city limits according to the guidelines set herein.
- (c) *Operation authorized.* This section allows the operation of a snowmobile on a roadway and / or shoulder of a street or highway by persons residing in or staying at a lodging establishment, shopping at local businesses or obtaining personal needs, within the limits of the City of Brillion, Calumet County, Wisconsin, for the sole purpose of traveling into or from the city by the shortest distance that is necessary to reach the snowmobile trail or route that is closest to that residence or business establishment.
- (d) *Conditions.* This section designates the roadways and / or shoulders of specific streets and highways for snowmobile travel by persons residing in the city, patronizing business or staying at a lodging establishment within the limits of the City of Brillion, Calumet County Wisconsin, to travel for the shortest distance that is necessary to reach the snowmobile trail or route that is closest to that residence, business or lodging establishment subject to the following conditions:
  - (1) Snowmobiles shall be operated on the extreme right side of the roadway and travel with the flow of traffic.
  - (2) Snowmobiles shall be operated in single file with headlights in operation at all times, day or night.

- (3) Snowmobile operators shall yield the right-of-way to all other vehicular traffic and pedestrians.
  - (4) Snowmobiles violating any of the above conditions will be subject to the penalties outlined in Wis. Stats., and city ordinance.
  - (5) Speed--A snowmobile operated on any portion of the roadway or shoulder of a highway pursuant to this Section shall observe the 20 mile per hour speed limit.
- (e) *Enforcement.* This section shall be enforced by any law enforcement officer of the City of Brillion, Calumet County, Wisconsin, or such other local, county or state law enforcement officers.
- (f) *Penalties.* Wisconsin state snowmobile penalties as found in the Wis. Stats.
- (Ord. No. OR02-10, § 1, 11-25-2002)

#### **Sec. 94-424. Penalty.**

Any person who shall violate any provision of this chapter shall, upon conviction thereof, forfeit not more than \$500.00, together with the costs of prosecution and., in default of payment thereof, may be imprisoned in the county jail for a term not to exceed ten days, provided no person shall forfeit an amount in excess of the maximum fine or forfeiture allowed in the Wis. Stats., for the same offense and further provided that the penalty and forfeiture for parking violations on highways shall be the amount applicable to such violations by owners or operators of motor vehicles under Chapter 94 of this Code of Ordinances.

(Ord. No. OR02-10, § 1, 11-25-2002)

#### **Sec. 94-425. Enforcement.**

- (a) *Uniform traffic citation.* The uniform traffic citation promulgated under the Wisconsin State Statutes, shall be used for violations of this chapter relating to highway use except as herein provided.
- (b) *Parking violations.* The special standardized city parking ticket shall be used for enforcement of violations of rules of the road relating to parking of vehicles.
- (c) *Other violations.* All violations of this chapter not described in subsections (a) or (b) shall be enforced in accordance with Wis. Stats. Stipulations of guilt or no contest may be made as provided in Wis. Stats. in substantially the form provided in the uniform traffic citation within five days of the date of the citation for such violation. Bail deposits. Payment may also be made under Wis. Stats. Such deposits shall include the city municipal court costs listed in chapter 3 of this Code of Ordinances.
- (d) *Forfeited penalties and deposits.* Except as otherwise provided in Wis. Stats. and the deposit schedule adopted by the state board of circuit court judges hereunder, required penalties and deposits or bail not including costs or fees for violation of this chapter shall be as established by the schedule adopted by the city common council.

(Ord. No. OR02-10, § 1, 11-25-2002)

Secs. 94-426--94-445. Reserved.

## ARTICLE VI. GOLF CARTS

### Sec. 94-446. Speed and equipment.

- (a) *Speed.* No person shall operate a golf cart within the city or on any trail or street or other public way designated in section 94-450 of this chapter at a speed in excess of any posted limit. Any golf cart which is not able to attain the speed of 25 mph must display a slow moving vehicle sign as stated in Wis. Stats. § 347.245(1).
- (b) *Restriction on equipment.* No golf cart may be operated on any street within the city limits unless it conforms to all noise, registration and other equipment requirements as stated in the Wisconsin Statutes or the Municipal Code of the city.
- (c) *Headlight and taillight.* Every golf cart operating within the city, upon any public street must display a lighted headlight and taillight at all times, day or night and said lights must conform to the requirements of this article. Headlights shall be of a white or clear light and must be capable of illuminating the road ahead during hours of darkness and be observed at a distance of 500 feet. Headlights must be properly adjusted, as not to interfere with the operation of other vehicles on the roadway. Taillights shall be red in color and be observable to a distance of 500 feet at night.
- (d) *Registration/inspection.* In addition to any other registration requirements that may be imposed by the state, an annual municipal trail use permit is required to operate any golf cart within the city limits. It is the intent that the fee for this permit be reviewed annually and may be published by the city clerk on the city web site [www.ci.brillion.wi.us](http://www.ci.brillion.wi.us) and in the Brillion News.
  - (1) Upon successful inspection of any golf cart, a trail use permit shall be issued allowing it to be operated upon city streets for a period of one year. Such permit shall be plainly visible on the front cowling as to be plainly seen by a passing patrol officer.
    - a. The annual trail use permit shall be valid from May 1 through April 31 of each consecutive year.
    - b. The trail use permit fee for the 2007 season shall be \$25.00.
    - c. *Registration exemption.* A golf cart shall be exempt from the registration requirement if the operator meets the definition of a person with a disability as described in Wis. Stats. § 340.01(43g). Proof of disability must be carried while the vehicle is in operation.
  - (2) *Inspection requirements.*
    - a. The golf cart shall have proof of ownership and insurance present at time of an inspection.
    - b. The application form for that purpose must be completed and signed by

the owner.

- c. The proper fee must be paid to the city clerk, prior to issuance of the permit.
- d. The vehicle must meet all inspection requirements prior to any permit being issued.

(Ord. No. OR07-01, § III, 2-26-2007; Ord. No. OR07-12, § III, 7-23-2007)

#### **Sec. 94-447. Unattended vehicles.**

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

(Ord. No. OR07-01, § III, 2-26-2007; Ord. No. OR07-12, § III, 7-23-2007)

#### **Sec. 94-448. Operation on sidewalks prohibited.**

No person shall operate a golf cart upon any sidewalk, pedestrian way or upon the (terrace) area between the sidewalk and the curb line of any street in the city, except as specifically authorized for the purpose of legally crossing the street, to obtain immediate access to an authorized area of operation.

(Ord. No. OR07-01, § III, 2-26-2007; Ord. No. OR07-12, § III, 7-23-2007)

#### **Sec. 94-449. Restrictions on operators of golf carts.**

No person shall operate a golf cart upon city streets, alley or public right-of-way within the corporate limits of Brillion unless such person shall have a valid motor vehicle operator's license.

(Ord. No. OR07-01, § III, 2-26-2007; Ord. No. OR07-12, § III, 7-23-2007)

#### **Sec. 94-450. Golf cart routes and trails designated.**

- (a) *Routes designated.* Except as provided in Wis. Stats. or herein stated, no person shall operate any vehicle upon any public right-of-way, in any public park or cemetery or on any other public or private property in the city except upon routes and trails designated by the city council as golf cart routes.

There shall be certain established routes or streets within the city limits. These routes shall be designated as golf cart routes and are to be used for that purpose, under all circumstances at any time of day or night.

- (b) *Operation prohibited in certain areas:*

- (1) No person may operate a golf cart for any reason on the following streets:
  - a. USH-10/East Ryan St. on its entire length.
  - b. USH-10/West Ryan St. on its entire length.

- c. Any street where operation is prohibited by a posted sign.

Note: Any of the above streets may be driven across from one side to the other, from a legal area to reach a street which is legal to operate upon.

- (2) No person may operate a golf cart in the following areas, unless authorization is first obtained from the city council (city property need not be posted, golf cart operators must know who's property they are operating upon before entering any property):

- a. Any city parks.
- b. Any city cemeteries.
- c. Any property owned or leased by the city.
- d. Anywhere in the city on the grass skirt area between the street and sidewalk. (Except where motor vehicle traffic is normally allowed on paved surfaces only).

- (3) Golf cart routes are described as follows:

- a. *Trail markers.* The director of public works and city law enforcement officers are directed and authorized to procure, erect and maintain appropriate route, trail and speed limit signs and markers as approved by the state department of transportation and covered by Wisconsin Statutes.
- b. *Trail status.* City law enforcement officers shall have the power to declare the stated golf cart routes and trails either open or closed. Such openings and closures may be posted on the official city web site [www.ci.brillion.wi.us](http://www.ci.brillion.wi.us) and in the Brillion News.
- c. *Signs and markers to be obeyed.* No person shall fail to obey any route or trail sign, marker or speed limit or other control device erected in accordance with this section or traffic sign or signal under authority of Wisconsin Statutes.

(Ord. No. OR07-01, § IV, 2-26-2007; Ord. No. OR07-12, § IV, 7-23-2007)

### **Sec. 94-451. Golf cart travel within the city limits.**

- (a) *Statutory authority.* State law § 349.18(1)(c) allows towns, cities and villages to enact local regulations regulating the operation of a golf cart to and from a golf course.
- (b) *Golf cart travel upon city streets.* Operation of golf carts within the city limits shall be strictly limited to traveling along the extreme right side of city streets designated for that purpose. The authority to enact local golf cart residential access regulations are found in Wis. Stats. § 349.18(1)(c). By authority of Wis. Stats. § 349.18(1)(c), the city does hereby provide for golf cart access into and from residential areas, stores and lodging establishments and golf courses within the city limits according to the guidelines set herein.

- (c) *Operation authorized.* This section allows for the operation of golf carts on designated streets, roadways and/or shoulders of streets or highways by persons residing in or staying at a lodging establishment, shopping at local businesses or obtaining personal needs, within the limits of the City of Brillion, Calumet County, Wisconsin or to travel to or from an established trail, route or golf course within or connected to the corporate limits of the city.
- (d) *Golf car.* Under this section the operation of golf cars/carts of the type and kind equipped and used solely and specifically for golfing will be allowed to operate upon city streets under the circumstances listed herein. All restrictions listed for the operation apply to the operation of golf cars/carts upon city streets. The only exception to this is that safety equipment required for ATV operation is not required for the operation of golf carts, which have not been modified.
- (e) *Conditions.* This section designates the roadways and specific streets and highways for golf cart travel by persons residing in the city, patronizing business or staying at a lodging establishment within the limits of the City of Brillion, Calumet County Wisconsin, to travel for the distance that is necessary to reach a golf course, trail or route from that residence, business or lodging establishment subject to the following conditions:
  - (1) *Uniformity.* For the purpose of uniformity in this document the term cars/carts will have the same meaning as the term golf car/cart.
    - a. Carts shall be operated on the extreme right side of the roadway and travel with the flow of traffic.
    - b. Carts shall be operated in single file with headlights and taillights in operation at all times, day or night. If a trailer is towed behind, the trailer must conform to all lighting requirements for carts.
    - c. Cart operators shall yield the right-of-way to all other vehicular traffic and pedestrians.
    - d. Carts violating any of the above conditions will be subject to the penalties outlined in Wis. Stats. and city ordinance.
    - e. *Speed.* Carts operated on any portion of any roadway or shoulder of a highway pursuant to this section shall observe the posted speed limit for that roadway.
    - f. Any cart unable to reach a maximum speed of 25 mph, must display a slow moving vehicle triangle, visible on the rear of such vehicle according to Wisconsin State Statutes governing the SMV emblems at all times while in operation on any roadway.
  - (2) *Enforcement.*
    - a. *Enforcement.* This section shall be enforced by any law enforcement officer of the City of Brillion, Calumet County, Wisconsin, or such other local, county or state law enforcement officers.
    - b. *Uniform traffic citation.* The uniform traffic citation promulgated under the Wisconsin State Statutes, shall be used for violations of this chapter

relating to highway use except as herein provided.

- c. *Parking violations.* The special standardized city parking ticket shall be used for enforcement of violations of rules of the road relating to parking of vehicles.
- d. *Other violations.* All violations of this chapter not described in subsections a. or b., above, shall be enforced in accordance with Wis. Stats. Stipulations of guilt or no contest may be made as provided in Wis. Stats. in substantially the form provided in the uniform traffic citation within five days of the date of the citation for such violation. Payment may also be made under Wis. Stats. Such deposits shall include the city municipal court costs listed in chapter 3 of this Code of Ordinance.

(Ord. No. OR07-01, §§ IV, V, 2-26-2007; Ord. No. OR07-12, §§ IV, V, 7-23-2007)

### **Sec. 94-452. Penalty.**

Any person who shall violate any provision of this chapter shall, upon conviction thereof, forfeit not more than \$500.00, together with the costs of prosecution and, in default of payment thereof, may be imprisoned in the county jail for a term not to exceed ten days, provided no person shall forfeit an amount in excess of the maximum fine or forfeiture allowed in the Wis. Stats., for the same offense and further provided that the penalty and forfeiture for parking violations on highways shall be the amount applicable to such violations by owners or operators of motor vehicles under chapter 94 of this Code of Ordinances. Except as otherwise provided in Wis. Stats. and the deposit schedule adopted by the state board of circuit court judges hereunder, required penalties and deposits or bail not including costs or fees for violation of this chapter shall be as established by the schedule adopted by the city common council.

(Ord. No. OR07-01, § VI, 2-26-2007; Ord. No. OR07-12, § VI, 7-23-2007)

Secs. 94-453--94-465. Reserved.

## **ARTICLE VII. ATV's\***

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\***Editor's note:** Ord. No. OR07-02, §§ III--VI, adopted Feb. 26, 2007, supplied provisions to be added to the Code as §§ 94-446--94-452. In order to maintain the style of the Code, these provisions have been redesignated as §§ 94-466--94-472 to read as set out herein

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### **Sec. 94-466. Speed and equipment.**

- (a) *Speed.* No person shall operate an ATV within the city or on any trail or street or other public way designated in section 94-470 of this chapter at a speed in excess of any posted limit.
- (b) *Restriction on equipment.* No ATV may be operated on any street within the city limits

unless it conforms to all noise, registration and other equipment requirements as stated in the Wisconsin Statutes or the Municipal Code of the city.

- (c) *Headlight.* Every ATV operating within the city must display a lighted headlight and taillight at all times, day or night and said lights must conform to the requirements of the current Wis. Stats. and city ordinance requirements for ATV'S.

(Ord. No. OR07-02, § III (§ 94-446), 2-26-2007)

#### **Sec. 94-467. Unattended vehicles.**

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

(Ord. No. OR07-02, § III (§ 94-447), 2-26-2007)

#### **Sec. 94-468. Operation on sidewalks prohibited.**

No person shall operate an ATV upon any sidewalk, pedestrian way or upon the (skirt) area between the sidewalk and the curb line of any street in the city, except as specifically authorized for the purpose of legally crossing the street, from an area of private property with prior permission, to obtain immediate access to an authorized area of operation.

(Ord. No. OR07-02, § III (§ 94-448), 2-26-2007)

#### **Sec. 94-469. Restrictions on operators of ATV's.**

- (a) Operation by non licensed or youthful operators provided under Ch. 23.33(5) Wis. Stat.
- (b) No person shall operate an ATV upon city streets, alley or public right-of-way within the corporate limits of Brillion unless such person shall have a valid motor vehicle operator's license.
- (c) No person under the age of 12 years of age may operate an ATV on a roadway for any reason.
- (d) No person 12--15 years may operate an ATV on a roadway unless, the ATV is registered as an implement of husbandry and must either be accompanied by a person at least 18 years of age, on the same machine or closely followed in another vehicle;

OR, the ATV is registered for public use and the operator is in possession of an ATV safety course completion certificate and may only operate an ATV if wearing approved headgear designed for that purpose.

- (e) No persons under 18 years of age may operate or be a passenger on an ATV without wearing protective headgear with a chinstrap, which is properly attached.

(Ord. No. OR07-02, § III (§ 94-449), 2-26-2007)

#### **Sec. 94-470. ATV routes and trails designated.**

- (a) *Routes designated.* Except as provided in Wis. Stats., or herein stated, no person shall operate any ATV upon any public right-of-way, in any public park or cemetery or on any other public or private property in the city except upon ATV routes and trails designated by the city council. There shall be certain established routes or streets within the city limits. These ATV routes shall be designated as ATV routes and are to be used only for that purpose, under any circumstances or at any time of day or night.
- (b) *Operation prohibited in certain areas:*
- (1) No person may operate an ATV for any reason on the following streets:
- a. USH-10/East Ryan St. on its entire length.
  - b. USH-10/West Ryan St. on its entire length.
  - c. Any street where operation is prohibited by a posted sign.
- Note: Any of the above streets may be driven across from one side to the other, from a legal area to reach a street which is legal to operate upon.
- (2) No person may operate an ATV in the following areas, unless authorization is first obtained from the city council:
- a. Any city parks except on those paved areas that are legal for motor vehicle operation.
  - b. Any city cemeteries.
  - c. Any property owned or leased by the city which is not accessible by motor vehicles.
  - d. On the grass skirt area between the street and sidewalk of any street or highway.
- (3) ATV routes are described as follows:
- a. *Trail markers.* The director of public works and city law enforcement officers are directed and authorized to procure, erect and maintain appropriate ATV route, trail and speed limit signs and markers as approved by the State Department of Natural Resources under Wis. Stats.
  - b. *Trail status.* City law enforcement officers shall have the power to declare the stated ATV routes and trails either open or closed. This information may be posted on the city website [www.ci.brillion.wi.us](http://www.ci.brillion.wi.us) and in the Brillion News.
  - c. *Signs and markers to be obeyed.* No person shall fail to obey any route or trail sign, marker or speed limit or other control device erected in accordance with this section or traffic sign or signal under authority of Wis. Stats.

(Ord. No. OR07-02, § IV (§ 94-450), 2-26-2007)

## **Sec. 94-471. ATV travel within the city limits.**

- (a) *Statutory authority.* State law allows towns, cities and villages to enact local regulations allowing ATV's to travel designated routes and trails.
- (b) *ATV travel upon city streets.* Operation of ATV's within the city limits shall be strictly limited to traveling along the extreme right side of city streets designated for that purpose. The authority to enact local ATV residential access regulations is found in the Wis. Stats. By authority of the Wis. Stats. The city does hereby provide for ATV access into and from residential areas, stores and lodging establishments within the city limits of Brillion according to the guidelines set herein.
- (c) *Operation authorized.* This section allows for the operation of an ATV on a street, roadway and / or shoulder of a street or highway by persons residing in or staying at a lodging establishment, shopping at local businesses or obtaining personal needs, within the limits of the City of Brillion, Calumet County, Wisconsin or to travel to or from an established ATV trail or route within or connected to the corporate limits of the city.
- (d) *Conditions.* This section designates the roadways and / or shoulders of specific streets and highways for ATV travel by persons residing in the city, patronizing business or staying at a lodging establishment within the limits of the City of Brillion, Calumet County Wisconsin, to travel for the distance that is necessary to reach an ATV trail or route from that residence, business or lodging establishment subject to the following conditions:
  - (1) *Uniformity.* For the purpose of uniformity in this document the term ATV will have the same meaning as the term all terrain vehicle.
    - a. ATV's shall be operated on the extreme right side of the roadway and travel with the flow of traffic.
    - b. ATV'S shall be operated in single file with headlights and taillights in operation at all times, day or night. If a trailer is towed behind an ATV, the trailer must conform to all lighting requirements for ATV's.
    - c. ATV operators shall yield the right-of-way to all other vehicular traffic and pedestrians.
    - d. ATV'S violating any of the above conditions will be subject to the penalties outlined in Wis. Stats., and city ordinance.
    - e. *Speed.* ATV'S operated on any portion of any roadway or shoulder of a highway pursuant to this section shall observe the posted speed limit for that roadway.
    - f. Any ATV unable to reach a maximum speed of 25 mph, must display a slow moving vehicle triangle, visible on the rear of such vehicle according to Wisconsin State Statutes governing the SMV emblems at all times while in operation on any roadway.
  - (2) *Enforcement.*

- a. *Enforcement.* This section shall be enforced by any law enforcement officer of the City of Brillion, Calumet County, Wisconsin, or such other local, county or state law enforcement officers.
  - b. *Uniform traffic citation.* The uniform traffic citation promulgated under the Wisconsin State Statutes, shall be used for violations of this chapter relating to highway use except as herein provided.
  - c. *Parking violations.* The special standardized city parking ticket shall be used for enforcement of violations of rules of the road relating to parking of vehicles.
  - d. *Other violations.* All violations of this chapter not described in subsections a. or b., above, shall be enforced in accordance with Wis. Stats. Stipulations of guilt or no contest may be made as provided in Wis. Stats. in substantially the form provided in the uniform traffic citation within five days of the date of the citation for such violation. Payment may also be made under Wis. Stats. Such deposits shall include the city municipal court costs listed in chapter 3 of this Code of Ordinance.
- (e) *Permit to operate on city-owned property.* An annual permit fee of \$25.00 will be charged allowing ATV's to be operated upon property owned by the city. A sticker will be issued for this purpose and shall be plainly displayed on the exterior of the machine.

(Ord. No. OR07-02, §§ IV, V (§ 94-451), 2-26-2007)

### **Sec. 94-472. Penalty.**

All provisions of section 23.33 of the Wisconsin Statutes describing and defining regulations with respect to all-terrain vehicles of which the penalty is a forfeiture only shall be incorporated by reference. Any person who shall violate any provision of this chapter shall, upon conviction thereof, forfeit not more than \$500.00, together with the costs of prosecution and, in default of payment thereof, may be imprisoned in the county jail for a term not to exceed ten days, provided no person shall forfeit an amount in excess of the maximum fine or forfeiture allowed in the Wis. Stats., for the same offense and further provided that the penalty and forfeiture for parking violations on highways shall be the amount applicable to such violations by owners or operators of motor vehicles under chapter 94 of this Code of Ordinances. Except as otherwise provided in Wis. Stats. and the deposit schedule adopted by the state board of circuit court judges hereunder, required penalties and deposits or bail not including costs or fees for violation of this chapter shall be as established by the schedule adopted by the city common council.

(Ord. No. OR07-02, § VI (§ 94-452), 2-26-2007)

Secs. 94-473--94-490. Reserved.

## **ARTICLE VIII. NEIGHBORHOOD ELECTRIC VEHICLES**

### **Sec. 94-941. Rules and regulations.**

The city shall allow the use of a "neighborhood electric vehicle" within the city limits of Brillion. Persons using a "neighborhood electric vehicle" on any street shall comply with the following:

- (1) A neighborhood electric vehicle shall be operated on a street which has a speed limit of 35 miles per hour or less. (Ref. by state statute)
- (2) A "neighborhood electric vehicle" shall not be modified from the original manufacturer's condition.
- (3) A neighborhood electric vehicle shall be operated by a licensed driver capable of properly controlling the vehicle and not simply under adult supervision.
- (4) *Modifications to vehicles:* The only modifications allowed to any neighborhood electric vehicle shall be the replacement of (OEM) original manufacturer parts or the equivalent. However, the attachment of lights for night time use shall be allowed.

"Neighborhood electric vehicle" means a self-propelled motor vehicle that has successfully completed the neighborhood electric vehicle America test program conducted by the federal department of energy, and that conforms to the definition and requirements for low-speed vehicles as adopted in the federal motor vehicle safety 49 CFR 571.3(b) and 571.500.

- (5) Neighborhood electric vehicles are motor vehicles designed to operate on a street. They have all equipment necessary to be classified as a motor vehicle and as such may only be operated by license drivers under all conditions and requirements of standard motor vehicles.

*Exception:* Neighborhood electric vehicles are not designed to operate upon an open highway where speeds are in excess of 35 mph.

- (6) *Registration:* Neighborhood electric vehicles are not required to be registered to operate upon a highway by the State of Wisconsin; however, these vehicles are required to obtain a city registration.

*Registration.* In addition to any other registration requirements that may be imposed by the state, an annual municipal use permit shall be required to operate any neighborhood electric vehicle upon city streets or other city property, within the city limits. It is the intent that the fee for this permit be reviewed annually and may be published by the city clerk on the city web site [www.ci.brillion.wi.us](http://www.ci.brillion.wi.us) and in the Brillion News.

- a. The annual permit shall be valid from May 1 through April 31 of each consecutive year.
- b. The permit fee for the 2007 season shall be \$25.00.

(Ord. No. OR07-03, 2-26-2007)