

# TITLE 10

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## **Motor Vehicles and Traffic**

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# Title 10 ► Chapter 1

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## Traffic and Parking

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## Article A: General Provisions

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

- (a) **Statutes Adopted.** Except as otherwise specifically provided in this Code, the statutory provisions in Chapters 110, 194, and 340 through 349, Wis. Stats., describing and defining regulations with respect to vehicles and traffic, for which the penalty is a forfeiture only, exclusive of any regulations for which the statutory penalty is a fine or term of imprisonment or exclusively state charges, are hereby adopted and by reference made a part of this Chapter as if fully set forth herein. The statutory sections listed shall be designated as part of this Code by adding the prefix "10-1-" to each statute section number. Any act required to be performed or prohibited by any regulation incorporated herein by reference is required or prohibited by this Chapter. Any future amendments, revisions or modifications of the statutory regulations in Chs. 340 through 349, Wis. Stats., incorporated herein are intended to be made part of this Chapter in order to secure to the extent legally practicable uniform statewide regulation of vehicle traffic on the highways, streets and alleys of the State of Wisconsin. Any person who shall, within the Village of Butler, Wisconsin, violate any provisions of any Statute incorporated herein by reference shall be deemed guilty of an offense under this Section.
- (b) **Other State Laws Adopted.** There are also hereby adopted by reference the following sections of the Wisconsin Statutes, but the prosecution of such offenses under this Chapter shall be as provided in Chapters 340 through 349, Wis. Stats., and the penalty for violation thereof shall be limited to a forfeiture as hereinafter provided in this Chapter:
- 941.01 Negligent Operation of Vehicle Off Highway
  - 941.03 Highway Obstruction
  - 943.11 Entry into Locked Vehicle
  - 943.23 Operating Motor Vehicles Without Owners Consent
  - 947.045 Drinking in Motor Vehicle on Highway
- (c) **Statutes Specifically Incorporated by Reference.** Whenever this Chapter incorporates by reference specific sections of the Wisconsin Statutes, such references shall mean the Wisconsin Statutes of 1999-2000 as from time to time amended, repealed or modified by the Wisconsin Legislature.
- (d) **General References.** General references in this Chapter to Wisconsin statutory sections or chapters describing or defining procedures or authority for enactment or enforcement of local traffic regulations shall be deemed to refer to the most recent enactments of the Wisconsin Legislature describing or defining such procedures or authorities.

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

- (a) **Administrative Regulations Adopted.** The following administrative rules and regulations adopted by the Secretary of the Wisconsin Department of Transportation and published in

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

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

- (b) **Non-Compliance Prohibited.** No person shall operate or allow to be operated on any highway, street or alley within the Village a vehicle that is not in conformity with the requirements of Subsection (a) or the provisions of Sec. 110.075 and Chapter 347, Wis. Stats., incorporated by reference in Section 10-1-1 of this Chapter.
- (c) **Safety Checks.**
- (1) **Operators to Submit to Inspection.** When directed to do so by any law enforcement officer, the operator of any motor vehicle shall stop and submit such vehicle to an inspection and such tests as are necessary to determine whether the vehicle meets the requirements of this Section or that the vehicle's equipment is in proper adjustment or repair. No person, when operating a motor vehicle, shall fail to stop and submit such vehicle to inspection when directed to do so by any law enforcement officer as herein provided.
  - (2) **Authority of Officer.** Any law enforcement officer of the Village is hereby empowered whenever he or she shall have reason to believe that any provision of this Section is being violated to order the operator of the vehicle to stop and to submit such vehicle to an inspection with respect to brakes, lights, turn signals, steering, horns and warning devices, glass, mirrors, exhaust systems, windshield wipers, tires and other items of equipment.
  - (3) **Vehicle to be Removed From Highway.** Whenever, after inspection as provided by this Section, a law enforcement officer determines that a vehicle is unsafe for operation, he or she may order it removed from the highway and not operated, except

for purposes of removal and repair until the vehicle has been repaired as directed in a repair order. Repair orders may be in the form prescribed by the secretary of the Wisconsin Department of Transportation under Sec. 110.075(5), Wis. Stats., and shall require the vehicle owner or operator to cause the repairs to be made and return evidence of compliance with the repair order to the department of the issuing officer within the time specified in the order.

(d) **Penalty.**

- (1) Penalty for violation of any provision of this Section, including the provisions of the Wisconsin Administrative Code, incorporated herein by reference, shall be as provided in Section 10-1-60, together with the costs of prosecution and applicable penalty assessment.
- (2) The Administrative Code sections adopted by reference in Subsection (a) above shall be designated as part of this Code by adding the prefix "10-1-" to each statute or Administrative Code section number.

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

- (a) **Duty of Public Works Superintendent to Erect and Install Uniform Traffic Control Devices.** Whenever traffic regulations created by this Chapter, including a State of Wisconsin traffic regulation adopted by reference in Section 10-1-1, require the erection of traffic control devices for enforcement, the Public Works Superintendent, in cooperation with the Police Department, shall procure, erect and maintain uniform traffic control devices conforming to the Uniform Traffic Control Device Manual promulgated by the Wisconsin Department of Transportation, giving notice of such traffic regulation to the users of the streets and highways on which such regulations apply. Whenever State law grants discretion to local authorities in erecting or placement of a uniform traffic control device, devices shall be erected in such locations and in such a manner as, in the judgment of the Public Works Superintendent, will carry out the purposes of this Chapter and give adequate warning to users of the streets and highways of the Village of Butler.
- (b) **Code Numbers to be Affixed to Official Traffic Control Devices.** The Public Works Superintendent shall cause to be placed on each official traffic control sign a guide board, mile post, signal or marker erected under Subsection (a), a code number assigned by the Wisconsin Department of Transportation, and shall also place or direct the placing of code numbers on all existing official traffic control devices as required by the laws of the State of Wisconsin.
- (c) **Prohibited Signs and Markers in Highways.** No person other than an officer authorized by this Chapter to erect and maintain official traffic control devices or his or her designee shall place within the limits of any street or highway maintained by the Village any sign,

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signal, marker, mark or monument unless permission is first obtained from the Public Works Superintendent or, where applicable, the State Highway Commission. Any sign, signal, marker, mark or monument placed or maintained in violation of this Subsection shall be subject to removal as provided in Subsection (d).

- (d) **Removal of Unofficial Signs, Markers, Signals and Traffic Control Devices.** The Public Works Superintendent may remove any sign, signal, marking or other device which is placed, maintained or displayed in violation of this Chapter or state law. Any charge imposed against premises for removal of a prohibited or illegal sign, signal, marking or device shall be reported to the Village Board for review and certification at its next regular meeting following the imposition of the charge. Any charge not paid on or before the next succeeding November 15 shall be placed upon the tax roll for collection as other special municipal taxes.
- (e) **Unauthorized Removal or Possession.** It shall be a violation of this Section, subject to the penalty provisions of Section 1-1-6, for any unauthorized person or party to remove or possess any official traffic sign or control device.

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

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

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

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

- (a) (1) Notwithstanding the provisions of Sec. 346.48(2)(b)2., Wis. Stats., adopted by reference in Section 10-1-1 to the contrary and except as provided in Subsection (b) below, school bus operators shall use flashing red warning lights in residential and business districts when pupils or other authorized passengers are to be loaded or unloaded at locations at which there are no crosswalk or traffic signals so that pupils must cross the street or highway before being loaded or after being unloaded.
- (2) The operator of a school bus equipped with flashing red warning lights shall actuate such lights at least one hundred (100) feet before stopping to load or unload pupils

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

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

- (a) Pursuant to Sections 346.03(3), 346.94(14), 346.95(3) and 347.25(1), (1m)(a) and (b) and (4), Wis. Stats., a marked police vehicle under Sec. 340.01(3)(a), Wis. Stats., may be equipped with a blue light and a red light which flash, oscillate or rotate.
- (b) If the vehicle is so equipped, the lights shall be illuminated when the operator of the police vehicle is exercising the privileges granted under Sec. 346.03, Wis. Stats. The blue light shall be mounted on the passenger side of the vehicle and the red light shall be mounted on the driver side of the vehicle. The lights shall be designed and mounted so as to be plainly visible and understandable from a distance of five hundred (500) feet during normal

sunlight and during hours of darkness. No operator of a police vehicle may use the warning lights except when responding to an emergency call or when in pursuit of an actual or suspected violator of the law, when responding to but not upon returning from a fire alarm or when necessarily parked on a highway in a position which is likely to be hazardous to traffic using the highway.

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

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

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

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

- (a) **Official Traffic Map Established.** There is hereby established an Official Traffic Map for the Village upon which shall be indicated no parking areas, restricted parking areas, stop signs, arterial intersections, yield signs, special speed limits, one-way highways, school crossing, and all other restrictions or limitations contained
- (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 of Ordinances.
- (c) **Map to Be Maintained.** A copy of the Official Traffic Map shall be maintained and available upon request at the Butler Police Department.
- (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.

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

## Article B: Street Traffic Regulations

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

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

### **Sec. 10-1-11 Speed Limits.**

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

- (a) **Increased Speed Limits.** Pursuant to Sec. 349.11(3)(c), Wis. Stats., speed limits are increased as follows upon the following designated streets or portions thereof:
  - (1) North 124th Street from Hampton Avenue to the south Village limits for both north and south bound traffic from twenty-five (25) mph to thirty (30) mph.
- (b) **Decreased Speed Limits.** With the approval of the Wisconsin Department of Transportation, the speed limits are decreased as hereinafter set forth on the following streets or portions thereof:

(Reserved for Future Use)

### **Sec. 10-1-12 Intersection Traffic Control.**

- (a) **Controlled Intersections Designated.** In the interest of public safety, and traffic control signals shall be installed thereon in conformity with the Wisconsin Official Traffic Control Device Manual and the provisions of this Code of Ordinances:
  - (1) North 127th Street and Hampton Avenue.
  - (2) North 124th Street and Hampton Avenue.
  - (3) North 124th Street and Silver Spring Drive.
- (b) **Designation of Location of Stop Signs.**
  - (1) In the interests of public safety, stop signs shall be installed to control traffic on the highways over which the Village has exclusive jurisdiction. Stop signs shall be

erected in such locations and manner as the Chief of Police, with approval of the Village Board, shall determine will best effect the purposes of the Traffic Ordinances and give adequate warning to the users of the street and highway.

- (2) The Official Traffic Map as established in Section 10-1-8 is hereby revised to show the installation of stop signs as follows.

132nd and Glendale	West Stop
132nd and Stark	West Stop
132nd and Cameron	West Stop
132nd and Fairmount	West Stop
131st and Fairmount	South Stop
128th and Stark	South Stop
128th and Cameron	North Stop
127th and Glendale	East/West Stop
127th and Peck	Four-Way Stop
127th and Courtland	East/West Stop
126th and Glendale	East/West Stop
126th and Peck	Four-Way Stop
126th and Courtland	East/West Stop
126th and Cameron	East/West Stop
126th and Colfax	East/West Stop
126th and Lancaster	Four-Way Stop
126th and Fairmount	North/South Stop
125th and Glendale	East/West Stop
125th and Peck	Four-Way Stop
125th and Courtland	East/West Stop
125th and Cameron	North/South Stop
125th and Colfax	East/West Stop
125th and Lancaster	North/South Stop
125th and Eggert	North/South Stop
125th and Villard	East/West Stop
125th Street and Stark	North/South Stop
125th Street and Fairmount	Four/Way Stop

**Note:** Each stop sign shall have an attached sign below it to indicate either a two or four-way stop where applicable.

- (c) **Yield Signs to Be Erected.**
- (1) The Public Works Superintendent is authorized to erect yield right-of-way signs conforming to the Wisconsin Official Traffic Control Device Manual on highways and streets in the exclusive jurisdiction of the Village provided that if the interested highway is part of a through highway designated under Subsection (a), the provision of Sec. 349.07(7)(a), Wis. Stats., apply:
  - (2) Yield signs shall be erected in such locations and manner as the Chief of Police, with approval of the Village Board, shall determine will best effect the purposes of the Traffic Ordinances and give adequate warning to users of the street and highway.
- (d) **Railroad Grade Crossings.** In the event of public safety, stop signs shall be installed at railroad crossings on the following Village streets:
- (1) North 124th Street between West Arden and Ruby.
  - (2) North 127th Street between West Arden and Ruby.
- (e) **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 10-1-3 shall obey the direction of such Official Traffic Control Device as required by the Wisconsin Statutes incorporated by reference in Section 10-1-1. Operators of vehicles approaching a stop sign shall stop before entering a highway as required by Sec. 346.46, Wis. Stats. Operators approaching intersections at which a yield sign has been installed shall yield the right-of-way to other vehicles as required by Sec. 346.18(6), Wis. Stats.

### **Sec. 10-1-13 One-Way Highways, Safety Zones, Safety Islands, Turns and Lanes.**

- (a) **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 (1) direction designated below:
- (1) In a westerly direction in alley from its intersection with 126th Street to its intersection with 127th Street.
  - (2) In a westerly direction in alley from its intersection with North 127th Street, between West Hampton and West Derby.
- (b) **Safety Zones and Islands.** The Public Works Superintendent is directed to designate and mark safety zones and safety islands and cause to be constructed in accordance with the Wisconsin Uniform Traffic Control Device Manual:
- (1) **Safety Islands.** Safety Islands shall be provided in the following locations:
    - a. On Hampton Avenue between its intersection with 124th Street.
    - b. On Hampton Avenue between its intersection with 125th Street.

- c. On Hampton Avenue between its intersection with 126th Street.
- d. On Hampton Avenue between its intersection with 127th Street.
- e. On Hampton Avenue between its intersection with 132nd Street.
- (2) **Driving Over Safety Zones or Islands Prohibited.** Whenever safety zones or safety islands are marked in accordance with the Wisconsin Uniform Traffic Control Device Manual, no operator of a vehicle shall at any time drive through or over the safety zone or safety island.
- (c) **Turns Prohibited.**
  - (1) **Right Turn Prohibited.** No operator of any vehicle shall make a right turn at any of the following locations:
  - (2) **Left Turns Prohibited.** No operator of any vehicle shall make a left turn at any of the following locations:
    - a. When emerging from the parking lot serving Village Hall onto Hampton Avenue.
  - (3) **Right Turn on Red Signal Prohibited.** No operator of any vehicle shall make a right turn on a red signal at the following locations:
  - (4) **Left Turn on Red Signal Prohibited.** No operator of any vehicle shall make a left turn on a red signal at the following intersections:
  - (5) **U-Turns Prohibited.** U-turns are prohibited at the following locations:
    - a. On Hampton Avenue between its intersection with 127th Street.
    - b. On Hampton Avenue between its intersection with 124th Street.
    - c. On Silver Spring Drive between its intersection with 124th Street.
- (d) **Miscellaneous Lane and Turn Controls.** The Chief of Police, in consultation with the Village Administrator and Public Works Superintendent, is authorized, when in his/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, Wis. Stats., be traveled by vehicles turning at the intersection and to mark lanes for traffic designated separate lanes for slow-moving or for traffic moving in a particular direction.

## Sec. 10-1-14 No Passing Zones.

- (a) **Designated.** No passing zones shall be marked with unbroken yellow lines on pavement or signs indicating the beginning and end of such zones on the following streets within the jurisdiction of the Village in accordance with standards and procedures adopted by the Wisconsin Department of Transportation.
- (b) **Passing Prohibited.** When no passing zone markers or signs giving notice thereof are erected or placed on the pavement as provided in this 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.

## **Sec. 10-1-15 Weight Limits and Heavy Traffic Routes.**

- (a) **Streets Designated Class "B" Highways.** All highways within the Village of Butler are hereby designated Class "B" highways by Sec. 348.16(2), Wis. Stats., adopted by reference in Section 10-1-1.
- (b) **Special and Seasonal Weight Limitations.** The Chief of Police shall have the authority to impose special or seasonal weight limits on any highway, bridge, or culvert maintained by the Village to prevent injury to the roadway or for the safety of the users of such bridge or culvert and shall be responsible for erecting Uniform Traffic Control Devices giving notice thereof in accordance with the proving of Section 10-1-3.
- (c) **Heavy Traffic Routes.**
  - (1) **Heavy Traffic Routes Designated.** All highways or parts thereof within the jurisdiction of the Village over which vehicles exceeding the weight limitations adopted herein may be operated shall be designated as "heavy traffic routes" or "truck routes" by posted sign and enumerated as such upon the official traffic map. Vehicles exceeding the weight limitations adopted herein shall be restricted to highways and streets so designated.
  - (2) **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 ten thousand (10,000) pounds on any highway not part of the heavy traffic route designated in Subsection (c)(1) 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 Subsection (c)(1) exceed the limitations pertaining to Class "A" highways or deliveries on Class "B" highways established by the Wisconsin Statutes.

## **Sec. 10-1-16 Compression Brakes Prohibited.**

- (a) **Definition.** A "compression brake", commonly referred to as a "Jacobs" brake, "Jake" brake, engine brake or dynamic braking device, means a device primarily on trucks for the conversion of the engine from an internal combustion engine to an air compressor for the purpose of braking without the use of or in addition to wheel brakes.
- (b) **Use Prohibited.** No person shall use a motor vehicle within the Village limits where the compression brake is in any way engaged or activated on such motor vehicle or any unit a part thereof, except for the aversion of imminent danger.
- (c) **Exemption.** The use of emergency vehicles is exempted from the provision of this Section.

## **Sec. 10-1-17 through Sec. 10-1-19 Reserved for Future Use.**

## Article C: Parking Regulations

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

- (a) **Seventy-Two (72) Hour Limitation.** No person, firm or corporation shall park or leave standing any automobile, truck, tractor, trailer or vehicle of any description on any public streets or public parking lots in the Village of Butler for a period of seventy-two (72) or more consecutive hours in the same location at any time, except that where more restrictive parking limits have been established, the more restrictive limits shall apply. When any law enforcement officer shall find a vehicle standing upon a public street or parking lot in violation of the provisions of this Section, he/she is authorized to move such a vehicle or to require the operator in charge thereof to move such vehicle to a position permitted under this Chapter. The law enforcement officer may cause said vehicle to be removed to a proper impoundment and storage area within the Village where storage space is available and in such case the owner shall pay the costs of removing said vehicle and the storage fees on said vehicle before he/she may recover the possession thereof.
- (b) **Off-Street Public Parking Areas.** It shall be unlawful to park or leave for storage any equipment or vehicle in any off-street area designated for public parking purposes, in excess of seventy-two (72) hours, except house trailers. The owners or operators of house trailers shall first obtain a written permit from the Village Administrator or Chief of Police authorizing the extended period of parking.
- (c) **Posted Limitations.**
  - (1) The Village Board may designate certain streets or portions of streets as no parking or no stopping or standing zones or as zones for parking by physically handicapped persons and may limit the hours in which the restrictions apply. The Village shall mark, by appropriate signs, each zone so designated in accordance with the provisions of Sec. 349.13, Wis. Stats.
  - (2) Except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic control device, no person shall stop or park a vehicle in an established no stopping or standing zone when stopping or standing is prohibited. No vehicle shall be parked in a no parking zone during hours when parking is prohibited except physicians on emergency calls or as permitted by state law or elsewhere by this Code of Ordinances.
  - (3) The Chief of Police is hereby granted the authority, within the reasonable exercise of police power to prohibit, limit the time or otherwise restrict the stopping, standing or parking of vehicles beyond the provisions of Ch. 346, Wis. Stats.. The Village Board shall have the authority to restrict the turning or movement of heavy traffic and to impose special weight limitations on any highway or portions thereof which, because of the weakness of the roadbed due to deterioration or climatic conditions or other special or temporary conditions, would likely be seriously damaged or destroyed in the absence of any restrictions on heavy traffic movement or special weight limitations.

- (4) No prohibition, restriction or limitation on parking or restriction on movement or turning of heavy traffic and imposition of special weight limits is effective unless official traffic control devices have been placed or erected indicating the particular prohibition, restriction or limitation.
- (5) After the parking limitations on any given street have expired, any change of location of not more than one (1) stall following expiration of the parking period allowed shall be and constitute a violation of this Chapter.

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

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

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

- (a) **Parking Prohibited at All Times.** Except temporarily for the purpose of and while actually engaged in loading or unloading or in receiving or discharging passengers or property and while the vehicle is attended by a licensed operator so that it may be moved promptly in case of an emergency or to avoid obstruction of traffic, no person shall at any time park or leave standing any vehicle:

- (1) Within an intersection.
  - (2) On a crosswalk.
  - (3) On a sidewalk or terrace area, except when parking in such place is clearly indicated by official traffic signs or markers or parking meters. "Terrace or Sidewalk Area" means that area between the sidewalk and the nearest curb line running parallel or generally parallel thereto or in the absence of a sidewalk ten (10) feet beyond the curb line.
  - (4) Alongside or opposite any highway excavation or obstruction when such stopping or standing would obstruct traffic or when pedestrian traffic would be required to travel in the roadway.
  - (5) On the roadway side of any parked vehicle unless double parking is clearly indicated by official traffic signs or markers.
  - (6) Within a fire lane consisting of either the driveway between the front doors of a Fire Station and the public street or in such places properly designated and marked as fire lanes ordered by the Fire Chief.
  - (7) Upon any portion of a highway where and at the time when stopping or standing is prohibited by official traffic signs indicating the prohibition of any stopping or standing.
  - (8) In any place or manner so as to obstruct, block or impede traffic.
  - (9) Within ten (10) feet of a fire hydrant, unless a greater distance is indicated by an official traffic sign.
  - (10) Upon any portion of a highway where and at the time when parking is prohibited, limited or restricted by official traffic signs.
  - (11) Upon any bridge.
  - (12) Upon any street or highway within the Village limits any vehicle which faces a direction different from the direction of normal traffic flow for the lane of traffic in which said vehicle is stopped or standing.
  - (13) Upon any terrace or sidewalk in the Village at any time.
  - (14) In a loading zoning.
  - (15) Within six (6) feet of the entrance to an alley, private road or driveway.
  - (16) In any municipal park when said park is closed to the public.
- (b) **Parking in Driveways and on Lawns.**
- (1) No person shall park or leave standing any motor vehicle in any private driveway without the permission of the owner or lessee of the property which such driveway is located, whether or not such driveway is posted to limit or restrict parking.
  - (2) No person shall park or leave standing any motor vehicle on any non-driveway or lawn areas of a residential property in violation of Section 10-1-47.
- (c) **Vehicles Not to Block Private Drive, Alley or Fire Lane.** No vehicle shall, at any time, be parked so as to unreasonably restrict the normal access to any private drive, alley or fire lane. Said access shall be deemed to be unreasonably restricted if any vehicle is parked within four (4) feet of either side of said access. Upon discovery by a law enforcement officer or upon complaint by the owner of any such blocked drive, alley or fire lane, the

Chief of Police may order said vehicle towed from such position at the risk and expense of the owner of said vehicle.

(d) **Parking Vehicle for Repair or to Display for Sale Prohibited.**

(1) No person shall stand or park a vehicle on any street, alley, public right-of-way or municipal parking lot in the Village of Butler for the purpose of repairing said vehicle or to display such vehicle for sale. No person shall park on any street or avenue any vehicles for the primary purpose of advertising.

(2) No person, other than an owner and/or operator of a business located on business-zoned property engaged in the regular business of selling vehicles, may display a vehicle for sale upon private premises unless the following conditions are met:

- a. The owner of the vehicle is on the premises or resides there or the vehicle is owned by a relative of the property owner; and
- b. The vehicle displayed for sale is parked entirely on a hard-surface driveway on the premises; and
- c. The premises contains only one (1) vehicle displayed for sale;
- d. The advertisement or sign for sale of the vehicle is not larger than two (2) square feet; and
- e. The vehicle shall be offered for sale for no more than fourteen (14) days.

(e) **Miscellaneous No Parking Except for Authorized Vehicles.** Except as herein permitted, no person shall park, stop, or leave standing any vehicle in the following place unless authorized by permit issued by the Village or by an Official Traffic Control sign:

- (1) In any Village park, parkway, recreation area, or public cemetery.
- (2) On any drive through any Village park, parkway, recreation area, or public cemetery.
- (3) At any curb or other area marked as a bus or taxi stop or stand. In unmetered parking stalls in municipal parking lots or ramps.
- (4) At the curb on the side of any roadway in any block posted "Parking By Permit Only".
- (5) Upon any portion of a street, highway, or parking facility reserved by official traffic signs for vehicles displaying special registration plates, identification cards or emblem for vehicles of physically disabled persons unless the vehicle displays a special registration plate, identification or emblem issued by the State of Wisconsin or the jurisdiction in which the vehicle is registered.

*Cross-Reference:* Title 10, Chapter 5

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

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

of Transportation or, for vehicles registered in another jurisdiction, by such other jurisdiction designating the vehicle as one used by a physically disabled person.

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

- (a) **Leaving Keys in Vehicle.** No person shall permit any motor vehicle to stand or remain unattended on any street, alley or other public area, except an attended parking area, unless either the starting lever, throttle, steering apparatus, gear shift or ignition of the vehicle is locked and the key for such lock is removed from the vehicle. Whenever any police officer shall find any vehicle standing with the key in the ignition in violation of this Section, such officer is authorized to remove such key from the vehicle and deliver the key to the Police Department for safe custody.
- (b) **Parking Vehicles With Motor Running.** No person shall park or leave standing any motor vehicle with the motor or refrigerator unit running for more than thirty (30) minutes within one hundred (100) feet of any residence within the Village of Butler between the hours of 10:00 p.m. and 5:00 a.m.

*State Law Reference:* Sec. 66.0431, Wis. Stats.

### **Sec. 10-1-25 Unattended Motorized Machinery.**

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

### **Sec. 10-1-26 Angle Parking.**

- (a) The Village Board shall from time to time have certain streets or portions of streets marked with white lines to designate parallel or diagonal parking places. Angle parking or parking diagonally is prohibited on all the streets, alleys and highways of the Village except as provided herein in designated angle parking stalls. All vehicles shall park parallel to, and within one (1) foot of, the curb except where streets and parking lots are so marked for angle parking.
- (b) No person shall at any time park any vehicle:
  - (1) In any direction other than the designated parking angle, where angle parking spaces are so designated and provided by appropriate markings.
  - (2) Backwards into angle parking spaces so designated and provided by appropriate markings.

- (3) With a trailer attached or any vehicle longer than twenty (20) feet on any street where angle parking is so provided and allowed.

### **Sec. 10-1-27 Parking of Vehicles Over 10,000 Pounds or 22 Feet Restricted.**

- (a) **Parking.** No person owning or having control of any truck, trailer, truck power unit, tractor, bus, motor home, recreation vehicle, camping/recreational use camper, or combination of vehicles weighing in excess of ten thousand (10,000) pounds gross weight, or over twenty-two (22) feet in length (including accessories, racks, or other physical extensions), or having an enclosed area of a height of more than eight (8) feet from the roadway, shall park the same upon any street, avenue, or public way other than a routed State Trunk Highway in the Village of Butler for a continuous period exceeding three (3) hours. One (1) hour parking is allowed in residential districts between the hours of 6:00 p.m. and 7:00 a.m. The provisions of this Subsection shall not be deemed to prohibit the lawful temporary parking of such equipment upon any street, avenue, public way or private property in the Village for the actual loading or unloading of goods, ware or merchandise, providing, however, the "loading" and "unloading," as used in this Section, shall be limited to the actual time consumed in such operation. The Village Board may, however, designate specific truck parking zones.
- (b) **Exceptions.** Any municipal vehicle or public works equipment is excepted from the provisions of Subsection (a) above.
- (c) **Bus Parking.** No operator of a school bus or other bus, regardless of its size, shall park such vehicle in any residential district — on the street, on a lawn, in the alley, in a driveway or anywhere else — except for such time as is reasonably necessary to facilitate the loading or unloading of the vehicle, except that school buses may park at any school when required.
- (d) **Removal.** Any vehicle unlawfully parked under Subsection (a) or (c) above may be removed from the street by order of a law enforcement officer, pursuant to Section 10-1-37, and the expense of so moving and storing such vehicle shall be paid by the operator or owner of said vehicle as a forfeiture in addition to the penalties hereafter prescribed.
- (e) **Penalty.** The penalty for violation of any provision of this Section shall be as provided in Section 10-1-60, together with the costs of prosecution ad applicable penalty assessment.

### **Sec. 10-1-28 Parking Prohibited During Certain Periods.**

No person shall park or leave standing any vehicle upon any of the following highways or parts of highways at the time indicated, except temporarily for the purpose of and while actually engaged in receiving or discharging passengers:

- (a) On the east side of North 126th Street from alley to West Derby Place between 8:00 a.m. and 4:00 p.m. except Saturdays, Sundays and holidays.
- (b) On the east side of North 126th Street from West Stark Street to the alley (north of Hampton Avenue) between 8:00 a.m. and 4:00 p.m. except Saturdays, Sundays and holidays.
- (c) On the west side of North 126th Street from the intersection of 126th Street and Villard Avenue extending to a point ninety (90) feet north.

### **Sec. 10-1-29 Parking, Stopping, or Standing Prohibited.**

No person shall park, stop, or leave standing any vehicle for any purpose upon the following highways or parts of highways at any time:

- (a) On the north side of Hampton Avenue at 12420 West Hampton Avenue.
- (b) On the north side of Stark Street from 125th Street to 126th Street.
- (c) South Frontage Road of West Silver Spring Drive on the north side of roadway.
- (d) On the south side of Hampton Avenue at 12805 West Hampton Avenue.
- (e) On the west side of 126th Street, north of Hampton Avenue, between the east/west alley and a point twenty-five (25) feet south.
- (f) On the west side of North 124th Street from W. Villard Avenue to W. Silver Spring Drive.
- (g) On the west side of North 124th Street from W. Hampton Avenue to W. Stark Street.
- (h) On the north side of Custer Avenue from 124th Street to 131st Street.
- (i) On the east side of N. 131st Street from Custer Avenue to Silver Spring Drive.
- (j) On the east side of N. 128th Street from Arden Avenue to Glendale Avenue.

### **Sec. 10-1-30 Limited Time Parking.**

- (a) **Two (2) Hour Parking Limit.** When official traffic control devices or parking meters are erected in any block giving notice thereof, no person shall park, stop, or leave standing any vehicle, whether attended or unattended, for more than two (2) hours between the hours of 8:00 a.m. and 4:00 p.m. on any day except Saturdays, Sundays, and holidays on any of the following highways or parts thereof.
  - (1) West Stark Street between 125th Street and 126th Street on south side of street.
  - (2) North 126th Street between alley and Derby on west side of street.
  - (3) North 127th Street between Hampton Avenue and Derby Place on east side of street.
  - (4) North 127th Street, south of Hampton Avenue, between alley and Derby Place on west side of street.
- (b) **Fifteen (15) Minute Parking.** No person shall park, stop, or leave standing any vehicle, whether attended or unattended, for more than fifteen (15) minutes on the following highways and parts thereof:
  - (1) West Hampton Avenue, north side of street, between the alley to a position east comprised of two (2) normal length parking stalls. This area shall be so marked with an official sign as erected by the Village.

## Sec. 10-1-31 Parking in Metered Spaces.

- (a) **Definitions.** As used in this Section:
- (1) **Parking Meter.** Any mechanical device or meter placed or erected for regulation of parking and designed to accept coins of the United State Mint in payment for parking privileges, equipped with a timing device which registers on a visible face or dial the amount of time purchased.
  - (2) **Parking Meter Space.** A space officially designated for vehicular parking indicated by painted lines or other markings or dividers, adjacent to which a parking meter is installed.
- (b) **Coins to Be Deposited in Meters.** No person shall stop, stand, or park a vehicle in a parking meter space unless the timing mechanism on the adjacent parking meter has been activated by the deposit of proper coins in accordance with directions appearing on the meter. Failure to deposit the proper coin or to set the timing mechanism in operation when so required is a violation of this Code of Ordinances.
- (c) **Presumptive Violation.** The fact that the timing device on any parking meter is not in operation and the mechanical indicator registers "expired" or "violation" shall be presumptive evidence that the owner or driver of the vehicle then parked in the space regulated by such parking meter failed to deposit or caused to be deposited the required coin or coins.
- (d) **Prohibited Parking.** No person shall permit a vehicle registered in his/her name to remain in any parking meter space while the parking meter shows a violation or has expired.
- (e) **Village Board to Authorize Installation of Meters.**
- (1) The Village Board shall authorize the procurement, installation, and maintenance of parking meters. The Village Board shall also authorize the marking off of individual parking spaces in the parking zones designated in Subsection (i) below and in such other zones as may be hereafter established by the Village. Parking meter spaces shall be designated by lines painted or durably marked on the curbing or street surface. No person shall park any vehicle in a marked parking meter space so that the vehicle is not entirely within the limits of the space designated.
  - (2) Where parking meters are placed in front of parking meter spaces, vehicle shall be parked with the radiator or front bumper as near as possible to the meter. Where meters are placed beside parking meter spaces, the front fender or front wheel of a parked vehicle shall be as near as possible to the meter.
- (f) **Injuring Meters Prohibited.** No person shall deface, injure, tamper with, willfully break, destroy or impair the usefulness of, or open without lawful authority any parking meter. No person shall deposit or cause to be deposited in any parking meter any slug, device, or substitute for the proper coin or coins of the United States of America.
- (g) **Maintenance; Collection Regulations.** The Village Board may, if desired, authorize the employment of personnel other than police officers to service and maintain parking meters

and collect the coins therefrom. All such collectors shall be bonded in an amount set by the Village Board. A sealed and locked container shall be used as a receptacle for the collection of coins. Personnel employed in the service and maintenance of parking meters and collecting coins therefrom shall be under the direct supervision of the Police Department and shall issue violation tickets or notices on forms prescribed by the Police Department but shall have no power of arrest.

- (h) **Disposing of Parking Meter Revenue.** Parking meter revenue shall be deposited and maintained in a separate account of the Village. The original cost of parking meters, cost of replacement and repairs, and supervision (including the cost of collection, enforcement and administration) shall be charged to this account. Any unexpended balances shall be used for the purchase of such parking facilities as the Village Board may direct. All earnings upon investments of such funds shall, when received, constitute annexations to this fund.

(i) **Metered Zones and Lots Established; Time Limits.**

- (1) **Twelve (12) Minute Parking Meter Zones.** The following streets and parts of streets are declared to be twelve (12) minute parking zones, and no person shall park, stop, or leave standing any vehicle in any parking space within such zones in excess of twelve (12) minutes, except in compliance with the provisions of this Section.

[Note: Twelve (12) minute meter zones are in effect in the business district. The location of such metered areas are to be enumerated here. The source of such enumeration shall be the Official Traffic Map.]

- (2) **One (1) Hour Metered Zones.** The following streets or lots and parts thereof are declared to be one (1) hour maximum meter parking zones and no person shall park, stop, or leave standing any vehicle in any parking space within such zones in excess of the applicable time limit specified on the adjacent parking meter, nor in any case, except in compliance with the provisions of this Section.

[Sixty (60) minute (one (1) hour) metered zones shall be enumerated here. The source of such enumeration being the Official Traffic Map.]

- (3) **Two (2) Hour Metered Zones.** The following streets or lots and parts thereof are declared to be two (2) hour maximum meter parking zones and no person shall park, stop, or leave standing any vehicle in any parking space within such zones in excess of the applicable time limit specified on the adjacent parking meter, nor in any case, except in compliance with the provisions of this Section.

[Note: One hundred twenty (120) minute (two (2) hour) metered zones shall be enumerated here. The source of such enumeration being the Official Traffic Map.]

### **Sec. 10-1-32 Courtesy Nickel Procedure.**

- (a) **Alternative to Parking Meter Citation.** In lieu of the usual citation and forfeiture provisions for parking meter violations, any enforcement officer upon finding an expired meter may place a nickel in the meter and place upon the automobile at the meter a courtesy nickel envelope.
- (b) **Source of Courtesy Nickels and Courtesy Envelopes.** The Butler Area Chamber of Commerce shall provide the nickels to be used by the enforcement officers as well as the courtesy nickel envelopes. The Butler Area Chamber of Commerce shall initially provide financial support of this program.
- (c) **Over-Parking Beyond Courtesy Nickel Time.** Any enforcement officer shall ticket a parking meter offender if a car remains over-parked after the first courtesy nickel.
- (d) **Location in Metered Area.** The procedure in this Section will be followed regardless of where an automobile is parked within the metered areas.
- (e) **Procedure of Enforcement.** The courtesy nickel envelopes will be mailed to the Butler Area Chamber of Commerce or left at any Butler business establishment. A record of such envelope shall be placed on file with the Police Department.

### **Sec. 10-1-33 Night Parking Restrictions; Parking by Permit.**

- (a) **Prohibited.** No person shall park or suffer any vehicle of any kind or description to be parked on any public highway, public right-of-way, street, municipal parking lot, or alley within the Village for more than one (1) hour between the hours of 2:00 a.m. and 6:00 a.m., except as otherwise restricted or permitted herein.
- (b) **Special Permit.**
  - (1) In areas designated by the Village Board, vehicles may be parked during the hours specified in Subsection (a) provided the operator or owner shall first obtain a special privilege permit from the Village Administrator after filing an application and paying a permit fee as herein required. The person obtaining the permit shall be responsible for the parking of the vehicle as authorized by such permit.
  - (2) As used in this Section, highway, public right-of-way, street, municipal parking lot, or alley shall include such dedicated areas regardless of whether such areas are improved, paved, marked, or otherwise designated. In determining whether there is a violation of this Section, it shall be immaterial whether such parking impedes, impairs, or otherwise adversely affects pedestrian or vehicular traffic.
  - (3) The Village Administrator shall restrict the sale of this special permit for only the municipal parking lots on a first come, first serve basis.
- (c) **Alternate Side Parking.** Any vehicle parked pursuant to a permit issued under the provisions of this Section shall be parked only on even-numbered sides of the street on

those nights bearing an even calendar date during the portion thereof before midnight, and on the odd-numbered sides of the street on those nights bearing an odd calendar date during the portion thereof before midnight, except that on West Hampton Avenue from North 124th Street to North 132nd Street and on the north side of Derby Place from North 124th Street to the alley, alternate side parking shall not be in effect.

- (d) **Parking Schedule.** The Village Board may by resolution limit, include, and/or exclude any or all streets from usage for overnight parking purposes. No parking shall be allowed on any street during a snow emergency.
- (e) **Trailers and Trucks Not Eligible.** Motor trucks, motor buses, motor delivery wagons, trailers, semi-trailers, camping trailers, motor homes, mobile homes, and tractors shall not be eligible for special parking permits.
- (f) **Application and Permit.**
  - (1) **Name and Address.** The application forms shall contain the name and address of the registered owner of the vehicle, the license number, make and year of the vehicle, the name of the months of issuance, and the date of expiration.
  - (2) **Permits to Be Numbered.** Permits issued under this Section shall contain a number; the name and address of the owner of the vehicle; the make, year, and license number of the vehicle; the location where the vehicle is to be parked; the months of issue; and date of expiration. The permit shall be a different color each quarter. All permits shall be numbered consecutively.
  - (3) **Placed on Windshield.** Permits issued under this Section shall be placed in the lower left hand corner of the windshield or in such other conspicuous place as the Chief of Police may designate, while the motor vehicle is in a parked position.
  - (4) **Quarterly Permits.** Separate permits shall be issued for each quarter (January - March; April - June; July - September; and October - December).
  - (5) **Transferring.** Permits are allowed to be transferred to a different vehicle provided a current permit is used to ensure legal parking.
- (g) **Permit Fees.** The special parking privileges permit fee shall be as prescribed in Section 1-3-1 if a partial quarterly permit is needed. Issuance of such permits is final and there shall be no refund for the unused balance.
- (h) **Exceptions; When Night Parking Permitted.**
  - (1) **Holidays.** The provisions of this Section shall not be effective and in force on the first (1st) day of January (New Year's Day), the last Monday in May (Memorial Day), July 4th (Independence Day), the first (1st) Monday in September (Labor Day), the fourth (4th) Thursday in November (Thanksgiving Day), December 25th (Christmas Day), and any Fridays or Saturdays.
  - (2) **Emergencies.** This Section shall not apply to licensed physicians and surgeons in emergency situations.
- (i) **Compliance.** A night privilege parking permit issued under this Section shall not permit parking in violation of any other provision of this Code of Ordinances relating to time,

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place, and manner of parking, stopping, or standing of vehicles, including regulations relating to civil defense and snow emergencies.

- (j) **Owner Responsibility.** If any vehicle is found parked in violation of this Section, the registered owner of such vehicle shall be deemed to have authorized the parking thereof at such time and place where the vehicle is found to be in violation and shall be subject to the forfeitures provided for violation of this Section.
- (k) **Notice.** Notice of the restrictions of this Section shall be given by the posting of signs giving notice thereof at all entrances to the Village. The signs shall be posted in such places and be of such size as to be seen and to be sufficiently legible by an ordinarily observant person. The posting of the parking regulation on individual streets is not required.

**Sec. 10-1-34 Parking During Snowstorm Emergencies.**

- (a) **Emergency Declarations.** The Village Administrator hereby declares that an emergency exists in the Village whenever such emergency is declared to be a serious public hazard impairing transportation and public health, safety, and welfare for a period of forty-eight (48) hours or until such earlier time as snow removal operations have been declared completed by the Public Works Superintendent.
- (b) **Parking Regulations During Snow Emergencies.** Whenever an emergency exists and the Village Administrator shall have caused announcement thereof to be made by not less than two (2) 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 Midnight and 7:00 a.m., 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 three (3) 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.
- (c) **Authorization for Erecting No Parking Signs.** Pursuant to the provisions of Sec. 166.23, Wis. Stats., the Chief of Police is authorized to erect temporary "No Parking" signs during the existence of an emergency created by a snowstorm or excessive snow fall which impairs or prevents the full use of any highway, street, or roadway for transportation.
- (d) **Snow Tow-Away Zones.** The Chief of Police is hereby authorized to cause the towing away of vehicles parked in violation of this Section. The vehicle owner shall be charged for the cost of the towing as provided in Section 10-1-37 and the owner of the vehicle shall be subject to prosecution and penalty provisions as provided in this Chapter.

**Sec. 10-1-35 Unlawful Removal of Parking Citations.**

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

## Sec. 10-1-36 Operation of Motor Vehicles in Public Parking Lots.

- (a) **Unlicensed Operators Prohibited.** No person who does not hold a valid operator's license shall operate a vehicle in any public parking lot or ramp or in any private parking lot or ramp held out for the use of parking for the general public.
- (b) **Traffic Regulations Applicable.** All provisions of Section 10-1-1 of this Chapter and of the Wisconsin Statutes and laws incorporated herein by reference shall be applicable on any public parking lot or ramp and on any private parking lot, road or ramp held out for use for the general public for parking or vehicular traffic.
- (c) **Municipal Parking Lots.** The Village Board may establish hours and fees as a limited parking zone for any municipal parking lot. No person shall park in any such municipal parking lot except in accordance with the hours, fees and rules prescribed.
  - (1) **Hours of Parking.** The municipal parking lots are allowed to be used from 6:00 a.m. to 2:00 a.m. No parking on the lots shall be allowed during the hours of 2:00 a.m. and 6:00 a.m. without a permit. In case of a snow emergency, vehicles would have to be removed by 11:00 p.m.
  - (2) **Meters.** For those individuals using the municipal parking lots who do not have parking permits, the coin meters must be used. The proper amount of coins, as indicated on the meter, must be inserted into the meter for legal parking for the length of time stated on the meter.
  - (3) **Parking Permits.** In lieu of using the coin meters, individuals and/or businesses may purchase parking permits for using the municipal lots as allowed by this Section.
    - a. **Name and Address.** The application forms shall contain the name and address of the registered owner of the vehicle, the license number, make and year of the vehicle, the name of the months of issuance and the date of expiration.
    - b. **Permits to Be Numbered.** Permits issued under this Section shall contain a number, the name and address of the owner of the vehicle, the make, year and license number of the vehicle, the location where the vehicle is to be parked, the months of issue and date of expiration. The permit shall be a different color each quarter. All permits shall be numbered consecutively.
    - c. **Placed on Windshield.** Permits issued under this Section shall be placed in the lower left hand corner of the windshield or in such other conspicuous place as the Chief of Police may designate, while the motor vehicle is in a parked position.
    - d. **Quarterly Permits.** Separate permits shall be issued for each quarter (January - March; April - June; July - September; and October - December).
    - e. **Transferring.** Permits are allowed to be transferred to a different vehicle provided a current permit is used to ensure legal parking.
  - (4) **Permit Fees.** The special parking privilege permit fee shall be as prescribed in Section 1-3-1. Issuance of such permits is final and there shall be no refund for the unused balance.

### **Sec. 10-1-37 Removal of Illegally Parked Vehicles.**

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

### **Sec. 10-1-38 Inoperable, Wrecked or Discarded Vehicles.**

- (a) **Storage Prohibited.** No person owning or having custody of any partially dismantled, nonoperable, wrecked, junked, unlicensed, unregistered or discarded motor vehicle shall allow such vehicle to remain on any public street or highway, parking lot or ramp longer than forty-eight (48) hours after notification thereof by the Police Department. Any such vehicle not removed within forty-eight (48) hours is declared to be a public nuisance and may be removed as provided in Section 10-1-37.
- (b) **Exemptions.** This Section shall not apply to a motor vehicle in an appropriate storage place or depository maintained in a lawful place and manner authorized by the Village of Butler.

*Cross-Reference:* Section 10-5-1.

### **Sec. 10-1-39 Reserved for Future Use.**

## Article D: Miscellaneous Provisions

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

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

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

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

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

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

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

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

*Cross-Reference:* Section 2-3-12, "Adult School Crossing Guard".

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

- (a) **Driving Over Curbing Prohibited.** It shall be unlawful for any motor vehicle to be driven or backed over any curbing in the Village of Butler.
- (b) **Driving Over Safety Zones or Islands Prohibited.** Whenever safety zones or safety islands are marked in accordance with the Wisconsin Uniform Traffic Control Device

Manual, no operator of a vehicle shall at any time drive through or over a safety zone or safety island. Persons causing damage to curbing by driving over such curbing shall be responsible for the cost of such repairs.

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

### **(a) Sound-Producing Devices; Impoundment; Seizure and Forfeiture.**

- (1) In this Section, "sound-producing device" does not include a piece of equipment or machinery that is designed for agricultural purposes and that is being used in the conduct of agricultural operations.
- (2) A law enforcement officer, at the time of issuing a citation for a violation of Sec. 346.94(16), Wis. Stats., or a Village ordinance in strict conformity with Sec. 346.94(16), Wis. Stats., or any other Village ordinance prohibiting excessive noise, is authorized to impound any radio, electric sound amplification device or other sound-producing device used in the commission of the violation if the person charged with such violation is the owner of the radio, electric sound amplification device or other sound-producing device and has two (2) or more prior convictions within a three (3) year period of Sec. 346.94(16), Wis. Stats., or a local ordinance in strict conformity with Sec. 346.94(16), Wis. Stats., or any other Village ordinance prohibiting excessive noise. The Village authorizes the impoundment of a vehicle for not more than five (5) working days to permit the Village authorities or their authorized agent to remove the radio, electric sound amplification device or other sound-producing device if the vehicle is owned by the person charged with the violation and the sound-producing device may not be easily removed from the vehicle. Upon removal of the sound-producing device, an impounded vehicle shall be returned to its rightful owner.
- (3) The Village may recover the cost of impounding the sound-producing device and, if a vehicle is impounded, the cost of impounding the vehicle and removing the sound-producing device. Upon disposition of the forfeiture action for the violation of Sec. 346.94(16), Wis. Stats., or a local ordinance in strict conformity with Sec. 346.94(16), Wis. Stats., or any other local ordinance prohibiting excessive noise and payment of any forfeiture imposed, the sound-producing device shall be returned to its rightful owner.
- (4) The Village may dispose of any impounded sound-producing device or, following the procedure for an abandoned vehicle under Sec. 342.40, Wis. Stats., any impounded vehicle which has remained unclaimed for a period of ninety (90) days after disposition of the forfeiture action.
- (5) This Subsection does not apply to a radio, electric sound amplification device or other sound-producing device on a motorcycle.

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

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

the vehicle under his or her control at the time of the violation, then the owner of the vehicle shall not be liable under this Section or under Sec. 346.94 (16), Wis. Stats.

- c. If the vehicle is owned by a lessor of vehicles and at the time of the violation the vehicle was in the possession of a lessee, and the lessor provides a traffic officer employed by the authority issuing the citation with the information required under Sec. 343.46(3), Wis. Stats., then the lessee and not the lessor shall be liable under this Section or under Sec. 346.94(16), Wis. Stats.
- d. If the vehicle is owned by a dealer, as defined in Sec. 340.01(11) (intro.), Wis. Stats., but including the persons specified in Sec. 340.01 (11)(a) to (d), Wis. Stats., and at the time of the violation the vehicle was being operated by or was under the control of any person on a trial run, and if the dealer provides a traffic officer employed by the authority issuing the citation with the name, address and operator's license number of the person operating the vehicle or having the vehicle under his or her control on a trial run, then that person, and not the dealer, shall be liable under this Section or under the applicable provision of Sec. 346.94(16), Wis. Stats.
- e. Notwithstanding Sec. 346.94(16)(b)6., Wis. Stats., this Section does not apply to the operation of a motorcycle.

(c) **Authority to Regulate Radios or Other Electric Sound Amplification Devices.**

- (1) Notwithstanding Sec. 346.94(16), Wis. Stats., the Village provides that, except as provided in Sec. 347.38(1), Wis. Stats., no person may operate or park, stop or leave standing a motor vehicle while using a radio or other electric sound amplification device emitting sound from the vehicle that is clearly audible under normal conditions from a distance of fifty (50) or more feet, unless the electric sound amplification device is being used to request assistance or warn against an unsafe condition. Any person violating this Subsection may be required to forfeit not less than Forty Dollars (\$40.00) nor more than Eighty Dollars (\$80.00) for the first violation and not less than One Hundred Dollars (\$100.00) nor more than Two Hundred Dollars (\$200.00) for the second or subsequent violation within a year.
- (2) Subsection (c)(1) may not apply to any of the following:
  - a. The operator of an authorized emergency vehicle, when responding to an emergency call or when in the pursuit of an actual or suspected violator of the law or when responding to but not upon returning from a fire alarm.
  - b. The operator of a vehicle of a public utility, as defined in Sec. 11.40(1)(a), Wis. Stats.
  - c. The operator of a vehicle that is being used for advertising purposes.
  - d. The operator of a vehicle that is being used in a community event or celebration, procession or assemblage.
  - e. The activation of a theft alarm signal device.

- f. The operator of a motorcycle being operated outside of a business or residence district.

*State Law Reference:* Secs. 66.0411 and 346.94(16), Wis. Stats.

### **Sec. 10-1-45 Obstruction of Railroad Crossings.**

No person shall leave standing, stopped, or permit/allow to stand or stop any railroad train, engine, or car upon any street, alley, or highway crossing with the Village so as to obstruct public travel for a greater period of time than ten (10) 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 this Chapter. The corporation running or operating such train, engine, or cars so obstructing any street or railroad crossing shall be subject to a forfeiture as provided in this Chapter.

### **Sec. 10-1-46 Crossing Warning by Trains.**

- (a) 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 and a bell rung continuously until the crossing shall be reached.
- (b) The blowing of a whistle or horn and the ringing of a bell 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 this Chapter.

### **Sec. 10-1-47 Front Yard Parking (Residential).**

- (a) **Purpose.** It is hereby recognized that uncontrolled residential off-street parking, specifically in residential front yards, is a public nuisance. The purpose of this Section is to provide for the regulation of residential off-street parking and to specify the requirements for residential off-street parking as they pertain to the appearance and the health, safety and welfare of the Village.
- (b) **Definitions.** The definitions of words or phrases used herein shall be as defined below:
  - (1) **Drive Apron.** The connection between a driveway and the travelled portion of a street, in the public right-of-way, including any sidewalk area abutting thereon.
  - (2) **Driveway.** An improved surface maintained for motor vehicle access and parking. Such surfaces include those located from street entrance to garage or parking area, and those used specifically for circular turnaround or circular through traffic.

- (3) **Improved Surface.** A surface of bituminous or Portland cement concrete or other material, other than grass, such as crushed rock, gravel or other materials, laid over subsoil, which provides a hard driving surface, resists rutting, provides for sufficient water runoff and is graded and drained to dispose of all surface water.
  - (4) **Motor Vehicle.** A vehicle is defined by Sec. 340.01, Wis. Stats.
  - (5) **Parking Pad.** An improved surface which is not a driveway or drive apron, connected to a driveway upon which vehicles are parked.
  - (6) **Residential.** Any single-family dwelling or two-family dwelling in any residential district, or any dwelling formerly single-family or two-family in any district which has been converted to a rooming or lodging house.
- (c) **Parking Standards.** The parking of any motor vehicle upon a residential lot shall be in compliance with the following standards:
- (1) The parking of any motor vehicle within the front yard or street side yard shall be on a driveway or parking pad. Driveways/parking pads shall meet the standards of Section 6-3-2.
  - (2) No parking pad shall be allowed in the front yard or street side yard except:
    - a. That the Board of Zoning Appeals is granted the authority to grant a variance from this requirement in circumstances where sufficient space is neither available in any side yard, which is not a street side yard, nor in the rear yard, upon such terms and conditions as the Board requires, provided, however, that the parking pad be shielded from the street by landscaping, hedges or decorative fencing; and
    - b. In a licensed mobile home park, a parking pad for a maximum of two (2) vehicles shall be allowed in the front yard.
- (d) **Setback Areas.** On residential lots, the required front yard setback, and the required street side yard setback on any corner lot, shall not be considered a part of the permitted parking area but shall be landscaped, except that motor vehicle parking shall be permitted in a legal driveway or garage and except that the Board of Zoning Appeals is granted the authority to grant a variance from this requirement upon such terms and conditions as the Board required, in circumstances where sufficient space is neither available in any side yard, which is not a street side yard, nor in the rear yard.

**Sec. 10-1-48 through Sec. 10-1-59      Reserved for Future Use.**

## Article E: Enforcement and Penalties

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### Sec. 10-1-60 Penalties.

- (a) **Forfeiture Penalty.** The penalty for violation of any provision of this Chapter shall be a forfeiture as hereafter provided, together with court costs and fees prescribed by Sections 814.63(1) and (2) or 814.65(1), Wis. Stats., the penalty assessment for moving traffic violations and the driver improvement surcharge imposed by Sections 165.87 and 346.655, Wis. Stats., where applicable. Payment of the judgment and applicable court costs, fees, assessments and surcharges may be suspended by the sentencing court for not more than sixty (60) days. Any person eighteen (18) years of age or older who shall fail to pay the amount of the forfeiture, court costs, any penalty assessment or driver surcharge or other penalty imposed for violation of any provision of this Chapter may, upon order of the court entering judgment therefor and having jurisdiction of the case, be imprisoned until such forfeiture, costs and assessment are paid, but not exceeding ninety (90) days.
- (b) **Other Sanctions.**
- (1) **By Court.** Nothing herein shall preclude or affect the power of the sentencing court to exercise additional authorities granted by the Wisconsin Statutes to suspend or revoke the operating privileges of the defendant, order the defendant to submit to assessment and rehabilitation programs or to attend traffic safety school in addition to payment of a monetary penalty or in lieu of imprisonment.
  - (2) **By Municipality.** No person who has been convicted of a violation of any provision of this Chapter shall be issued a license or permit by the Village, except a dog license, until the forfeiture imposed for such violation and any penalty assessment, court costs and fees or surcharge is paid.
- (c) **Forfeitures for Violation of Uniform Moving Traffic Regulations.** Forfeitures for violations of any moving traffic regulation set forth in the Wisconsin Statutes adopted by reference in Section 10-1-1 shall conform to the forfeiture penalty permitted to be imposed for violations of the comparable Wisconsin Statute, including any variations or increases for subsequent offenses; provided, however, that this Subsection shall not be construed to permit prosecution under this Chapter for any offense described in Chapters 341 to 350, Wis. Stats., for which an imprisonment penalty or fine may be imposed upon the defendant.
- (d) **Forfeitures for Parking Violations.**
- (1) **Forfeitures for Uniform Statewide Parking, Stopping and Standing Offenses.** Minimum and maximum forfeiture for violation of non-moving traffic violations adopted by reference in Section 10-1-1 as described in Chapter 341 to 350, Wis. Stats., shall be as found in the current edition of the Revised Uniform State Traffic Deposit Schedule.
  - (2) **Penalty for Other Parking Violations.** The forfeiture for violation of other parking regulations shall be as prescribed in the Village's Deposit Schedule, incorporated herein by reference.

- (e) **Other Violations.** Any person who shall violate any provision of this Chapter for which a penalty is not otherwise established by this Section shall be subject to a forfeiture of not less than Ten Dollars (\$10.00) nor more than Two Hundred Dollars (\$200.00) for the first offense and not less than Twenty Dollars (\$20.00) nor more than Five Hundred Dollars (\$500.00) for the second offense within two (2) years.

### **Sec. 10-1-61 Enforcement.**

(a) **Enforcement Procedures.**

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

(b) **Citations.**

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

### **Sec. 10-1-62 Deposits and Stipulations — Uniform Traffic Offenses.**

- (a) **Who May Make.** Persons arrested or cited for violation of moving traffic offenses created by this Chapter shall be permitted to make deposits and stipulations of no contest or

released by the arresting officer in accordance with the applicable provisions of the Wisconsin Statutes. Stipulations of guilt or no contest may be made by persons arrested for violations of this Chapter in accordance with Sec. 66.0114, Wis. Stats., whenever the provisions of Sec. 345.27, Wis. Stats., are inapplicable to such violations. Stipulations shall conform to the form contained in the uniform traffic citation and complaint under Sec. 345.11, Wis. Stats.

- (b) **Delivery or Mailing of Deposit and Stipulation.** Any person stipulating guilt or no contest under the preceding Subsection must make the deposit required under Sec. 345.26, Wis. Stats., or, if the deposit is not established under such Statute, shall deposit a forfeited penalty as provided in the schedule established by the Chief of Police and approved by the Village Board. Deposits, including those for parking or nonmoving violations, shall be brought or mailed to the Police Department.

### **Sec. 10-1-63 Deposits and Stipulations — Non-Moving Violations.**

(a) **Adoption of State Statutes.**

(1) The provisions of Sec. 345.28, Wis. Stats., and all amendatory thereof and supplementary thereto relating to non-moving traffic violations are adopted as a portion of this Chapter so far as applicable, except as otherwise lawfully provided by this Chapter. A violation of any such provisions shall constitute a violation of this Chapter. The term "non-moving traffic violation" as used in this Chapter means any parking of a vehicle in violation of a Wisconsin Statute, an Ordinance or rule under Sec. 36.11(8), Wis. Stats. The term "Department" as used in this Chapter means the Wisconsin Department of Transportation.

(2) A citation in the form as permitted by Statute shall be used for the enforcement of all non-moving traffic offenses under this Chapter.

(b) **Procedures, Generally.**

(1) **Payment by Mail.** A person charged with a non-moving traffic violation under this Chapter may mail the amount of the forfeiture to the Butler Police Department within five (5) days of the date of issuance of the citation as directed by the traffic citation. In that case, the citation shall be filed in court.

(2) **Appearance in Court.** If the person appears in court in response to a citation for a non-moving traffic violation, the procedures set forth under Secs. 345.34-345.47, Wis. Stats., apply, except as hereinafter provided.

(3) **Adjournment Requests.** If the appearance date specified on the citation is inconvenient for the person, he/she may contact the Clerk of the Municipal Court to schedule a more convenient time. The court may revise the appearance date. The date specified on the citation applies unless the person receives written confirmation of the revised appearance date from the court.

(c) **Failure to Pay Forfeiture or Appear in Court, Generally.**

- (1) If the person does not pay the forfeiture or appear in court in response to the citation for a non-moving traffic violation on the date specified on the citation or, if not date is specified on the citation, within twenty-eight (28) days after the citation is issued, the Butler Police Department may request issuance of a summons to the person under Sec. 968.04(3)(b), Wis. Stats., and, in lieu of or in addition to issuing the summons, may proceed under Subsections (d) or (e) below. However, except as provided in this Chapter or Sec. 345.28, Wis. Stats., amended, no warrant may be issued for the person.
- (2) If the person appears in response to a summons for a non-moving traffic violation, this procedures under Secs. 345.34 to 345.47, Wis. Stats., apply.

(d) **Failure to Pay Forfeiture or Appear in Court, Suspension of Motor Vehicle Registration.**

- (1) If the person does not pay the forfeiture or appear in court in response to the citation for a non-moving traffic violation on the date specified on the citation or, if no date is specified on the citation, within twenty-eight (28) days after the citation is issued, the Butler Police Department may notify the Wisconsin Department of Transportation in the form and manner prescribed by the Department that a citation has been issued to the person and the citation remains unpaid.
- (2) The Butler Police Department shall specify whether the Department is to suspend the registration of the vehicle involved under Sec. 341.63(1)(c), Wis. Stats., or refuse registration of any vehicle owned by the person under Sec. 341.10(7m), Wis. Stats., or both.
- (3) The notice to the Department under Subsection (d)(1) above shall include the name and last known address of the person against whom the citation was issued, the date the citation was issued, the license number of the vehicle involved, certification that two (2) notices which meet the requirements under this Chapter have been mailed to the last-known address of the person against whom the citation was issued and that the citation remains unpaid on the date specified on the citation or, if no date is specified on the citation, twenty-eight (28) days after the citation was issued, the place that the citation may be paid, the means by which the citation may be contested, and the action the Department is to take.
- (4) The notices to the person required under this Chapter shall be mailed on two (2) separate days to the last-known address of the person to whom the citation was issued and shall include the date the citation was issued, the license number of the vehicle involved, the place the citation may be paid, the means by which the citation may be contested, and the date by which the person must pay or contest the citation to avoid further action by the Village of Butler. The notice shall inform the person of the specific actions which the Village of Butler and the courts are authorized to take under Sec. 345.28, Wis. Stats., if the person fails to pay the forfeiture or appear in court in response to the citation by the date specified in the notice.

- (5) The Village of Butler may assess the person for the cost of using the traffic violation and registration program as established by the Department of Transportation under Sec. 85.13, Wis. Stats.
  - (6) If the person subsequently pays the amount of the forfeiture and the costs, if any, under Subsection (d)(5) or appears in court in response to the citation or a notice by the Butler Police Department or the Department of Transportation, the Department shall be immediately notified in writing in the form and manner prescribed by the Department. If the vehicle involved in a non-moving traffic violation is owned by a person engaged in the business of renting or leasing motor vehicles and the owner pays the costs, if any, under Subsection (d)(5) and fifty percent (50%) of the forfeiture, the Butler Police Department shall immediately notify the Department in writing in the form and manner prescribed by the Department.
  - (7) Upon the person's appearance in court in response to a notice by the Village of Butler or the Department, the procedures under Secs. 345.34 to 345.47, Wis. Stats., apply.
  - (8) Notification of the Department under Subsection (d)(1) shall toll any applicable statute of limitation for four years from the date of the notification.
  - (9) If the Village of Butler receives payment of fifty percent (50%) of a forfeiture from the owner of a leased or rented vehicle involved in a non-moving traffic violation and receives payment of the forfeiture from the lessee or renter of the vehicle charged with the violation, the Village of Butler shall refund to the owner the fifty percent (50%) payment received.
- (e) **Failure to Pay Forfeiture or Appear in Court, Issuance of Warrant.**
- (1) In lieu of the procedure under Subsection (d) above, if the person does not pay the forfeiture or appear in court in response to the citation for a non-moving traffic violation on the date specified on the citation or, if no date is specified on the citation, within twenty-eight (28) days after the citation was issued, the Butler Police Department, after sending two (2) notices which meet the requirements under Subsection (d)(4), may request a warrant under the following subparagraph for the person.
  - (2) If a person fails to respond to the notices under the preceding paragraph within the time specified in the notice, a warrant that substantially complies with the mandatory provisions under Sec. 968.04(3)(a), Wis. Stats., may be issued for the person, except that the warrant shall direct the officer to accept the person's deposit of money or his/her valid Wisconsin Operator's License, as provided under Subsection (e)(3) below in lieu of serving the warrant and arresting the person.
  - (3) If an officer contacts a person for whom a warrant for a non-moving traffic violation has been issued under Subsection (e)(2) above:
    - a. The officer shall accept the deposit of money or a deposit of the person's valid Wisconsin Operator's License as defined in Sec. 343.01(2)(c), Wis. Stats., in lieu of serving the warrant and arresting the person. If the license is deposited with

the officer, the officer shall issue to the licensee a receipt, on a form provided by the Department of Transportation, which is valid as an operator's license through a date specified on the receipt, not to exceed thirty (30) days from the date of the contact, which shall be the same as the court appearance date and the officer shall at the earliest possible time prior to the court appearance date deposit the license with the court. If a deposit of money is made Secs. 345.26(1)(a) and (2) to (5), Wis. Stats., applies. The officer shall notify the person who deposits money or his/her license, in writing, of the specific actions which the Butler Police Department and the courts are authorized to take under this Section if the person fails to appear in court at the time specified by the officer, not to exceed thirty (30) days from the date of contact, or any subsequent court appearance for the non-moving traffic violation citation. If the person makes a deposit of money or deposits his/her valid Wisconsin Operator's License, the officer shall return the warrant to the court or judge who issued the warrant and the court or judge shall vacate the warrant.

- b. The officer may serve the warrant and arrest any person who refuses to make a deposit of money or deposit his/her operator's license. If the officer arrests the person, the officer shall bring the arrested person before a court having jurisdiction to try the action or a judge without unreasonable delay.
- (4) If the person who was contacted under Subsection (e)(3) and who has made a deposit of money fails to appear in court at the date specified by the officer under Subsection (e)(3) or set under Secs. 345.32, 345.34, 345.36, Wis. Stats., or any subsequent court appearance for the non-moving traffic violation, the person shall be deemed to have entered a plea of no contest. The court shall accept the plea of no contest, find the defendant guilty and proceed under Sec. 345.47, Wis. Stats., except that the deposit shall be forfeited and serve as payment of the judgment. The court shall give notice of the entry of judgment to the defendant by mailing a copy of the judgment to the defendant's last-known address.
  - (5) If the person who is contacted under Subsection (e)(3) and who has deposited his/her operator's license fails to appear in court at the date specified by the officer under Subsection (e)(3) or set under Secs. 345.32, 345.34, or 345.36, Wis. Stats., or any subsequent court appearance for the non-moving traffic violation, the person may be deemed to have entered a plea of no contest. The court may accept the plea of no contest, find the defendant guilty, and except as limited by Subsection (g), proceed under Sec. 345.47, Wis. Stats. If the court enters judgment under Sec. 345.47(1), Wis. Stats., the court shall give notice of the entry of judgment to the defendant by mailing a copy of the judgment to the defendant's last-known address. The court shall also mail to the defendant's last-known address a statement setting forth the actions the court may take under Sec. 345.47, Wis. Stats., if the judgment is not paid. In lieu of accepting the plea of no contest, the court may issue a warrant commanding that

the person be arrested and brought before the court. Unless the case is tried immediately with the person's consent, any person who is arrested on a warrant issued under this subdivision may be released on his/her own recognizance or on posting bond or may be released without bail and shall be released if the person posts bail for his/her appearance. The court may retain the person's license, but the person's operating privilege may not be suspended until after judgment is entered under Sec. 345.47, Wis. Stats., and the judgment is not paid.

- (6) A default judgment entered under this paragraph may be reopened as provided under Sec. 345.51, Wis. Stats.

(f) **Violations Involving Leased or Rental Vehicles.**

- (1) No notice under Subsection (d)(1) may be sent to the Department, or if the notice has already been sent, the notice shall be cancelled, and no further action may be taken against the owner under Subsections (d) or (e) or Secs. 341.10(7m) or 341.63(1)(c), Wis. Stats., if:
- a. The vehicle involved in a non-moving traffic violation is owned by a person engaged in the business of renting or leasing motor vehicles.
  - b. At the time of the violation the vehicle was in the possession of a renter or lessee.
  - c. The owner of the vehicle provides the information required under Sec. 343.46(3), Wis. Stats., for such renter or lessee to the Butler Police Department within ten (10) days after the second notice was sent to the owner under Paragraph (d)3.
  - d. After being notified by the Butler Police Department, the renter or lessee identified under Subdivision c. pays the forfeiture or appears in court in response to the citation for the non-moving traffic violation within thirty (30) days after the second notice from the Butler Police Department is mailed.
- (2) If the renter or lessee does not pay the forfeiture or appear in court in response to the citation for non-moving traffic violation, the Butler Police Department may notify the Department under Subsection (d)(1) that a citation has been issued to the person and the citation remains unpaid. The action which the Butler Police Department shall specify that the Department take under Subsection (d)(2) is limited to refusal of the registration of any vehicle owned by the renter or lessee.
- (3) a. If the renter or lessee does not pay the forfeiture or appear in court in response to the citation for a non-moving traffic violation within thirty (30) days after the second notice from the Butler Police Department is mailed to the renter or lessee, the owner shall pay the authority fifty percent (50%) of the forfeiture applicable to the non-moving traffic violation. The Butler Police Department shall notify the owner in writing of its responsibility for this payment.
- b. If the owner does not pay fifty percent (50%) of the forfeiture applicable to the citation within thirty (30) days after notice under Subsection (e)(4) has been mailed to the owner, the Butler Police Department may send the notice to the

Department under Subsection (d)(1). The action which the Butler Police Department shall specify that the Department take under Subsection (d)(2) is limited to suspension of the registration of the vehicle involved in the non-moving traffic violation.

- (4) The notices to the renter or lessee required under Subsection (d)(3) shall be mailed on two (2) separate days to the last-known address of the renter or lessee and shall include the information specified in Subsection (d)(4) and the name of the owner of the vehicle.
- (g) **Failure to Pay Judgment, Arrest, or Imprisonment Prohibited.** No person may be arrested or imprisoned under Sec. 345.47(1)(a), Wis. Stats., for Chapter 785, for failure to pay a judgment assessed under this Chapter and Sec. 345.47, Wis. Stats.
- (h) **Failure to Appear in Court, Warrant Authorization.** Nothing in this Section presents a court from issuing a warrant under Sec. 345.36 or 345.37, Wis. Stats., if the person appears in court in response to a citation for a non-moving traffic violation or after notice by the Butler Police Department or the Department under Subsection (d) or on the date specified by the officer or the court under Subsection (e) and then fails to appear in court at any time fixed by subsequent postponement. Unless the case is tried immediately with the person's consent, any person who is arrested on a warrant issued under this Subsection may be released on his/her own recognizance or on posting bond or may be released without bail and shall be released if the person posts cash bail for his/her appearance.
- (i) **Penalty Assessment.**
  - (1) **Forfeitures.** The following schedule of forfeitures shall be applicable to all non-moving traffic violations under this Chapter:
    - a. For payment within the time period specified on citations for payment by mail or, if no time period is so specified, for payment received on or before the defendant's court appearance, the amount specified on the citation.
    - b. After ten (10) days from the date specified on the citation for payment by mail or, if no time period is so specified, from the date of the initial court appearance, and the first notice has been sent, the amount specified on the citation together with an additional Five Dollars (\$5.00) in costs.
    - c. Twenty-eight (28) days from the date specified on the citation for payment by mail or, if no time period is so specified, from the date of the initial court appearance, and the second notice has been sent, the amount specified on the citation together with an additional Twenty Dollars (\$20.00) in costs.
    - d. After the citation has been referred to the Department of Transportation to a suspension of registration, the amount specified on the citation together with an additional Forty-five Dollars (\$45.00) in costs.
  - (2) **Review of Penalty Amounts.** The Butler Police Department shall have the authority to determine the administrative costs of enforcement and collection of forfeitures for non-moving traffic violations under this Chapter, and from time to time as may be

necessary to certify those costs to the Village Board for consideration as to amending this Chapter.

(j) **Registration Suspension Program.**

- (1) The Village shall participate in the Wisconsin Department of Transportation Traffic Violation and Registration Program as set forth in Sec. 345.28, Wis. Stats., and TRANS 128, Wis. Adm. Code, and all amendments or changes thereto.
- (2) The Chief of Police is hereby designated as a delegated authority for purposes of Sections 85.13 and 345.28, Wis. Stats., and TRANS 128, Wis. Adm. Code. The Chief of Police is authorized to perform, on behalf of the Village, all functions required of a local authority under said Statutes and Code including, but not limited to:
  - a. Preparing and completing all forms and notices, notifying the Wisconsin Department of Transportation of unpaid citations for non-moving traffic violations;
  - b. Specifying whether the registration of vehicles involved in unpaid citations for non-moving traffic violations should be suspended and/or whether registration should be refused for any vehicle owned by persons with unpaid citations for non-moving traffic violations;
  - c. Determining the method by which the Village will pay the Wisconsin Department of Transportation for administration of the program; establishing the effective date for participation;
  - d. And taking such other action as is necessary to institute and continue participation in the Wisconsin Department of Transportation Traffic Violation and Registration Program.
- (3) The Chief of Police is hereby authorized to assign a member of the Police Department to perform such acts as are necessary to effectuate this Subsection.
- (4) In addition to all applicable fines and court costs, the cost of using the Wisconsin Department of Transportation Traffic Violation and Registration Program shall be assessed as permitted by Sec. 345.28(4)(d), Wis. Stats. The Police Department may refuse to notify the Wisconsin Department of Transportation of payment on a citation until all applicable fines and costs, including costs assessed under the preceding sentence, are paid.
- (5) This Subsection shall not be interpreted as requiring that all unpaid citations for non-moving traffic violations be processed through the Wisconsin Department of Transportation Traffic Violation and Registration Program. The Village's participation in such program shall be in addition to any and all other means legally available to enforce such citations.

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

## Title 10 ► Chapter 2

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# Bicycles and Play Vehicles

<b>10-2-1</b>	Definitions
<b>10-2-2</b>	Lighting and Other Equipment
<b>10-2-3</b>	Rules of the Road
<b>10-2-4</b>	Regulation of Skateboards, Roller Skates, Rollerblades, and Roller Skis
<b>10-2-5</b>	General Bicycle Regulations
<b>10-2-6</b>	Bicycle Registration and Licensing
<b>10-2-7</b>	Bicycle Penalties
<b>10-2-8</b>	Play Vehicle Penalties

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

The following definitions shall be applicable in this Chapter:

- (a) **Bicycle.** Every device propelled by the feet acting upon pedals and having wheels, any two (2) of which are not less than fourteen (14) inches in diameter.
- (b) **Bicycles' Lane.** That portion of a roadway set aside for exclusive use of bicycles and so designated by appropriate signs and markings by the responsible governing body.
- (c) **Bike Route.** 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.** Any path or sidewalk, or portion thereof, designated for the use of bicycles by the responsible governing body.
- (e) **Carrier.** Any device attached to a bicycle designed for carrying articles.
- (f) **Right-of-Way.** The right of one vehicle or pedestrian to proceed in a lawful manner in preference to another vehicle or pedestrian approaching under such circumstances of direction, speed and proximity as to give rise to danger of collision unless one grants precedence to the other.
- (g) **Play Vehicles.** Any coaster, skateboard, roller skates, sled, toboggan, unicycle or toy vehicle upon which a person may ride.

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

No person shall operate a bicycle upon a highway unless equipped as required in Sec. 347.81, Wis. Stats.

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

The provisions of Chapters 346 and 347, Wis. Stats., and applicable Village ordinances shall govern the operation of bicycles where appropriate. Every person driving a bicycle upon a roadway shall be granted all the rights and shall be subject to all the duties applicable to the driver of a vehicle by the laws of the State declaring rules of the road applicable to vehicles or by the traffic ordinances of the Village applicable to the driver of the vehicle, except as to those provisions of laws and ordinances which by their nature can have no application.

### **Sec. 10-2-4 Regulation of Skateboards, Roller Skates, Rollerblades and Roller Skis.**

- (a) **Regulations.** It shall be unlawful for any person in the Village of Butler to operate or ride a skateboard, Rollerblades, roller skates, or roller skis ("play vehicles") in any of the following places:
  - (1) On any Village streets, except while crossing a roadway at a crosswalk.
  - (2) On any sidewalk in a business district. For purposes of this Section, a business district shall be defined as any area primarily commercial in nature.
  - (3) In any public parking ramp or parking lot.
  - (4) On private property, unless permission has been received from the owner, lessee or person in charge of that property.
- (b) **Yield to Pedestrians.** Operators or riders of skateboards, roller skates, roller skis, or other play vehicles shall yield the right-of-way to other pedestrians using Village sidewalks, and shall not otherwise endanger or interfere with normal pedestrian traffic on those sidewalks.
- (c) **Play Vehicles Not To Be Pulled By Moving Vehicles.** No person riding upon any coaster, roller skates, skateboard, roller ski's, sled, toboggan or play vehicle shall attach the same or himself/herself to any vehicle upon a roadway.

### **Sec. 10-2-5 General Bicycle Regulations.**

- (a) **Parental Responsibility.** No parent or guardian of any child shall authorize or knowingly permit such child to violate any of the provisions of Sections 10-2-3, 10-2-4 and this Section.
- (b) **Street Operation.**
  - (1) Unless preparing to make a left turn, every person operating a bicycle upon a roadway carrying two-way traffic shall ride as near as possible to the right edge of the unobstructed traveled roadway. On one-way roadways, the operator of the bicycle shall ride as near as possible to the right edge or left edge of the unobstructed traveled

- roadway. Every person operating a bicycle upon a roadway shall exercise due care when passing a standing vehicle or one proceeding in the same direction, allowing a minimum of three (3) feet between his/her bicycle and the vehicle.
- (2) Every person when operating a bicycle upon a roadway shall ride such bicycle in single file.
  - (3) It shall be unlawful for any person riding upon a bicycle to cling to or attach himself/herself or the bicycle to any other moving vehicle upon a street or highway.
  - (4) No bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped. Infant seats are permitted if securely attached to the frame at the top mount and to the axle and frame at the rear bottom mount and if provided with hand holds, foot rests, foot guards and safety belt. The use of a back pack for carrying an infant is permitted. Persons are not permitted to be located on a bicycle in front of the operator of the bicycle.
  - (5) No person operating a bicycle shall carry any package, bundle or article which prevents the safe operation of the bicycle with at least one hand on the handlebars at all times.
  - (6) No rider of a bicycle shall remove both hands from the handlebars or feet from the pedals, or practice any acrobatic or fancy riding on any street.
  - (7) Whenever a usable path for bicycles has been provided adjacent to a roadway, bicycle riders shall use such path and shall not use the roadway.
  - (8) No person may operate a bicycle or moped upon a roadway where a sign is erected indicating that bicycle riding is prohibited.
- (c) **Bicycle Parking.** No bicycle shall be parked in front of or adjacent to any commercial establishment unless the bicycle is parked on the sidewalk parallel to the street and as close as possible to the curb. No person shall leave a bicycle at such a place or in such a way as to create a hazard to pedestrians, automobile operators or to anyone else.
- (d) **Required Equipment.** Every bicycle, when operated upon a highway, shall be equipped with a brake adequate to control the movement of and to stop such vehicle whenever necessary. Such brake shall be maintained in good working order at all times.
- (e) **Bicycles Not to be Pulled by Moving Vehicles.** No person riding upon a bicycle shall cling or attach himself/herself or his/her bicycle to any other moving vehicle upon a street or highway, nor shall the operator of any such bicycle tow or draw any coaster wagon, sled, person on roller skates, toy vehicles or any other similar vehicle on such highway.
- (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.
- (g) **Bicycle Operation While Hearing Obstructed.** No person may operate a bicycle upon a highway while such operator is using any audio device attached directly to ear or ears of such operator that materially impairs the ability of such operator to hear traffic signals or warnings.
- (h) **Mopeds Prohibited on Bicycle Ways.** No person may ride a moped or motor bicycle with the power unit in operation upon a bicycle way.

(i) **Riding Bicycle on Bicycle Lane.**

- (1) Unless two-way traffic is authorized by the Village Board on any portion of a roadway which it has set aside as a bicycle lane and appropriate traffic signs are installed, every person operating a bicycle upon a bicycle lane shall ride in the same direction in which vehicular traffic on the lane of the roadway nearest the bicycle lane is traveling.
- (2) a. Unless otherwise provided under Subsection (k)(2)b below, a person operating a bicycle may enter or leave a bicycle lane only at intersections or at driveways adjoining the bicycle lane.  
b. A person may leave a bicycle at any point by dismounting from the bicycle and walking it out of the lane. A person may enter a bicycle lane at any point by walking his/her bicycle into the lane and then mounting it.
- (3) Every person operating a bicycle upon a bicycle lane shall exercise due care and given an audible signal when passing a bicycle rider proceeding in the same direction.
- (4) Every operator of a bicycle entering a bicycle lane shall yield the right-of-way to all bicycles in the bicycle lane. Upon leaving a bicycle lane, the operator of a bicycle shall yield the right-of-way to all vehicles and pedestrians.

(j) **Riding Bicycle on Bicycle Way.**

- (1) Every person operating a bicycle upon a bicycle way shall:
  - a. Exercise due care and give an audible signal when passing a bicycle rider or a pedestrian proceeding in the same direction.
  - b. Obey each traffic signal or sign facing a roadway which runs parallel and adjacent to a bicycle way.
- (2) Every person operating a bicycle upon a bicycle way open to two-way traffic shall ride on the right side of the bicycle way.
- (3) Every operator of a bicycle entering a bicycle way shall yield the right-of-way to all bicycles and pedestrians in the bicycle way.

(k) **Operation on Sidewalks.**

- (1) No person over the age of eight (8) shall ride or propel any bicycle upon any public sidewalk or thoroughfare of the Village set apart for pedestrians, except bicycles having wheels sized twenty (20) inches or under. This exception shall not apply to twenty (20) inch or under bicycles designed or modified to BMX specifications.
- (2) No person shall ride or propel any bicycle upon any public street, alley, boulevard or sidewalk of the Village in such manner as to interfere with the rights of other persons using such street, alley, boulevard, or sidewalk.

*Cross-Reference:* Section 12-1-1.

**Sec. 10-2-6 Bicycle Registration and Licensing.**

- (a) **Registration of Bicycles Required.** No person who resides within the Village shall operate 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) **Method.** Registration shall be made by filing with the Police Department on forms provided by the Department giving the name, address, and age of the owner and a complete description of the bicycle, including the name of the manufacturer, style, model, frame number, color, and other information as the Police Department shall deem pertinent.
- (c) **Registration Fee.** The fee for registration of a bicycle shall be as prescribed in Section 1-3-1 for two (2) years payable at the Police Department or mailed to the 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) **Registration Card.** At time of issuing the registration tag, the Police Department shall also issue a registration card to the applicant reciting that the bicycle has been registered in the name of the owner thereof. Such registration card shall also recite the expiration date of the license and the serial number of such license.
- (f) **Unsafe Bicycles Not to Be Registered.** No bicycle shall be registered which is in an unsafe mechanical condition.
- (g) **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, a duplicate tag shall be issued for a fee as prescribed in Section 1-3-1.
- (h) **Period of Registration.** All bicycle registrations shall be issued for a period of two (2) years and shall expire on the first (1st) day of July of the year shown on the registration tag.
- (i) **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.
- (j) **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 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 destroy the identification tag.

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

- (a) Any person sixteen (16) years of age or older who shall violate any provision of this Chapter may be issued a Uniform Traffic Citation and be subject to the penalties provided by the Uniform State Traffic Deposit Schedule.

- (b) Any person fourteen (14) years of age through fifteen (15) years of age who shall violate any provisions of this Chapter may be issued a citation and be subject to the penalties provided by the Deposit Schedule and, upon conviction thereof, may be required to forfeit not more than Twenty-five Dollars (\$25.00), together with the cost of the prosecution and, in default of such payment, the Court may suspend the child's operating privileges, as defined in Sec. 340.01, Wis. Stats., for not less than thirty (30) days nor more than ninety (90) days.
- (c) Any person under fourteen (14) years of age who shall violate any provision of this Chapter may be issued a special Bicycle Violation Warning Notice along with the following additional actions:
  - (1) First offense in one (1) year: A warning letter sent to the parent or guardian.
  - (2) Second offense in the same year: Vehicle license stickers shall be invalidated by the Police Department for a period of not longer than fifteen (15) days as said officer may deem necessary. The owner of said vehicle shall neither use this vehicle nor any other vehicle during said suspension.
  - (3) Third offense in the same year. Vehicle license stickers shall be invalidated by the Police Department for a period of not less than fifteen (15) days nor more than thirty (30) days as said officer may deem necessary. The owner of said vehicle shall neither use this vehicle nor any other vehicle during said suspension.
  - (4) Fourth and subsequent offense in the same year: Mandatory referral to Waukesha County Juvenile Court.
- (d) All violations shall be determined based on the preceding twelve (12) month period to establish which violation has occurred.
- (e) Any parent or guardian of any child who authorizes or knowingly permits such child to violate any of the provisions of this Chapter may be subject to the provisions of Sections 346.77 and 346.82(1), Wis. Stats.

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

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

- (3) Fourth and subsequent offense in the same year: Mandatory referral to Waukesha County Juvenile Court.
- (4) Any parent or guardian of any child who authorizes or knowingly permits such child to violate any of the provisions of this Chapter may be subject to the provisions of Sections 346.77 and 346.82(1), Wis. Stats.

## Title 10 ► Chapter 3

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# Snowmobiles

<b>10-3-1</b>	State Snowmobile and All-Terrain Vehicles Laws Adopted
<b>10-3-2</b>	Applicability of Traffic Regulations to Snowmobiles
<b>10-3-3</b>	Unattended Vehicles
<b>10-3-4</b>	Restrictions on Operators
<b>10-3-5</b>	Accidents and Accident Reports
<b>10-3-6</b>	Snowmobile Trails Designated
<b>10-3-7</b>	Penalty
<b>10-3-8</b>	Enforcement

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

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

350.01	Definitions
350.02	Operation of Snowmobiles on or in the Vicinity of Highways
350.03	Right-of-Way
350.04	Snowmobile Races, Derbies and Routes
350.045	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

**10-3-1**

350.101	Intoxicated Snowmobiling
350.102	Preliminary Breath Screening Test
350.1025	Application of Intoxicated Snowmobiling Law
350.104	Chemical Tests
350.106	Report Arrest to Department
350.107	Officer's Action After Arrest for Operating a Snowmobile While Under Influence of Intoxicant
350.12	Registration of Snowmobiles
350.125	Completion of Application for Registration by Snowmobile Dealers
350.13	Uniform Trail Signs and Standards
350.15	Accidents and Accident Reports
350.17	Enforcement
350.18	Local Ordinances
350.19	Liability of Landowners
350.99	Parties to a Violation

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

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

**Sec. 10-3-3 Unattended Snowmobiles; Speed.**

- (a) **Unattended Snowmobiles.** No person shall leave or allow a snowmobile or all-terrain vehicle owned or operated by him/her to remain unattended on any public highway or public property while the motor is running or with the starting key left in the ignition.
- (b) **Speed.** No person shall operate a snowmobile upon any public highway or right-of-way within the Village at a speed in excess of the posted or permitted limit for motor vehicles. No person shall operate a snowmobile on any trail designated in Section 10-3-8 of this Chapter or in any public park or recreation area at a speed in excess of the posted limit.

**Sec. 10-3-4 Restrictions on Operators.**

- (c) **Permitting Operation by Improper Persons Prohibited.** No owner or person having charge or control of a snowmobile shall authorize or permit any person to operate such

- snowmobile who is not permitted under state law to operate such snowmobile, or who is under the influence of an intoxicant or a dangerous or narcotic drug.
- (d) **Operation While Under Influence Prohibited.** Sec. 346.63, Wis. Stats., shall apply to the operation of a snowmobile any place within the Village.
  - (e) **Age.** No person under the age of twelve (12) years may operate a snowmobile. No person over the age of twelve (12) years but under the age of sixteen (16) years may operate a snowmobile unless he/she holds a valid snowmobile safety certificate or is accompanied by a person over eighteen (18) years of age or by a person over fourteen (14) years of age having a snowmobile safety certificate issued by the Department of Natural Resources.
  - (f) **Licensing Requirement.** No person shall operate any snowmobile upon any street, alley or other public right-of-way in the Village 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.
  - (g) **Hours of Operation.** No person shall operate a snowmobile within the Village between 10:30 p.m. and 7:00 a.m. except upon a public highway as authorized by the Wisconsin Statutes or for the purpose of gaining access to or leaving such highway.
  - (h) **Operation on Sidewalks and Malls Prohibited.** No person shall operate a snowmobile on any sidewalk, pedestrian way, or mall within the Village except as specifically authorized by Section 10-3-8, or for the purpose of crossing to obtain access to an authorized area of operation.
  - (i) **Operation on Private Premises Restricted.** No person shall operate a snowmobile on any private property not owned or controlled by himself/herself within the Village without the express permission of the owner.
  - (j) **Snow Cover.** No person shall operate a snowmobile within the Village in any previously designated area in the absence of an average snow cover in that area of less than three (3) inches.
  - (k) **Operation on Icebound Waters.** No person shall operate or ride upon a snowmobile on icebound water except where provided for by posted sign.

### **Sec. 10-3-5 Accidents and Accident Reports.**

- (a) If he/she can do so without serious danger to his/her own snowmobile or to persons on board, the operator of a snowmobile involved in a snowmobile accident within the Village shall stop his/her snowmobile and shall render to other persons affected thereby such assistance as may be practicable and necessary to save them from or minimize any danger caused by the accident and shall give his/her name and address and identification of his/her snowmobile to any person injured and to the owner of any property damaged in the accident.
- (b) If the snowmobile accident results in death or injury to any person or total property damage in excess of Two Hundred Dollars (\$200.00), every operator of a snowmobile involved in

such accident shall, as soon as possible, notify the Police Department of the accident and shall, within ten (10) days after the accident, file a written report thereof with the Department on forms prescribed by it.

- (c) If the operator of a snowmobile is physically incapable of making the report required by this Section and there was another occupant on the snowmobile at the time of the accident capable of making the report, he/she shall make such report.
- (d) "Snowmobile Accident" means a collision, accident or other casualty involving a snowmobile.

### **Sec. 10-3-6 Snowmobile Routes and Trails Designated.**

(a) **Snowmobile Routes and Trails Designated.**

- (1) Except as provided in Sec. 350.02 and 350.045, Wis. Stats., or for snowmobile events authorized in accordance with Sec. 350.04, Wis. Stats., or as allowed under Subsection (b) below, it shall be unlawful to operate any snowmobile or any other motor-drive craft or vehicle principally manufactured for off-highway use on the Village streets, alleys, parks, parking lots, or on any public lands or private lands or parking lots held open to the public. The operator shall at all times have the consent of the owner before operation of such craft or vehicle on private lands.
- (2) All persons using snowmobiles on the routes designated shall obey all markers or limitations indicated by trail signs or directions thereon, which are erected in accordance with the terms of this Chapter.

(b) **Frontier Park.**

- (1) **Snowmobiling Prohibited.** No person shall operate or occupy a snowmobile within Frontier Park except as may be designated by appropriate markers.
- (2) **Snowmobile Routes and Trails.** The Village Board shall, by resolution, define the areas within the park which shall be designated as snowmobile trails and shall define the areas within which snowmobiles shall be prohibited. Such routes and prohibited areas to be designated herein are subject to the approval of the Village of Butler Park and Recreation Commission.
- (3) **Markers.** Appropriate route, trail, and limit markers designating the areas within the park in which snowmobiling is allowed and designating the area within which snowmobiling is prohibited shall be procured, erected, and maintained by the Village Administrator. Such markers shall give adequate notice of such trail, route, or prohibited areas to the ordinarily prudent person.

- (c) **Operation on Private Premises Restricted.** No person shall operate a snowmobile or all-terrain vehicle on any private property not owned or controlled by him/her within the Village of Butler without the express consent or permission of the owner of said property. The consent required under Sec. 350.10(6), (11), (12) and (13), Wis. Stats., to the year in

which the consent is given. If the property is owned or leased by more than one person, the consent of each must be obtained.

- (d) **Enforcement.** This Section shall be enforced by any law enforcement officer of the Village of Butler.
- (e) **Trail Markers.** The Chief of Police or Village Administrator are directed and authorized to procure, erect and maintain appropriated snowmobile route, trail or limit markers.
- (f) **Rules of Operation.** Snowmobiles operated on designated snowmobile routes over public highways shall observe the rules of the road for motor vehicles set forth in Chapter 346, Wis. Stats., and Title 10 of this Code of Ordinances, which is hereby adopted by reference and made part of this Chapter as if fully set forth herein. Any act required to be performed or prohibited by such laws is required or prohibited by this Section.
- (g) **Declaring Trails Closed.** Due to weather conditions or emergency, the Village President, Village Administrator, or Chief of Police may declare snowmobile trails closed within the Village.

*Cross Reference:* Section 10-4-2.

### **Sec. 10-3-7 Penalty.**

Any person who shall violate any provision of this Chapter shall, upon conviction thereof, forfeit not less than Twenty-five Dollars (\$25.00) and not more than Five Hundred Dollars (\$500.00), together with the costs of prosecution, provided no person shall forfeit an amount in excess of the maximum fine or forfeiture allowed in the Wisconsin Statutes for the same offense and further provided that the penalty and forfeiture for parking violations on highways shall be the amount applicable to such violations by owners or operators of motor vehicles under Title 10, Chapter 1, of this Code of Ordinances.

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

- (a) **Uniform Citation for Highway Violations.** The uniform traffic citation promulgated under Sec. 345.11, Wis. Stats., shall be used for violations of this Chapter relating to highway use except as herein provided.
- (b) **Parking Violations.** The special traffic citation described and defined in Title 10, Chapter 1, of this Code of Ordinances shall be used for enforcement of violations of rules of the road relating to parking of vehicles adopted by reference in Section 10-3-1 of this Chapter.
- (c) **Other Violations.** All violations of this Chapter not described in Subsections (a) or (b) shall be enforced in accordance with Secs. 66.0114 and 66.011, Wis. Stats. Stipulations of guilt or no contest may be made as provided in Sec. 66.0114, Wis. Stats., in substantially

the form provided in the uniform traffic citation within five (5) days of the date of the citation for such violation. Bail deposits may also be made under Sec. 66.0114, Wis. Stats.

- (d) **Police Department to Receive Stipulations and Penalties.** Stipulations, forfeited penalties and deposits for obtaining release from arrest authorized under this Chapter may be accepted at the Police Department offices.
- (e) **Forfeited Penalties and Deposits.** Except as otherwise provided in Sec. 345.26, Wis. Stats., and the deposit schedule adopted by the State Board of Circuit Court Judges thereunder, required penalties and deposits or bail not including costs or fees for violation of this Chapter shall be as established by the schedule adopted by the Village Board. The penalty for violation of any provision of this Chapter shall be a forfeiture as hereafter provided together with costs under Sec. 345.27, Wis. Stats., and a penalty assessment, where applicable, as required under Sec. 165.87(2), Wis. Stats.

## Title 10 ▶ Chapter 4

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# All-Terrain Vehicles and Off-Road Motor Vehicle Operation

- 10-4-1** State All-Terrain Vehicle Laws Adopted
- 10-4-2** Unauthorized Operation of Motor Vehicles on Public or Private Property
- 10-4-3** Mini-Bikes and Self-Propelled Vehicles Regulated

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

The provisions describing and defining regulations with respect to all-terrain vehicles in the following-enumerated Subsections of Sec. 23.33, Wis. Stats., and any future amendments or revisions, are hereby adopted by reference and made part of this Section as if fully set forth herein. The statutory sections adopted by reference herein shall be designated as part of this Code by adding the prefix "10-4-1-" to each statute section number. Any acts required to be performed by the following Statutory Subsections or which are prohibited by such Statutory Subsections are required to be performed by this Section or are prohibited by this Section:

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

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

(a) **Purpose.**

- (1) The unauthorized off-road operation of motor vehicles has resulted in serious damage to public and private lands including damage or destruction of vegetation, animal life and improvement to the lands; and

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- (2) The unauthorized off-road operation of motor vehicles has resulted in the permanent scarring of land and an increase in both erosion and air pollution; and
  - (3) The unauthorized off-road operation of motor vehicles has resulted in collisions and near collisions threatening the life and safety of the operators of such vehicles as well as of other persons; and
  - (4) The unauthorized off-road operation of motor vehicles has resulted in a loss of the privacy, quietude and serenity to which the owners and users of land are rightfully entitled.
- (b) **Definitions.** For purposes of this Section, the terms below shall be defined as follows:
- (1) **Unauthorized** shall mean without the express prior consent of the owner, lessee, manager or other person authorized to give consent by the owner or lessee of land, or not operating on a Village-designated ATV route. Authorization shall not be implied from a failure to post private or public land.
  - (2) **Off-Road** shall mean any location which:
    - a. Is not a paved or maintained public street or alley; or
    - b. Is not used or maintained by the owner or lessee of land as a driveway, parking lot or other way for motor vehicles; or
    - c. Is a private trail for use only by the owner or his/her permittees for recreational or other vehicular use. Off-road shall not include any creekbed, riverbed or lake provided, however, that this Subsection shall not apply to snowmobiles or other vehicles being operated on the ice covering such creekbed, riverbed or lake.
  - (3) **Operation** shall mean the physical manipulation or activation of any of the controls of a motor vehicle necessary to put it in motion.
  - (4) **Motor Vehicle** shall mean, for purposes of this Section, any vehicle which is self-propelled and shall include but not be limited to automobiles, trucks, jeeps, vans, motorcycles, motorbikes, go-karts, motorized three-wheeled vehicles, all-terrain vehicles, mopeds, snowmobiles, dune buggies and tractors. Motor vehicle shall not mean any airplane, railroad train, boat, wheelchair or bicycle. A vehicle which would otherwise be defined as a motor vehicle under this Section shall not be so defined while:
    - a. It is being operated solely for the purpose of construction or maintenance of an improvement to land or solely for access to construction or maintenance sites provided such operation is by persons having legitimate business on such lands or sites;
    - b. It is being operated by or at the direction of public employees or utility company employees as part of their employment duties.
    - c. It is being operated by the holder of an easement or right of access on or over the land on which operation is occurring or the holder's employees or agents.
- (c) **Unauthorized Operation Prohibited.**
- (1) The unauthorized off-road operation of a motor vehicle is prohibited.

- (2) Except for authorized maintenance vehicles and snowmobiles or all-terrain vehicles operating in areas authorized as designated all-terrain routes by the Village Board, it shall be unlawful to operate any minibike, go-kart, all-terrain vehicle or any other motor-driven craft or vehicle principally manufactured for off-highway use on the Village streets, alleys, parks, sidewalks, bikeways, parking lots or on any public lands or private lands or parking lots held open to the public. The operator shall at all times have the written consent of the owner before operation of such craft or vehicle on private lands.

### **Sec. 10-4-3 Mini-Bikes and Self-Propelled Vehicles Regulated.**

- (a) **Definitions.** The following definitions shall be applicable in this Section:
  - (1) **Mini-Bike.** Any motorized vehicle primarily used for transportation or sport, including, but not limited to, motorcycles, off-the-road trail bikes and motorized bicycles.
  - (2) **Self-Propelled Vehicles.** Any motorized vehicle primarily used for off-the-road use, including but not limited to, go-carts, all-terrain vehicles and all other vehicles not registered pursuant to Chapter 341, Wis. Stats., but not snowmobiles.
  - (3) **Motorized Vehicle.** Any self-propelled device in, upon or by which any person or property is or may be transported.
  - (4) **Highway.** All public ways and thoroughfares and bridges on the same. It includes the entire highway right-of-way width, not limited to the actual traveled portion, but also includes the shoulders, ditches and other areas adjacent thereto.
- (b) **Operation of Mini-Bikes and Self-Propelled Vehicles.** No person shall operate a mini-bike or self-propelled vehicle in the Village of Butler in the following manner:
  - (1) At a rate of speed that is unreasonable or imprudent under the circumstances.
  - (2) In any careless way so as to endanger the person or property of another.
  - (3) While under the influence of intoxicating liquor, fermented malt beverages, narcotics or other controlled substances.
  - (4) In such a way that the exhaust of the motor makes an excessive or unusual noise.
  - (5) Without a functioning muffler.
  - (6) Upon any public highway, street or alley, or upon any sidewalk or parkway in the Village of Butler unless such vehicle is registered as required by Chapter 341, Wis. Stats., and its operation and operator are specifically permitted to operate the said vehicle by the Wisconsin Statutes or by Title 10, Chapter 3 or this Chapter of this Code of Ordinances.
  - (7) Upon any slide, ski or skating area, except for the purposes of serving the area or crossing the places where marked.
  - (8) Upon any lands owned, operated or leased by the Village of Butler.

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- (9) Upon a cemetery, burial ground, school or church property, without the express consent of the owner.
- (c) **Liability of Parent or Guardian.** No parent or guardian of any child under the age of eighteen (18) years shall authorize or permit such child to violate any of the provisions of this Section. Any child under the age of eighteen (18) years who shall operate a mini-bike or self-propelled device shall be presumed to be operating said vehicle under the authority of a parent or guardian.
- (d) **Penalties.** Any person who shall violate this Section shall, upon conviction thereof, forfeit for each offense not less than Twenty-five Dollars (\$25.00) nor more than Two Hundred Dollars (\$200.00), together with the costs of prosecution and in default of payment of such forfeiture and costs of prosecution shall be imprisoned in the county jail not to exceed thirty (30) days.

## Title 10 ► Chapter 5

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# Abandoned and Junked Vehicles

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

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

- (a) **Abandonment of Vehicles Prohibited.** No person shall leave unattended any motor vehicle, trailer, semitrailer or mobile home on any public street or highway or private or public property in the Village of Butler for such time and under such circumstances as to cause the vehicle to reasonably appear to have been abandoned. Whenever any such vehicle has been left unattended on any street or highway in the Village of Butler or upon private or public property without the permission of the property owner or other person charged with the lawful jurisdiction thereof for more than seventy-two (72) days, the vehicle shall be deemed abandoned and constitutes a public nuisance.
- (b) **Storage on Public Ways Prohibited.** No person owning or having custody of any partially dismantled, inoperable, wrecked, junked, discarded, or unlicensed motor vehicle shall allow such vehicle to remain on any public highway, parking lot, or ramp longer than seventy-two (72) hours after notification thereof by the Police Department. Notification shall be accomplished by placing in a conspicuous place on the vehicle and by mailing or serving upon the owner or occupant in charge of the premises a written notice setting forth briefly the applicable provisions of this Section and the date of the notice. Any vehicle so tagged which is not removed within three (3) days after notice is declared to be a public nuisance and may be removed and disposed of as provided in this Section.
- (c) **Definitions.** For purposes of this Chapter, the following definitions shall be applicable:
- (1) **Vehicle** shall mean a motor vehicle, trailer, semitrailer or mobile home, whether or not such vehicle is registered under Wisconsin Law.

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- (2) **Unattended** shall mean unmoved from its location with no obvious sign of continuous human use.
- (3) **Street** shall mean any public highway or alley and shall mean the entire width between the boundary lines of any public way where any part thereof is open to the public for purposes of vehicular traffic.
- (d) **Presumptions.** For purposes of this Section, the following irrebuttable presumptions shall apply:
  - (1) A vehicle shall be presumed unattended if it is found in the same position seventy-two (72) hours after issuance of a traffic ticket or citation and if such traffic ticket or citation remains placed upon the windshield during said seventy-two (72) hours.
  - (2) Any vehicle left unattended for more than seventy-two (72) hours on any public street or public ground or left unattended for more than seventy-two (72) hours on private property without the consent of the property owner is deemed abandoned and constitutes a nuisance; provided, that the vehicle shall not be deemed abandoned under this Subsection if left unattended on private property outside of public view and is enclosed within a building, or if designated as not abandoned by a law enforcement officer.
- (e) **Exceptions.** This Section shall not apply to a vehicle in an enclosed building or a vehicle stored on a premises licensed for storage of junk or junked vehicles and fully in compliance with Village zoning regulations, or to a vehicle parked in a paid parking lot or space where the required fee has been paid.

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

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

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

- (a) **Applicability.** The provisions of this Section shall apply to the removal, storage, notice, reclaimer or disposal of abandoned vehicles as defined in Section 10-5-1.
- (b) **Removal; Towing; Impoundment.**
  - (1) Any law enforcement officer who discovers any motor vehicle, trailer, semitrailer or mobile home on any public street or highway or private or public property in the Village of Butler which has been abandoned shall cause the vehicle to be removed to a suitable place of impoundment. The Village of Butler does not maintain a municipal impoundment lot; instead, the Village utilizes private towing and impoundment services.
  - (2) Upon removal of the vehicle, the police officer shall notify the Chief of Police or his/her designee of the abandonment and of the location of the impounded vehicle.

- (c) **Storage and Reclaimer.** Any abandoned vehicle which is determined by a Village law enforcement officer to be abandoned shall be retained in storage for a period of fourteen (14) days after certified mail notice, as hereinafter provided, has been sent to the Wisconsin titled owner and/or secured party of record with the Wisconsin Motor Vehicle Division, except that if a Village law enforcement officer determines an abandoned vehicle to have a value of less than One Hundred Dollars (\$100.00), or that the cost of towing and storage charges for impoundment will exceed the value of the vehicle, it may be junked or sold by direct sale to a licensed salvage dealer after having been retained in storage for a period of forty-eight (48) hours and after certified mail notice, as hereinafter provided, has been sent to the Wisconsin titled owner or secured party of record with the Wisconsin Motor Vehicle Division, provided that it is first determined that the vehicle is not reported stolen or wanted for evidence or other reason. All substantially complete vehicles in excess of nineteen (19) model years of age shall be deemed as a having value in excess of One Hundred Dollars (\$100.00). Any such vehicle which may be lawfully reclaimed may be released upon the payment of all accrued charges, including towing, storage and notice charges and upon presentation of the vehicle title or other satisfactory evidence to a Village law enforcement officer to prove an ownership or secured party interest in said vehicle.
- (d) **Notice to Owner or Secured Party.** Certified mail notice, as referred to herein, shall notify the Wisconsin titled owner of the abandoned vehicle, if any, and/or the secured party of record with the Wisconsin Motor Vehicle Division, if any, of the following:
- (1) That the vehicle has been deemed abandoned by the Village of Butler and has been impounded at a private facility;
  - (2) The "determined value" of the abandoned vehicle;
  - (3) If the cost of towing and storage costs will exceed the determined value of the vehicle;
  - (4) That if the vehicle is not wanted for evidence or other reason, the vehicle may be reclaimed upon the payment of all accrued charges, including towing, storage and notice charges, within fourteen (14) days of the date of notice, unless the vehicle has been determined to have a value less than One Hundred Dollars (\$100.00) or that the cost of towing and storage charges for impoundment will exceed the value of the vehicle, in which case the vehicle may be reclaimed within seven (7) days upon the payment of the aforesaid charges; and
  - (5) That the owner or aforesaid secured party may, upon request, be granted a hearing relating to the determinations made with respect to said vehicle within the period that such vehicles may be reclaimed.

#### **Sec. 10-5-4 Disposal of Abandoned Vehicles.**

Any abandoned vehicle impounded by the Village which has not been reclaimed or junked or sold by direct sale to a licensed salvage dealer pursuant to the provisions of this Chapter may be sold by public auction sale or public sale calling for the receipt of sealed bids. A Class I Notice,

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including the description of the vehicles, the name(s) and address(es) of the Wisconsin titled owner and secured party of record, if known, and the time of sale shall be published before the sale.

**Sec. 10-5-5 Report of Sale or Disposal.**

Within five (5) days after the direct sale or disposal of a vehicle as provided for herein, a Village law enforcement officer shall advise the State of Wisconsin Department of Transportation, Division of Motor Vehicles, of such sale or disposal on a form supplied by said Division. A copy of the form shall be given to the purchaser of the vehicle enabling the purchaser to obtain a regular certificate of title for the vehicle. The purchaser shall have ten (10) days to remove the vehicle from the storage area but shall pay a reasonable storage fee established by the Village for each day the vehicle remains in storage after the second business day subsequent to the sale date. Ten (10) days after the sale the purchaser shall forfeit all interest in the vehicle and the vehicle shall be deemed to be abandoned and may be sold again. Any listing of vehicles to be sold by the Village shall be made available to any interested person or organization which makes a written request for such list to the Village. The Village may charge a reasonable fee for the list.

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

- (a) The owner of any abandoned vehicle, except a stolen vehicle, is responsible for the abandonment and all costs of impounding and disposing of the vehicle. Costs not covered from the sale of the vehicle may be recovered in a civil action by the Village against the owner.
- (b) Payment of removal and impoundment costs is not required when the vehicle has been impounded for purposes of law enforcement investigation.

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

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

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

- (a) **Storage of Automobiles Restricted.** No disassembled, inoperable, unlicensed, junked or wrecked motor vehicles, truck bodies, tractors, trailers, farm machinery, appliances,

household furnishings, or construction debris shall be stored unenclosed upon private residential property within the Village of Butler for a period exceeding thirty (30) days or if it is in connection with an authorized business enterprise maintained in such a manner as to not constitute a public nuisance and in compliance with Village zoning regulations.

(b) **Definitions.**

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

(c) **Exceptions.** This Section shall not apply to any motor vehicle or motor vehicle accessories stored within an enclosed building or on the premises of a business enterprise operated in a lawful place and manner in a properly zoned area, in such a manner as to not constitute a nuisance, when necessary to the operation of such business enterprise, in an enclosed storage place or depository maintained in a lawful place and manner, or seasonal use vehicles such as snowmobiles, motorcycles, motor scooters and nonmotorized campers, provided such vehicles are stored in compliance with the Ordinances of the Village. In other situations the Village Board may issue a one-time temporary permit permitting an extension of not to exceed an additional thirty (30) days' time to comply with this Section where exceptional facts and circumstances warrant such extension.

(d) **Enforcement.**

- (1) Whenever a Village law enforcement officer shall find any vehicles or appliances, as described herein, placed or stored in the open upon private property within the Village, he/she shall notify the owner of said property on which said vehicle or appliance is stored of the violation of this Section. If said vehicles or appliance is not removed within five (5) days, a Village law enforcement officer shall cause to be issued a citation to the property owner or tenant of the property upon which said vehicle or appliance is stored.
- (2) If such vehicle or appliance is not removed within twenty (20) days after issuance of a citation, a Village law enforcement officer shall cause the vehicle or appliance to be removed and impounded, and it shall thereafter be disposed of as prescribed in Sections 10-5-3 through 10-5-6 by a Village law enforcement officer. Any cost

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incurred in the removal and sale of said vehicle or appliance shall be recovered from the owner. However, if the owner of the vehicle or appliance cannot readily be found, the cost of such removal shall be charged to the property from which it is removed, which charges shall be entered as a special charge on the tax roll.

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

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