

Chapter 425

VEHICLES AND TRAFFIC

♣ 425-1. Provisions of State Law Adopted by Reference	♣ 425-5. All-Terrain Vehicle and Off-Road Motor Vehicle Operation
♣ 425-2. Parking, Stopping, Standing	♣ 425-6. Violations and Penalties
♣ 425-3. Accident Reports	♣ 425-7. Enforcement
♣ 425-4. Traffic Signs and Signals	

{HISTORY: Adopted by the Village Board of the Village of Endeavor as Ch. 4 of the 1998 Code. Amendments noted where applicable.}

GERNERAL REFERENCES

Bicycles and Play Vehicles – See Ch. 185	Snowmobiles – See Ch. 373
Parks and Recreation Areas – See Ch. 320	Abandoned and Junked Vehicles – See Ch. 421

♣ 425-1. Provisions of State Law Adopted by Reference

- A. State traffic forfeiture laws adopted. Except as otherwise specifically provided in this chapter, all provisions of Chs. 340 to 348, Wis. Stats., describing and defining regulations with respect to vehicles and traffic for which the penalty is a forfeiture only, including penalties to be imposed and procedure for prosecution, are hereby adopted and by reference made part of this chapter as if fully set forth herein. Any act required to be performed or prohibited by any statute incorporated herein by reference is required or prohibited by this chapter.
- B. Other laws adopted. There are also hereby adopted by reference the following sections of Wisconsin Statutes, the prosecution of such offenses under this chapter shall be as provided in Chs. 340 to 348, Wis. Stats., and the penalty for violation thereof shall be limited to a forfeiture as provided in 425-6 of this chapter:
- 1) Section 941.01(1), Negligent Operation of Vehicle off Highway

♣ 425-2. Parking, Stopping, and Standing

- A. Parking Prohibited. Parking is prohibited at all times where so posted by official Village signs.
- B. All-night parking. It shall be unlawful for any person, except physicians on emergency calls, to park any vehicle on any street or alley in the Village of Endeavor between the hours of 2:00 a.m. and 6:00 a.m. of any day from the first day of November to the first day of April of each year. Special permission allowing the holder thereof to park a vehicle owned by him or under his control and supervision on a particularly described portion of a street/alley within the

Village during these hours may be issued by the Village of Endeavor Police Department where actual necessity can be shown, such as in cases of overnight guests or emergency breakdowns of the vehicle, thereby deeming it necessary to leave said vehicle parked on the street temporarily or, in the case of breakdown, until immediate attention can be given to said vehicle within 24 hours of said breakdown. Application for any such permission must be made 48 hours in advance and may be given by the Chief of Police or one of his/her officers, or the Village Clerk.

♣ **425-3. Accident Reports¹**

The operator of any vehicle involved in an accident shall, within 10 days after such accident file with the Chief of Police or his/her designee a copy of the report required by § 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 report shall be subject to the provisions and limitations in § 346.70(4)(f) and 346.73, Wis. Stats.

♣ **425-4. Traffic Signs and Signals**

- A. Maintenance of official signs and signals. The Village Clerk-Treasurer is hereby authorized and directed to procure, erect and maintain appropriate standard traffic signs, signals and markings conforming to the rules of the State Highway Division giving such notice of the provisions of this chapter as required by state law. Signs shall be erected in such locations and manner as the Chief of Police or his/her designee shall determine will best effect the purposed of this chapter and give adequate warning to users of the street or highway.²
- B. Removal of unofficial signs and signals. The Village of Clerk-Treasurer shall have the authority granted by § 349.09, Wis. Stats., and is hereby directed to order the removal a sign, signal, marking, or device placed, maintained or displayed in violation of this chapter or SS 346.41, Wis. Stats. Any charge imposed on a premises for removal of such illegal sign, signal, or device shall be reported to the Village Board at its next regular meeting for review and certification.

♣ **425-5. All-Terrain Vehicles and Off-Road Motor Vehicle Operation³**

- A. State all-terrain vehicle laws adopted. The provisions describing and defining regulations with respect to all-terrain vehicles in § 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.
- B. Penalties. Violation of this article shall be punishable by a forfeiture and enforced pursuant to law.

1. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)

2. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)

3. Editor's Note: Added at time of adoption of Code (see Ch. 1, General Provisions, Art. II)

C. Unauthorized operation of motor vehicles on public or private property.

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

- 2) Definitions. For purposes of this section, the terms below shall be defined as follows:

MOTOR VEHICLE -- 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, golf carts, 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 purposes of construction or maintenance of an improvement to land or solely for access to construction or maintenance sites, provided that 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.

b. OFF ROAD –

- a. Any location which:
 - 1) Is not a paved or maintained public street or alley;
 - 2) Is not used or maintained by the owner or lessee of land as a driveway, parking lot, or other way for motor vehicles; or
 - 3) Is a private trail for use only by the owner or his permittees for recreational or other vehicular use.
- b. "Off road" shall not include any creek bed, riverbed, or lake; provided, however, that this subsection shall not apply to snowmobiles or other vehicles being operated on the ice covering such creek bed, riverbed or lake.

UNAUTHORIZED -- Without the express prior consent of the owner, lessee, manager or other person authorized to give consent by the owner or lessee of land. Authorizing shall not be implied from a failure to post private or public land

3) Unauthorized Off-Road Operation

- a. The unauthorized off-road operation of a motor vehicle is prohibited
- b. Except for authorized maintenance vehicles and snowmobiles or all-terrain vehicle operating in authorized areas pursuant to this section, 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, properly dated as to the year, before operation of such craft or vehicle on private lands.

4) Prohibited use of snowmobile trails. Except as provided in the definition of "motor vehicle" in subsection (b)(i) of this section, no person shall operate any motor vehicle other than a snowmobile on a snowmobile trail.

- D. Operation and regulation of motorcycles and dirt bikes. Operation of motorcycles and dirt bikes shall conform to the rules and regulations adopted in Subsection A.

♣ **425-6. Violations and Penalties**

The penalty for violation of any provision of this chapter shall be forfeiture as hereinafter provided together with the cost of prosecution imposed as provided in § 345.20 to 345.52, Wis. Stats.

- A. Uniform offenses. Forfeiture for violation of any provisions of Chs. 341 to 348, Wis. Stats., adopted by reference in 425-1 of this chapter shall conform to forfeitures for violation of the comparable state offense, including any variations or increases for second offenses.
- B. Parking. The forfeiture for a violation of 425-2 of this chapter (parking, stopping and standing) shall not be less than \$1 nor more than \$10.

♣ **425-7. Enforcement**

- A. Uniform citation. The uniform citation promulgated under § 345.11, Wis. Stats., shall be used for all moving traffic violations under this chapter.
- B. Parking citation. Citations for all unmoving traffic violations under this chapter shall conform to § 345.28, Wis. Stats., and shall permit direct mail payment of the applicable minimum forfeiture to the Village Clerk-Treasurer within five days

of the issuance of the citation in lieu of court appearance. The issuing officer shall specify thereon the amount of applicable forfeiture as provided in this chapter.

- C. Notice of demerit points and receipt. Every officer accepting a forfeited penalty or money deposited under this chapter shall receipt therefor in triplicate as provided in § 345.26(3)(b), Wis. Stats. Every officer accepting a stipulation under the provisions of this chapter shall comply with the provisions of § 345.26(1)(a) and 345.27(2), Wis. Stats., and shall require the alleged violator to sign a statement of notice in substantially the form contained in the uniform traffic citation and complaint promulgated under § 345.11, Wis. Stats.
- D. Forfeitures in treasury; officer to post bond. Any officer accepting deposits or forfeited penalties under this chapter shall deliver them to the Village Clerk-Treasurer within 20 days after receipt. Any officer authorized to accept deposits under § 345.26, Wis. Stats., or this chapter shall qualify by taking the oath prescribed by § 19.01, Wis. Stats., and filing an official bond in the sum of \$1,000 as described by § 19.01, Wis. Stats.

The foregoing ordinance was duly adopted by the Village Board of the Village of Endeavor, Marquette County, Wisconsin at a meeting held on September 8, 2015 by a vote of ____ in favor, ____ opposed, and ____ not voting.

Larry LaSure, Village President

Attest to:

Laura Myers, Village Clerk/Treasurer

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