

CHAPTER 5

TRAFFIC CODE

5.01 **STATE TRAFFIC LAWS ADOPTED.** (Amended #142 & #185) Except as otherwise specifically provided in this code, the statutory provisions in Chapters 340 to 348, 218.01(2)(a) change in place of business to reported, 218.20 through 218.23 motor vehicle salvage dealers, and 218.30 through 218.33 motor vehicle auction dealers, of the Wisconsin Statutes, describing and defining regulations with respect to vehicles and traffic, exclusive of any therein relating to penalties to be imposed and exclusive of any regulations for which the statutory penalty is a fine or term of imprisonment are hereby adopted and by reference made a part of this code as if fully set forth herein. Any act required to be performed or prohibited by any statute incorporated herein by reference is required or prohibited by this code. Any future amendments, revisions, or modifications of the statutes incorporated herein are intended to be made part of this code in order to secure uniform statewide regulation of traffic on the highways, streets, and alleys of the State of Wisconsin.

5.015 ADOPTION OF ADMINISTRATIVE CODE, DEPARTMENT OF TRANSPORTATION, DIVISION OF MOTOR VEHICLES. Chapter 305 of the Wisconsin Administrative Code, Rules of Department of Transportation, Division of Motor Vehicles is hereby adopted.

Penalty. The penalties for violation of said code provisions shall be established by the bail bond schedule and in the event that penalties are not so established then pursuant to Section 5.12 of the Municipal Code of the City of New Holstein. Upon conviction of any alcohol related offense for which the City has expended funds or incurred expense for the withdrawal or testing of blood or urine, the cost of such service to the City should be added to any forfeiture, court cost and fees imposed by the Court. (CR #470)

5.02 **DEFINITIONS:** (Ord. 648)

1. **All-Terrain Vehicle (ATV) / 4 Wheelers:** A commercially designed and manufactured motor-driven device that has a weight, without fluids, of 900 pounds or less, has a width of not more than 50 inches as measured laterally between the outermost wheel rim on each side of the vehicle, exclusive of tires, mirrors, and accessories that are not essential to the vehicle's basic operation, is equipped with a seat designed to be straddled by the operator, and travels on 3 or more tires.
2. **Battery Operated Bicycle:** A bicycle-type vehicle with fully operative pedals for propulsion by human power and powered by a 24-volt battery, top speed is around 15 miles per hour depending on the weight of the rider.

3. **Bicycle:** Every vehicle propelled by the feet acting upon pedals and having wheels any 2 of which are not less than 14 inches in diameter.
4. **Golf Cart:** A vehicle designed and manufactured for operation on a golf course for sporting or recreational purposes, operates on 4 wheels, and that is not capable of exceeding 20 miles per hour.
5. **Highway:** “Highway” means all public ways and thoroughfares and bridges on the same. It includes the entire width between the boundary lines of every way open to the use of the public as a matter of right for the purposes of vehicular travel. It includes those roads or driveways in the state, county or municipal parks and in state forests which have been opened to the use of the public for the purpose of vehicular travel and roads or driveways upon the grounds of public schools, as defined in Wisconsin Statute sec. 115.01 (1), and institutions under the jurisdiction of the county board of supervisors, but does not include private roads or driveways as defined in Wisconsin Statute sec. 340.01(46).
6. **Public Streets:** “Public Streets” means all streets in the City of New Holstein open to the public where vehicular travel is allowed.
7. **Moped:** Any of the following motor vehicles capable of speeds of not more than 30 miles per hour with a 150-pound rider on a dry, level, hard surface with no wind, excluding a tractor, a power source as an integral part of the vehicle and a seat for the operator:
 - a. A bicycle-type with fully operative pedals for propulsion by human power and an engine certified by the manufacturer at not more than 130 cubic centimeters or an equivalent power unit.
 - b. A Type 1 motorcycle with an automatic transmission and an engine certified by the manufacturer at not more than 50 cubic centimeters or an equivalent power unit.
 - c. A “Moped” does not include a motor bicycle.
8. **Motor Bicycle:** Any of the following:
 - a. A bicycle to which a power unit not an integral part of the vehicle has been added to permit the vehicle to travel at a speed of not more than 30 miles per hour with a 150-pound rider on a dry, level, hard surface with no wind and having a seat for the operator.
 - b. A 2-wheeled or 3-wheeled vehicle that has fully operative pedals for propulsion by human power and an electric motor of less than 750 watts and that is capable when powered solely by the motor, of a maximum speed of less than 20 miles per hour with a 170-pound rider on a dry, level, hard surface with no wind.
9. **Motorized Scooter:** is a vehicle that is designed to be stood or sat upon by the operator and that has two small-diameter wheels in tandem, upright t-shaped handlebars, and is powered by an internal combustion engine or electric motor that is capable of propelling the device with or without human propulsion. Top speeds are generally 8-20 miles per hour.
10. **Snow Removal Device:** is an attachment designed and installed for the purpose of removing snow, such as a plow blade, blower, bucket, or brush.
11. **Utility-terrain vehicle (UTV):** means any of the following:
 - a. A commercially designed and manufactured motor-driven device that does not meet federal motor vehicle safety standards in effect on July 1, 2012, that is not a golf cart, low-speed vehicle, dune buggy, mini-truck, or tracked vehicle, that is designed to be used primarily off of a highway, and that has, and was originally manufactured with, all of the following:
 - 1) a weight, without fluids, of 2,000 pounds or less

- 2) four or more tires
 - 3) a steering wheel
 - 4) a taillight
 - 5) a brake light
 - 6) two headlights
 - 7) a width of not more than 65 inches as measured laterally between the outermost wheel rim on each side of the vehicle, exclusive of tires, mirrors, and accessories that are not essential to the vehicle's basic operation.
 - 8) a system of seat belts, or a similar system, for restraining each occupant of the device in the event of an accident
 - 9) a system of structural members designed to reduce the likelihood that an occupant would be crushed as the result of a rollover of the device
- b. A commercially designed and manufactured motor-driven device to which all of the following applies:
- 1) It does not meet federal motor vehicle safety standards in effect on July 1, 2012; is not a golf cart, low-speed vehicle, dune buggy, mini-truck, or tracked vehicle; is designed to be used primarily off of a highway; and has, and was originally manufactured with, a weight, without fluid of not more than 2,000 pounds.
 - a. It has a width of 65 inches or less as measured laterally between the outermost wheel rim on each side of the vehicle, exclusive of tires, mirrors, and accessories that are not essential to the vehicle's basic operation.
 - b. It is equipped with a seat designed to be straddled by the operator;
 - c. It travels on 3 or more tires;
 - d. It is not an all-terrain vehicle.

5.04 **SPEED LIMITS.**

(1) STATE LIMITS. Section 346.57, 346.58 and 346.59, Wisconsin statutes, relating to the maximum and minimum speed of vehicles are adopted by reference as part of this section as if fully set forth herein, except as specified by sub. (2) pursuant to Section 349.11(3)(c), Wisconsin Statutes.

(2) SPEED LIMITS INCREASED. The speed limits are increased as set forth upon the following streets within the limits designated:

(a) **35 MILES PER HOUR.**

1. Milwaukee Drive (State Highway 57) from Wisconsin Avenue to three-tenths of one mile South of Mason Street.

2. On Calumet Drive from Park Avenue North to City Corporate Limits.
(Rep. & Rec. #435)

3. On Wisconsin Avenue from a point 0.1 of mile east of Clark Drive, easterly for 0.2 of a mile.(Cr. #373)

(b) **45 MILES PER HOUR:**

1. Milwaukee Drive from City limits North three tenths of one mile South of Mason Street. (Rep. & Rec. #158)

(3) SPEED LIMITS DECREASED. The speed limits are decreased as set forth upon the following streets within the limits designated:

(a) **15 MILES PER HOUR:**

1. Kiwanis Park parking lot access roads off of Silvermoon Lane and Hickory Lane

Section 5.025 Regulation Regarding Vent, Side, and Rear Windows, Trans 305.32. Trans 305.32 of the Wisconsin Administrative Code describing and defining glass to be used in vents and rear windows is hereby adopted and by reference made a part of this Chapter as though fully set forth herein. Any act required to be performed or prohibited by any of the statutes incorporated herein by reference is required or prohibited by this ordinance. This adoption by reference shall also include any subsequent additions, modifications, or other changes to the above statute. (Cr. #363)

5.03 **STOP AND YIELD RIGHT-OF-WAY INTERSECTIONS.** The operator of a vehicle shall stop his vehicle or yield the right-of-way, as the case may be, at intersections designated by the Common Council.

5.04 **PROHIBITED U-TURNS.** In addition to the prohibitions contained in Section 5.01, no person shall turn his vehicle so as proceed in the opposite direction at intersections designated by the Common Council.

5.05 **PARKING LIMITATIONS.**

(1) PARALLEL PARKING. No person shall park any vehicle upon the streets in the City if such is not parked parallel to the right hand curb not more than 12 inches from the curb, except where appropriate markings on the City streets have been placed, which indicate a different angle of parking.

(2) **NOT TO USE MORE THAN ONE SPACE.** No person shall use more than one parking space to park a vehicle in the City if such parking space has been indicated by appropriate markings.

(3) **TWO HOUR AND FOUR HOUR PARKING.** (Rep. & Rec. #93) No person shall park any vehicle between 7:00 A.M. and 7:00 P.M., excepting Sundays and Holidays on either side of the following described streets or parts of streets in the City for more than 2 hours or 4 hours from 7:00 PM to 7:00 AM, excepting Sundays and Holidays, in the same parking space unless otherwise indicated by authorized signs: (*indicates streets with 2 hour and 4 hour parking) (Rep. & Rec. #396)

- (a) Railroad St. from Roosevelt Ave. to Main St.
- (b) Railroad St. from Main St. to Wisconsin Ave., west side of street.
- (c) Main St. from Railroad St. to Wisconsin Ave.
- (d) Wisconsin Ave. from Calumet Dr. to Milwaukee Dr. on both sides of the street. (Cr. #177)
- (e) Michigan Ave. from Railroad St. to Jefferson St. on the north side.
- (f) Washington Street from Park Avenue south a distance of 180 feet on both sides of the street.
- (g) Railroad Street - east side, from Main Street to Wisconsin Avenue.
- (h) Coolidge Street, beginning at 240 feet on the west side and ending 334 feet south from the southwest corner of the intersection of Jordan Avenue and Coolidge St.(Ord 613)

(4) **PARKING PROHIBITED AT ALL TIMES ON CERTAIN STREETS.** (Rep.

& Recr. #93 & #137) When signs are erected giving notice there of, no person shall park a vehicle at any time upon any of the streets or parts of streets described as follows:

- (a) Washington St., east side, from Wisconsin Ave. south 100 feet.
- (b) Wisconsin Ave., north side, from Broadway St. east 40 feet.

- (c) Van Buren St., east side, from Wisconsin Avenue south 166 feet.(Ord.#594)
- (d) Harrison St., from Wisconsin Avenue to Illinois Avenue on East side of street.
- (e) Railroad St., east side, from entrance to parking lot north 106 feet.
- (f) Park Ave., north side, from Broadway St. west 188 feet.
- (g) Madison St., east side, from Wisconsin Ave. to Illinois Ave.
- (h) Roosevelt Ave., north side, from alley west 95 feet.
- (i) Park Ave., south side, from Railroad St. west to alley.
- (j) Park Ave., north side, from Van Buren St. to Washington St. at a point where the northeasterly extension of Van Buren St. connects with Park Ave. (Rep. & Rec. #101)
- (k) Mason St., west side, for a distance of 50 feet north and 50 feet south of the curb line of Michigan Ave. (Cr. #111)
- (l) Railroad St., east side, between Wisconsin Ave. and Illinois Ave. (Cr. #113)
- (m) Wisconsin Ave., north side, from Jackson St. to Milwaukee Dr. (Cr. #131)
- (n) Monroe St., east side, from Wisconsin Ave. north 66 feet.
- (o) Monroe St., east side, from Wisconsin Ave. south 109 feet.
- (p) Randolph Ave., north side, from Lincoln St. to Washington St. (Cr. #137)
- (r) Illinois Ave., south side, from Madison St. to Monroe St. (Cr. #137)
- (s) Illinois Ave., north side, from Monroe Street to Harrison St. (Cr. #137)
- (t) Taft Ave., south side, from Jefferson St. west to that point where it joins with private lands. (Cr. #161)
- (u) Roosevelt Ave., north side, from Park Lane. to Washington St. (Cr. #165)

- (v) Wisconsin Ave., north side, from Washington St. east and west 42 feet. (Cr. #167)
 - (w) Madison St., west side, from Wisconsin Ave. north 62 feet.
 - (x) Wisconsin Ave., north side, from Church St. east 42 feet. (Cr. #167)
 - (y) Harrison St. from Wisconsin Ave. to Illinois Ave., on west side of the street. (Cr. #180)
 - (aa) Van Buren St. from Wisconsin Ave., south 157 feet on the east side of the street. (Cr. #207)
 - (bb) Park Avenue from Church Street west 320 feet on the north side of the street.
 - (cc) Park Ave. from Railroad St. south east to Michigan Ave. on both sides of the street. (Cr. #259)
 - (dd) Park Ave. from Church St. west to Calumet Dr. on the north side of the street. (Rep. & Recr. #262)
 - (ee) Michigan Ave. from Railroad St. to Jefferson St. on the south side of the street. (Cr. #270)
 - (ff) Wisconsin Avenue beginning at a point 400 feet west of the intersection of Plymouth Street and Wisconsin Avenue and extending west 1,500 feet on the south side of Wisconsin Avenue.
- Wisconsin Avenue beginning at a point 400 feet west of the intersection of Plymouth Street and Wisconsin Avenue and extending west to the City of New Holstein Corporate Limit on the north side of Wisconsin Avenue. (Cr. #272)
- (gg) Wisconsin Avenue, north side, from Madison Street east 183 feet. (Cr. #275, Ord #598) (Ord #618)
 - (hh) Wisconsin Avenue, south side, from Mason Street east eighteen (18) feet. (Cr. #351)
 - (ii) Intersection of Madison Street and Liberty Lane. (Cr. #388)
 - 1. West side of Madison Street and North side of Liberty Lane, forty-two (42) feet north from the handicap ramp and forty-eight (48) feet west from the handicap ramp

2. East side of Madison Street and South side of Liberty Lane, sixty-seven (67) feet north from the handicap ramp and eighty-five (85) feet west from the handicap ramp

(jj) On the east side of Calumet Drive between Illinois Avenue and Wisconsin Avenue (Cr. #473)

(kk) Van Buren Street, 297' south of the intersection on Van Buren Street and Pleasant Avenue and extend north along the west side of Van Buren Street to the intersection of Van Buren Street and Wisconsin Avenue.

(ll) Extending 165' South of the Southeast Corner of the Intersection of Jordan Avenue and Coolidge Street.(Ord 564 12/19/12)

(mm) Wisconsin Avenue, north side, from Washington St. 67 feet from the corner east.

(5) NO PARKING AT SPECIFIED TIMES.

(a) DURING SCHOOL HOURS ON SCHOOL DAYS.

1. Park Ave. from Church St. to Washington St., south side of the street.

2. West side of Street – Madison Street from Illinois Avenue – South One Hundred Seventy-Five (175 feet) (CR #482)

3. No parking during school hours, on school days on the west side of Plymouth Street: Illinois Avenue to Hickory Lane and the east side of Plymouth Street:

Illinois Avenue to Pleasant Avenue.(Ord. 512) (Ord. 519) (Ord. 535)(Ord. 536)
(Ord. 589)

(b) NO PARKING ON CERTAIN STREET AT SPECIFIED TIMES.

1. No parking from 7:00 A.M. to 7:00 P.M. except on weekends and holidays commencing 336 feet from the west curb of Jefferson Street at the intersection of Taft Avenue and Jefferson Street and terminating at the end of the asphalt pavement of Taft Avenue. (Cr. #302)

2. No Parking between Signs from 10:00AM to 1:00PM on School Days on the West side of Church Street between Park Avenue and State Avenue. Beginning twenty-five (25) feet South from the Southwest corner of Park Avenue and ending one hundred ninety (190) feet from the point of beginning along the West side of Church Street.

3. No Parking from 11:00 A.M. to 1:00 P.M. Monday through Saturday ending 158 feet from the point of beginning on the Southeast corner of Jordan Avenue and Coolidge Street along the East side of Coolidge Street. (Ord. #539) (Ord. 613)

4. No Parking between signs from 8:00 PM to 12 midnight beginning 85 feet from the northwest corner of Monroe Street at the intersection of Wisconsin Avenue and Monroe Street and ending 185 feet from point of beginning.(Ord. #594)

5. No parking from 7:30 A.M. to 8:00 A.M. on school days on the west side of the 2200 block of Washington Street. (Ord. #624)

(c) **TWO HOUR PARKING RESTRICTION DURING SCHOOL HOURS.**

(d) **PARKING REGULATIONS ON SCHOOL GROUNDS.**

The following regulations shall apply to the grounds of the New Holstein School District located within the city:

Parking. All parking on any grounds of the New Holstein School District from 7:30a.m. to 4:30p.m., while school is in session, shall be restricted to areas designated for parking by the school board. When signs are erected by the school board giving notice of such restrictions, all persons shall only park in areas designated and signed for visitor parking. There shall be no parking on said grounds between 11:00 p.m. and 6:00 a.m. except when school functions extend past 11:00 p.m. (Ord No. 608)

(6) **LOADING ZONES.** When signs are erected giving notice thereof, no person shall park a vehicle in the areas of designated loading zones, except for loading or unloading merchandise or materials, and loading zones are hereby designated as follows:

(a) Railroad St., east side, from a point 118 feet south of the south line of the crosswalk of the intersection of Railroad St. and Main St. for a distance of 38 feet.

(b) Park Avenue South Side – southeast corner of Park Avenue and Van Buren Street commencing two hundred twenty-nine (229) feet East and ending two hundred eighty (280) feet East, Mondays through Fridays, between the hours of 10:00 AM and 2:00 PM (Cr. #387)

(c) Loading Zones – 15 Minutes

Section 1. Wisconsin Avenue North Side – Northwest corner of Wisconsin Avenue and Madison Street commencing one hundred sixty-five (165) feet West and ending one hundred ninety (190) feet West, between the hours of 5:00 PM and 10:00 PM. (Ord. #394)

(d) Loading Zones. Jefferson Street West Side – Southwest corner of Jefferson Street and Hickory Lane commencing three hundred forty (340) feet South and ending three hundred seventy-four (374) feet South. (Ord. #411)

(e) Loading Zones. Jordan Avenue North Side – Northwest corner of Jordan Avenue and Coolidge Street commencing eighty-eight (88) feet West and ending one hundred thirty-five (135) feet West of the same intersection – all hours of the day. (Ord. #431)

(f) 10 Minute Parking. Wisconsin Avenue, north side, from a point 99 feet west of the northwest corner of the intersection of Wisconsin Avenue and Main Street, for a distance of 33 feet. (The full parcel width of 1706 Wisconsin Avenue)

(7) LOADING AND UNLOADING ON STREETS. No person shall load or unload from one truck to another truck, from one trailer to another trailer, or vehicle of like nature while the same are parked upon any of the public streets of the City, except in the case of absolute emergency.

(8) STREET STORAGE PROHIBITED. No person shall permit a vehicle in his custody to stand or remain unattended on any street, alley or in any other public place in the City for longer than 24 hours.

(9) CITY FIRE STATION PARKING LOT

(A) No person shall park any vehicle in one place or on any municipally owned parking lot located within the City limits longer than 24 consecutive hours, with the exception of the 10 stalls located on the East side of said parking lot which will be available by permit only.

(B) Parking Permit Fee

(1) The fee shall be \$13.00 per month plus sales taxes beginning the first day of each calendar year, January 1.

(C) Payment of Permit and Replacement Fees:

- (1) The parking permit fee may be paid monthly, quarterly, semi-annually, or annually to City Hall. Upon expiration, a parking permit must be renewed by returning the permit card so that it may be updated.
- (2) Lost permit cards will cost an additional Ten (\$10.00) Dollars.

(D) Parking Requirements:

- (1) Vehicles will be assigned a specific numbered stall, and issued a parking permit card.
- (2) The permit card must be clearly displayed so that the identification number on the card may be read from outside the front windshield.
- (3) Vehicles with expired or improperly displayed permit cards, or without permit cards, will be ticketed or towed.
- (4) Cars must be parked straight forward in stalls. Cars may not be backed into stalls.
- (5) Keys must be removed from vehicles.
- (6) This lot is unattended. It is recommended that vehicles be locked as owners will assume responsibility for theft.
- (7) Vehicles with leaking fuel or transmission systems will not be allowed in the parking lot.

(10) **FIFTEEN MINUTE PARKING.**

(A) (Repealed #375 – Wisconsin Avenue south side, between Monroe and Madison)

(B) Commencing on the west side of Coolidge Street, two hundred fifty-one (251) feet south of the Northwest Corner of Coolidge Street and Jordan Avenue and extending three hundred two (302) feet south along the west side of Coolidge Street between the hours of 7:00 AM and 9:00 PM except Sundays and Holidays. (Rep. & Recr. 328)

(C)) Commencing on the south side of Randolph Avenue, twenty- five (25) feet east from the Southeast Corner of Randolph Avenue and Washington Street and extending seventy-five (75) feet east along the south side of Randolph Avenue. (Cr. #379)

(11) **FOUR HOUR PARKING.** No person shall park any vehicle between 11:00PM and 7:00 AM, excepting Sundays and holidays on either side of the following described streets or parts of streets in the City for more than 4 hours in the same parking space unless otherwise indicated by authorized signs:

(a) Main Street – from Wisconsin Avenue to Railroad Street

(b) Railroad Street – from Wisconsin Avenue to Park Avenue

(12) **TRUCK PARKING ON CITY STREETS PROHIBITED.** No motor vehicle over 2½ ton rated capacity bearing a commercial license, with or without trailer, shall be parked or stored for more than 60 minutes on any City street except when loading, unloading or rendering service. (Cr. #551)

(13) **PARKING RESTRICTIONS**

(A) The following parking restrictions are placed on the following City Owned Properties:

(1) Overnight parking is restricted from 11:00PM to 6:00AM on the following municipally owned properties:

(a) City Hall

(b) New Holstein Public Library

(c) New Holstein Municipal Airport

(d) New Holstein Municipal Garage/Compost Site

(e) New Holstein Utilities Properties

5.051 **ONE-WAY STREETS.** Railroad Street, from its juncture with Main Street to Wisconsin Avenue, shall be a one-way street for southbound traffic only. (Cr. #139)

5.052 Rescinded (Ord. No. 608)

5.053 Not allowing trucks over two and one-half tons from making a right turn onto Wisconsin Avenue from the alley in the 1700 block between Broadway Street and Main Street (Cr. #362)

5.054 **COMPRESSION BRAKES PROHIBITED.** No person shall use motor vehicle brakes within the city limits of the City of New Holstein which are in any way activated

or operated by the compression of the engine of any such motor vehicle or any unit or part thereof. (Cr. #404)

5.055 **NON-PARKING TRAFFIC REGULATIONS ON SCHOOL PREMISES.**
(Ord. No. 630)

- (1) Pursuant to the provisions of Wisconsin Statute sec. 118.105, the provisions of this section shall apply on all off-highway school property, school drives and school parking lots located on any public-school property located in the City of New Holstein (hereinafter referred to as "school premises").
- (2) **SPEED LIMITS.** No person shall at any time operate a motor vehicle upon any public-school premises in the City of New Holstein at a speed greater than is reasonable and prudent under the conditions and having regard for the actual and potential hazards then existing.
- (3) **TRAFFIC SIGNS.** No person shall at any time operate a motor vehicle in violation of any posted sign or traffic sign that are posted on the public-school premises in the City of New Holstein.
- (4) **PARKING LOT DIVIDERS AND ISLANDS.** No person shall operate a motor vehicle on the City of New Holstein public school premises across parking lot islands or parking lot dividers.
- (5) **STATE TRAFFIC FORFEITURE LAWS ADOPTED.** Except as otherwise specifically provided in this section, the statutory provisions in Section 23.33, Chapters 340 to 348, and 350, Wis. Stats., describing and defining regulations with respect to vehicles and traffic, are adopted and by reference made a part of this chapter as if fully set forth herein. Any act required to be performed or prohibited by any statute incorporated herein by reference is required or prohibited by this section. Any future amendments, revisions or modifications of the statutes incorporated herein are intended to be made part of this section.
- (6) **Penalties.** Penalties for violation of this section shall be as set forth in Section 5.12.

5.06 **PARKING DURING SNOW REMOVAL.**

- (1) No person shall park any vehicle on any street or public way after one hour from the time such area has been designated and marked with signs or barriers indicating no parking due to snow removal. The Common Council hereby declares that an emergency exists during and following a snowstorm until the snow from the storm has been removed; therefore,

this section will be controlling over any other section which might in any way conflict.

- (2) Any vehicle parked or left standing on any street or public way in violation of this section may be removed by or under the direction of the Police and the expense of removal charged to the owner of the vehicle.

5.07 **WINTER PARKING RESTRICTED.** No person shall park any vehicle on any street or alley in the City longer than thirty (30) minutes between 2:00 a.m. and 6:00 a.m. of any day from November 1 to April 1, unless permission to do so is received from the Police Department. (Cr. #254)

5.08 **ERECTION OF OFFICIAL TRAFFIC SIGNS AND SIGNALS.** The City Police Department is hereby authorized and directed to procure, erect and maintain appropriate standard traffic signs, signals and markings conforming to the rules of the State Department of Transportation giving notice of the provisions of Sections 5.01, 5.02, 5.03, 5.04 and 5.05 is chapter. Signs shall be erected in such locations and manner as to give adequate warning to users of the street, alley or highway in question.

5.081 Temporary Banner Installations is hereby repealed (Ord#598)

5.09 **DUTY TO REPORT ACCIDENT.** The operator of any vehicle involved in an accident in the City who is by law bound to file an accident report with the State of Wisconsin, shall report such accident to the Police Department of the City.

5.10 **IGNITION TO BE LOCKED.** No person shall permit a passenger motor vehicle in his custody to stand or remain unattended on any street, alley or in any other public place in the City unless the starter lever, throttle, steering apparatus, gear shift or ignition of said vehicle is locked and the key for such lock is removed from the vehicle. Any police officer of the City upon finding a key left in violation of this section may remove said key from the vehicle and deposit it in the office of the City Clerk at the City Hall. The key shall be returned to the owner of said vehicle or to the person with the custody of said vehicle upon payment to the City Clerk the sum of \$2.00. The payment of the \$2.00 to the City Clerk shall be in lieu of any and all other fines, penalties or forfeitures which may be imposed for a violation of this section.

5.11 **BICYCLE REGISTRATION AND REGULATIONS.**

- (1) **REGISTRATION AND LICENSING.** No person, who resides within the City of New Holstein, shall ride or propel a bicycle on any street unless such bicycle has been registered and a current registration sticker is attached thereto as provided herein. This section shall apply to all residents of the City of New Holstein and to such

nonresidents who operate bicycles upon the streets of the City of New Holstein habitually or frequently. It shall not apply to casual travelers or tourists passing through the City.

(2) REGISTRATION STICKERS-FEES. Registration shall be made by filing an application with the Police Department, setting forth the name and address of the owner together with a complete description of the bicycle on forms provided for the purpose by the Department, and paying a registration fee as set by resolution of the Common Council. Each registration shall be serially numbered and kept on file in the Police Department as a public record. Upon registration, the Department shall cause an identification sticker to be affixed to the bicycle registered on the side of and at the top of the seat tube just below the opening provided for the seat post in such a manner so as to be visible from the left hand side of the bicycle. The identification sticker shall be serially numbered to correspond with the registration number. Such sticker shall remain fixed to the bicycle unless removed by order of the Chief of Police for cause. The Police Department shall inspect each bicycle presented for registration; and may refuse registration of any bicycle found to be in unsafe mechanical condition. All monies received from fees herein provided shall be placed in the City's General Fund. (Rep and Recr. #421)

(3) LIFE OF BICYCLE REGISTRATION.: The registration period shall be for the life of the bicycle. If sold or a different individual obtains ownership of the bicycle, the police Department shall be notified of the change. (Rep and Recr. #421)

(4) LOST OR DESTROYED STICKERS: In the case of theft, loss, mutilation, or defacing of said stickers, a new sticker shall be issued by the Police Department for a fee as set by resolution of the Common Council. No person shall willfully remove, deface, or destroy any such identification sticker.

(5) TRANSFER AND CANCELLATION:

(a) TEN DAYS. Within 10 days after any registered bicycle has changed ownership, the new owner shall report such transfer to the Police Department together with such information as needed to complete the change of registration.

(b) CANCEL REGISTRATION: The Chief of Police may cancel the registration of and remove the identification tag from any bicycle being operated in the City in an unsafe manner or in violation of any state law or local ordinance. Such cancellation and removal shall be in addition to other penalties herein provided.

(6) OPERATION WITHOUT OWNER'S CONSENT: No person shall operate a bicycle in the City without the consent of the registered owner.

(7) RULES OF OPERATION: Bicycles are hereby classed as vehicles, and their operation shall be governed by all laws regulating traffic upon the streets of the City. In addition to complying with the bicycle regulations imposed in Section 5.01, the operator of a bicycle shall also comply with the following:

(a) SIDEWALKS: Bicyclists and skate boarders exercising due care may operate a bicycle or skateboard upon a sidewalk, except for the following sidewalk:

(1) Wisconsin Ave. between Calumet Dr. and Main St.

No operator of a bicycle or skateboard shall ride on the grass, lawns, tennis courts, or ball diamonds in any public park.

(b) PASSENGERS: No bicycle except a tandem shall be used to carry any person except the operator, unless equipped with a child's seat, in which case the following conditions and regulations must be met.

(1) The operator shall be 16 years of age or older.

(2) The passenger shall not exceed 50 pounds in weight and shall be seated in the child's seat.

(3) The child's seat shall be fastened securely to the bicycle and shall be located behind the operator's seat, shall be so designed and manufactured for this specific purpose, and be equipped with a safety belt.

(4) Only 1 child's seat shall be attached to a bicycle.

(c) AGE REQUIREMENTS: No person under 7 years of age shall operate a bicycle on City streets, except persons 6 and under during daylight hours if accompanied by an adult.

(d) NO CONVENIENCES: The operator of a bicycle shall not tow, drag or cause to be drawn behind his bicycle any coaster, sled, toy vehicle, person on roller skates or any other type of conveyance.

(e) SIGNALING: Persons operating bicycles shall signal for left hand turns and stops with left hand extended.

(f) TRICK RIDING: No person operating a bicycle shall do trick riding such as riding the same without keeping at least one hand upon the handle bars, nor engage in racing upon the City streets.

5.115 PROHIBITION OF ALL-TERRAIN VEHICLES / 4-WHEELERS, MOTORIZED SCOOTERS, AND BATTERY-OPERATED BICYCLES, AND RULES FOR THE PERMISSIVE USE OF MOTORIZED BICYCLES AND SNOW REMOVAL DEVICES. (ord. 545)

1. All-terrain vehicles/4-wheeler may not be operated on sidewalks, on walkways, or on any property owned by the City of New Holstein except for snow removal.
2. All-terrain vehicles with a snow removal device attached may be operated for snow removal purposes under the following situations:
 - a. on a public sidewalk, speed may not exceed 5 mph
 - b. on or adjacent to a roadway which is not a freeway, speed may not exceed 15 mph
 - c. only on roadways where the motor vehicle speed limit is 45 mph or less
 - d. only on the far right hand side of the road
 - e. on roads that are posted ATV Routes and currently open to use of ATVs
 - f. the operator must be 16 years or older and if born after December 31, 1987, a valid ATV Safety Certificate is also required
 - g. only between October 1 and April 30 for the purpose of removing snow
 - h. for a distance not to exceed 2 miles from your original starting or your unloading point
 - i. displaying one or more illuminated, yellow lights that are flashing or rotating and visible for 360 degrees
 - j. ATVs operating within 150 feet of a dwelling devoted to human occupancy are required to slow their ATVs to 10 mph under current law
 - k. ATVs are required to have their headlights on at all times while operating on any road. ATV headlights must be able to illuminate an object at least 200 feet away. Taillights must be visible from at least 500 feet away during the hours of darkness. Operators must be certain that their snow removal equipment does not interfere with these legal lighting requirements.
 - l. ATVs must have current Public Use Registration while operating on public roadways, public road right of ways or on public sidewalks.
 - m. Children under age 18 are required to wear helmets while operating ATVs off of private property that is owned by their parents or legal guardians.
3. Battery operated bicycles and motorized scooters cannot be ridden on sidewalks, on walkways, or on any property owned by the City of New Holstein. The battery operated bicycles and motorized scooters are also prohibited on any streets, alleys and highways within the City of New Holstein.

4. Motor bicycles may be operated on alleys, streets, and highways within the City of New Holstein.
5. Motor bicycles may not be operated on any property owned by the City of New Holstein and will be subject to the same rules of the road that a vehicle is subject to within the City of New Holstein.

(8) PENALTIES:

(a) **TRAFFIC REGULATIONS:** Any person violating any provision of Section 5.11(7) shall be subject to a forfeiture of not more than \$25.00 and/or revocation of registration and operating privileges for a period not to exceed 30 days.

(b) **JUVENILE PROCEDURE:**

(1) Any offender under the age of 14 years violating any provision of this ordinance shall be issued a bicycle violation ticket and may be referred to juvenile court authorities, in which case the disposition of the violation shall be in such manner as prescribed by the court. Alternatively, the licensing authority may, in its discretion, informally process the violation and the Chief of Police, or his designated agent, shall have the authority to revoke the violator registration and operation privileges, as herein before provided.

(2) Any offender 14 years of age or older shall be issued a citation for any violation of this Section and shall be dealt with in accordance with Section 5.13 and 5.14.

(3) In either case, the citation or ticket must be signed by a parent of the violator and returned to the Police Department.

5.116 GOLF CARTS

1) Operation of golf carts allowed; exceptions.

- a) Allowed. The operation of golf carts on the Public Streets and Highways within the City of New Holstein in compliance with the provisions of this chapter shall be permitted, however, it shall be unlawful to operate any golf cart that has not obtained an area use permit with the City of New Holstein or to operate any golf cart at any place or in any manner not authorized herein.
- b) Exceptions. The operation of golf carts is not subject to the provisions of this chapter under the following circumstances:
 1. The use of golf cart in connection with a parade, a festival, or other special events, provided the consent of the sponsor and the City of New Holstein is obtained and provided such a vehicle is only used during such an event.

- c) Golf carts are allowed on a Public Street or Highway that has a speed limit of 25 miles per hour or less except as otherwise provided in this Chapter. Golf carts, however, are not allowed on State Truck Highway 32/57, except as provided in 5.116(4)(b). Golf carts are not allowed on any Public Street or Highway that has a speed limit of greater than 25 miles per hour.
- 2) **License required.** No person who is less than 16 years of age and who does not have a valid driver's license issued under or granted by the laws of Wisconsin or some other state may operate a golf cart on any Public Street or Highway within the City. For purposes of this section, a learner's permit shall not be considered as a valid driver's license nor shall any license that has been revoked, temporary or otherwise, or suspended for any reason, be considered as a valid driver's license during the period of suspension or revocation.
- 3) **Area Use Permit.**
- a) Required. No golf cart may be operated on any Public Street or Highway within the City unless the golf cart has obtained an area use permit with the City of New Holstein as required herein. The area use permit shall be renewed thereafter in accordance with the provisions of this section. To evidence the area use permit, the owner shall be issued an annual permit which shall be displayed in a prominent, visible place on the front drivers side panel of the golf cart or at such other place as may be approved by the Police Department. The permit may contain a permit number assigned for the particular golf cart and may contain an expiration date.
 - b) Area use permit fee. An area use permit fee, as listed on the City's Annual Schedule of Fees, shall be paid to the City at the time the application for the permit is filed with the City Clerk's Office or for any renewal of the application. Permits expire on April 30th of each year and are valid for 12 months.
 - c) Application. The application for the area use permit shall be made to the City of New Holstein City Clerk's Office on the forms provided by the City. The application may, among other things, require the owner's name, street address, mailing address, a phone number, the make, model and identification or a serial number of the golf cart, proof of liability insurance and such other information as may be reasonably required as well as a release or disclaimer of liability given by the applicant to the City for accidents involving the golf cart that has the area use permit.
 - d) Procedures. The City of New Holstein shall establish written procedures consistent with this chapter, setting out the process and the procedure, including the form of the application, the checklist of items to be inspected, and the type of sticker, plate or tag evidencing the issuance of the area use permit.
 - e) Inspection. Prior to issuing the initial area use permit, the applicant shall provide the City with a completed ATV/UTV/Golf Cart Inspection Form. The Form must be completed and signed off by a certified and or licensed dealer or repair business for this type of vehicle. This form shall be required to be renewed every two (2) years.
 - f) Denial and revocation. The initial area use permit of a golf cart may be denied or subsequently revoked by the New Holstein Police Department if it is determined that:
 - 1. The application contains any material misrepresentation;
 - 2. Proof of liability insurance requirements have not been met;
 - 3. The golf cart is not in compliance with the requirements set out above;
 - 4. The golf cart has been altered or customized and no longer meets the definition of a golf cart;
 - 5. Equipment supplied by the manufacturer, especially safety equipment, has been removed from the golf cart or the vehicle identification or serial number removed; or
 - 6. Other good causes are shown including repeated violations of this chapter.

4) Manner of operation.

- a) Hours of operation. Golf carts may be driven as set forth in this Section 5.116 on Public Streets or Highways and approved areas of crossing from sunrise until sunset, except that golf carts equipped with at least one operating headlight, having at least a fifty-five-watt halogen, or equal, bulb on the front of the golf cart, and two operating taillights on either side of the rear of the golf cart, all of which are visible for a distance of not less than 250 feet, may be operated from one-half hour before sunrise until one-half hour after sunset. Golf carts may not be operated when fog, smog, smoke, snow, or other conditions reduce visibility so that the golf cart is not visible for a distance of 250 feet.
- b) Public Streets, Highways, and crossings. Golf carts are only allowed to cross the State Truck Highway 32/57 system at these designated locations:
 - 1) Mason Street
 - 2) Van Buren Street
 - 3) Altona Avenue
 - 4) State Avenue
- c) Motor vehicle laws. All laws regarding the use of motor vehicles in the State of Wisconsin and all ordinances regarding the use of motor vehicles in the City, not inconsistent therewith, shall be observed.
- d) Right-of-way. The operator of a golf cart shall yield the right-of-way to overtaking motor vehicles.
- e) City property and sidewalks. Golf carts shall not be operated on any sidewalk, pedestrian walkway, jogging path, greenway, park, trail except for official police business or by City personnel while on City business. Notwithstanding anything herein to the contrary, golf carts shall not be operated on property owned or leased by the City except with the express written consent of the Public Works Director and/or Chief of Police and upon the terms and conditions as may be set forth in such written permission.
- f) Golf cart capacity. The seating capacity (normally no more than four passengers) shall not be exceeded nor shall the operator or any passenger be permitted to stand while the golf cart is in operation.
- g) Commercial purposes. Golf carts may not be used as a taxicab or bus or the commercial carrying of passengers or the hauling of freight.
- h) Parking. Golf carts may only be parked in the same manner and at the same places designated for the parking of motor vehicles. The stopping, standing, or parking of golf carts in areas where parking is not allowed or in any place that impedes the flow of traffic, pedestrian walkways, or a passageway is prohibited.
- i) Towing. Golf carts may not be used for the purpose of towing another cart, trailer or vehicle of any kind including a person on roller skates, in-line skates, skateboard, bicycle or any other non-motorized equipment with wheels.

5) Disclaimer and liability.

- a. Disclaimer. Golf carts are not designed for nor manufactured to be used on Public Streets or Highways and the City neither advocates nor endorses the golf cart as a safe means of travel on Public Streets, roads, and Highways. The City in no way shall be liable for accidents, injuries, or death involving the operation of a golf cart.
- b. Assumption of risk. Any person who owns, operates or rides upon a golf cart on a Public Street, road or Highway within the City does so at their own risk and peril and assumes all liability resulting from the operation of the golf cart.

- 6) Violations and penalties. Any person who shall violate this Section 5.116 shall be subject to penalty as set forth in Section 5.12.

5.117 ATVs/UTVs

1) Operation of ATVs/UTVs allowed; exceptions.

- a) Allowed. The operation of ATVs/UTVs on Public Streets or Highways that have a posted speed limit of 35 miles or less within the City in compliance with the provisions of this chapter shall be permitted, however, it shall be unlawful to operate an ATV/UTV that has not obtained an area use permit with the City or to operate any ATV/UTV on any Public Street or Highways within the city or in any manner not authorized herein.
- b) Exceptions. The operation of ATVs/UTVs is not subject to the provisions of this chapter under the following circumstances:
 1. The use of an ATV/UTV in connection with a parade, a festival, or other special events, provided the consent of the sponsor and the City of New Holstein is obtained and provided such a vehicle is only used during such an event.
 2. Snow removal. ATVs/UTVs may be operated on sidewalks, walkways or on any property owned by the City of New Holstein for snow removal only. ATVs/UTVs with a snow removal device attached may be operated for snow removal purposes under the following situations:
 - a. on a public sidewalk, speed may not exceed 5 MPH

2) Restrictions on operators of ATVs/UTVs.

- a) Operators of ATVs/UTVs on Public Streets or Highways shall be required to have a valid driver's license and to be at least 16 years of age except as otherwise provided under Chapter 23 of the Wisconsin Statutes and the Wisconsin Administrative Code NR 64.
- b) Any operator or passenger under 18 years of age is required to wear a helmet unless the machine is registered as an implement of husbandry and is being used for a legitimate agricultural purpose.
- c) If so equipped, all UTV passengers must have their seatbelts fastened at all times.

3) Area Use Permit.

- a) Required. No ATV/UTV may be operated on any Public Street or Highway within the City unless the ATV/UTV has obtained an area use permit with the City of New Holstein as required herein. The area use permit shall be renewed thereafter in accordance with the provisions of this section. To evidence the area use permit, the owner shall be issued an annual permit which shall be displayed in a prominent, visible place on the front drivers side panel of the ATV/UTV or at such other place as may be approved by the Police Department. The permit will contain a permit number assigned for the particular ATV/UTV. Permits expire on April 30th of each year and are valid for 12 months.
- b) Area use permit fee. An area use permit fee, as listed on the City's Schedule of Fees, shall be paid to the City at the time the application for registration is filed with the City or for any renewal of the application.
- c) Application. The application for the area use permit shall be made to the City of New Holstein City Clerk's office on the forms provided by the City. The application may, among other things, require the owner's name, street address, mailing address, a phone number, the make, model and identification or a serial number of the ATV/UTV, proof of insurance and such other information as may be reasonably required as well as a release or disclaimer of liability given by the applicant to the City for accidents involving the ATV/UTV that has the area use permit.

- d) Procedures. The City of New Holstein may establish written procedures, consistent with this chapter, setting out the process and the procedure, including the form of the application, the checklist for items to be inspected, and the type of sticker, plate, or tag evidencing the issuance of the area use permit.
- e) Inspection. Prior to issuing the initial area use permit, the applicant shall provide the City with the completed ATV/UTV/Golf Cart Inspection Form. The form shall be completed and signed off by a licensed or certified dealer or repair facility for these types of equipment. This form shall be required to be renewed every two (2) years.

The following is a list of items that will be required to pass the inspection:

- 1. The ATV/UTV is equipped with rear vision mirrors;
 - 2. Your ATV must be equipped with at least a single white headlamp and red tail lamp;
 - 3. Your UTV must be equipped with 2 white headlamps and a red tail lamp and brake lamp;
 - 4. ATV/UTV headlamp(s) must be able to illuminate any person or object at a distance of 200 feet in front;
 - 5. ATVs/UTVs must be equipped with a tail lamp that is visible for 500 feet to the rear during the hours of darkness;
 - 6. No person may operate any ATV or UTV that is equipped with any of the following:
 - a. A lamp that emits any color of light other than white or amber and that is visible from directly in front of the ATV/UTV.
 - b. A lamp that emits any color of light other than red, yellow, amber, or white and that is visible from directly behind the ATV/UTV.
 - c. A flashing, oscillating, or rotating lamp that emits any color other than yellow or amber.
 - 7. An ATV/UTV may not be equipped with more than 2 back-up lamps that illuminate the area to the rear of the vehicle for a distance not to exceed 75 feet.
 - 8. If an ATV/UTV is equipped with additional adverse weather lamps, spot lamps, auxiliary lamps, or any other lamp on the front of the ATV/UTV that is capable of more than 300 candlepower, not more than 4 of these lamps may be illuminated simultaneously within 500 feet of an oncoming ATV/UTV or other vehicle upon a roadway, ATV route, ATV trail, or public area.
 - 9. ATVs/UTVs must be equipped with at least one brake, operated either by hand or by foot.
 - 10. Your machine must be equipped with a functioning muffler that prevents unusual or excessive noises.
 - 11. No person may manufacture, sell, rent, or operate an ATV/UTV in such a manner that noise emitted from the machine is louder than 96 decibels.
- f) Denial and revocation. The initial area use permit of an ATV/UTV may be denied or subsequently revoked by the New Holstein Police Department if it is determined that:
- 1. The application contains any material misrepresentation;
 - 2. Proof of liability insurance has not been met;
 - 3. The ATV/UTV is not in compliance with the requirements set out above;
 - 4. The ATV/UTV has been altered or customized and no longer meets the definition of an ATV/UTV;

5. Equipment supplied by the manufacturer, especially safety equipment, has been removed from the ATV/UTV or the vehicle identification or serial number removed; or
 6. Other good causes are shown including repeated violations of this chapter.
- 4) **Manner of operation.** ATVs/UTVs shall not be operated on the Public Streets or Highways of the City, except in full compliance with the provisions of this Chapter 5.
- a) Public Streets/Highways:
 1. ATVs/UTVs shall not be operated on any Public Street or Highway where such operation is prohibited by a posted sign.
 2. ATVs/UTVs shall reduce their speed to 10 miles per hour or less when riding within 150 feet of a home or dwelling, unless the ATV/UTV is operating on a Public Street or Highway that allows for travel of ATVs/UTVs under Section 5.117.
 - b) Motor vehicle laws. All laws regarding the use of motor vehicles in the State of Wisconsin and all ordinances regarding the use of motor vehicles in the City, not inconsistent therewith, shall be observed.
 1. ATVs/UTVs shall be operated on the extreme right side of the Public Street or Highway and travel with the flow of traffic.
 2. ATVs/UTVs shall be operated in single file with headlights and taillights in operation at all times, day or night. If a trailer is towed behind an ATV, the trailer must conform to all lighting requirements for ATVs.
 3. ATV/UTV operators shall yield the right-of-way to all other vehicular traffic and pedestrians.
 4. ATVs/UTVs violating any of the above conditions will be subject to the penalties outlined in Wis. Stats. and city ordinances.
 5. Speed. ATVs/UTVs operated on any portion of any Public Street or Highway pursuant to this section shall observe the posted speed limit for that roadway.
 6. Any ATV/UTV unable to reach a maximum speed of 25 MPH, must display a slow-moving vehicle (SMV) triangle, visible on the rear of such a vehicle according to Wis. Stats. governing the SMV emblems at all times while in operation on any roadway.
 - c) City property and sidewalks. Except as otherwise provided in Section 5.117(1)(b)2. ATVs/UTVs shall not be operated on any sidewalk, pedestrian walkway, jogging path, greenway, park, trail except for official police business or by City personnel while on City business. Notwithstanding anything herein to the contrary, ATVs/UTVs shall not be operated on property owned or leased by the City except with the express written consent of the Public Works Director and/or the Chief of Police and upon the terms and conditions as may be set forth in such written permission.
 - d) Commercial purposes. ATVs/UTVs may not be used as a taxicab or bus or the commercial carrying of passengers or the hauling of freight.
 - e) Parking. ATVs/UTVs may only be parked in the same manner and at the same places designated for the parking of motor vehicles. The stopping, standing, or parking of ATVs/UTVs in areas where parking is not allowed or in any place that impedes the flow of traffic, pedestrian walkways or a passageway is prohibited.
 - f) Towing. ATVs/UTVs may not be used for the purpose of towing another cart, or vehicle of any kind including a person on roller skates, in-line skates, skateboard, bicycle, or any other non-motorized equipment with wheels, except as otherwise set forth in Section 5.117(4)(b)(2) above.

Violations and penalties. Any person who shall violate this Section 5.117 shall be subject to penalty as set forth in Section 5.12.

5.12 **PENALTIES.**

(1) Any person who shall violate any provision of this chapter shall, upon conviction thereof, forfeit not less than \$1.00 nor more than \$200.00, together with the costs of prosecution and in default of payment of the forfeiture and costs of prosecution shall be imprisoned in the County Jail until said forfeiture and costs are paid, but not exceeding 90 days, providing that the minimum forfeiture for a violation of any provision of Section 5.02 of this chapter shall be \$10.00 and the minimum forfeiture for a violation on any provision of Section 5.01 of this chapter described and defined in Sections 346.61 through 346.64, Wisconsin Statutes shall be \$75.00 and provided further that the maximum forfeiture shall not exceed the maximum fine permitted under the statute adopted by reference.

The Court costs taxed by the New Holstein Municipal Court shall be \$23.00 which at the time of the passage of this ordinance is the maximum amount that may be taxed as Municipal Court costs pursuant to the municipal court bond schedule. This amount of costs to be taxed by the Municipal Court shall be and continue as the maximum amount of local court costs that may be taxed pursuant to State Statute and regulation and the maximum shall be modified as modified by Wisconsin Statute or regulation and shall remain the maximum as permitted under Wisconsin law.

It is understood that at the time of the passage of this ordinance, the Municipal Court costs are controlled by Section 814.65, Wisconsin Statutes, permitting a maximum of \$23.00 on each separate matter. (CR. #475)

(2) **PARKING VIOLATIONS.** (Amended #338) Any person arrested or ticketed for parking violation under Section, 5.05, 5.06, 5.07, may, within 48 hours from the time thereof, pay such fine at the Office of the City Clerk without incurring any further costs for such parking violation. Failure to make the payment herein provided within 48 hours shall require an appearance before the Municipal Judge and such person shall be subject to forfeiture under sub). Only the Chief of Police or his assistant in charge shall have the authority to void said tickets, but a record thereof shall be kept by the Chief of Police. The fines for violation of said section shall be \$50.00 for a handicap parking violation; \$40.00 for a winter parking violation; and \$25.00 for all other parking violations.

(3) **TRAFFIC SCHOOL.** Section 345.16, Wisconsin Statutes, shall apply to adjudications of violation of any provision of this Chapter.

5.13 **ENFORCEMENT.** (Rep. & Recr. #142) ENFORCEMENT PROCEDURE. This chapter shall be enforced according to Section 66.12, Chapter 300 and Section 345.20 and 345.53, Wisconsin Statutes.

(2) DEPOSIT. Any person arrested for a violation of this chapter may make a deposit of money as directed by arresting officer at the police station or at the office of the Clerk of Court or by mailing the deposit to such places. The arresting officer or the person receiving the deposit shall comply with Sec. 343.27, Wis. Stats., or 343.27 shall be mailed with the deposit. The arresting officer or the person receiving the deposit shall notify the arrested person, orally, or in writing, that:

(a) If he fails to appear in court at the time fixed in the citation, he will be deemed to have tendered a plea of no contest and submitted to a forfeiture plus costs not to exceed the amount of the deposit; or

(b) If he fails to appear in court at the time fixed in the citation and if the court does not accept the deposit as a forfeiture, he will be summoned into court to answer the complaint.

The amount of the deposit shall be determined in accordance with the deposit schedule established by the Board of County Judges. The deposit shall include court costs and suit tax.

The arresting officer or the person receiving the deposit shall issue the arrested person a receipt therefore as required by Sec. 345.26(3)(b).

(c) If a deposit schedule has not been established, the arresting officer shall require the alleged offender to deposit not less than the maximum forfeiture permitted under this ordinance.

(3) STIPULATION OF NO CONTEST. Any person charged with a violation of this chapter except 5.01 - 346.62 (1) or 5.01 - 346.63 (1) may make a stipulation of no contest pursuant to 5.01 - 345.27, Wis. Stats., which must be received at the office of the police department or clerk of court or municipal justice within 10 days of the date of the alleged violation. Such person shall at the time of entering into the stipulation make the deposit required under sub. (2), if he has not already done so. A person who has mailed or filed a stipulation under this subsection may, however, appear in court on the appearance date and may be relieved from the stipulation for cause shown, as required in 345.37, WI Stats.

5.14 **JURISDICTION AND PROCEDURE.**

(1) JURISDICTION.

(a) The Municipal Justice shall have exclusive jurisdiction to hear, try and determine all actions brought under this Chapter.

(b) In all cases the defendant may appeal from such judgment to the Circuit Court of Calumet County in the manner provided by law.

(c) Said appeals shall stand for trial by jury, unless a jury be waived in the manner provided by law in said Circuit Court, at the next term thereof after the day the judgment of the Municipal Justice shall be rendered.

(2) PROCEDURE.

(a) In all prosecutions for any violation of this Chapter the first process shall be an affidavit in writing under oath for a warrant as set forth in section 301.10, WI Stats., before the Municipal Justice and no other affidavit shall be necessary.

Upon the return of said warrant the Municipal Justice shall proceed summarily with the case, unless it be adjourned by consent or for cause. If the case be adjourned, the defendant if required by the Court so to do, shall post security to be approved by the Court for his appearance in such sum as the Court shall direct or in default thereof may be put in charge of the officer who made the arrest, or be committed to the County Jail of Calumet County. The complaint made as aforesaid shall be the only complaint required and the plea of not guilty shall put in issue all of the subject matter embraced in the action.

If the verdict is guilty, the Court shall render judgment thereon against the defendant for the forfeiture prescribed in this Chapter for the violation of which the person or persons shall have been adjudged guilty and for costs of suit and in default of payment thereof said defendant shall be committed to the County Jail of Calumet County.

5.15 **MOVING ILLEGALLY PARKED VEHICLES.** If a police officer finds a vehicle illegally parked, he may move such vehicle or require the operator thereof to move such vehicle to a position or place where the vehicle will not be illegally parked and the cost of such moving shall be chargeable to the owner or operator, or both, of such vehicle. Section 349.13(3), WI Stats., is by reference made a part of this Chapter.

5.16 **SNOWMOBILES.**

(1) **STATE SNOWMOBILE LAWS ADOPTED.** Except as otherwise specifically provided in this section, the statutory provisions describing and defining regulations with respect to snowmobiles as contained at Chapter 350 of the Wisconsin Statutes, and any amendments or modifications thereto, are hereby incorporated herein and

adopted by reference and made part of the New Holstein Code of Ordinances in their entirety. (Ord. 577)

(2) **SNOWMOBILE ROUTES DESIGNATED.** No person shall operate a snowmobile upon any highway or City street located in the City or cross any such highway or street, other than to drive directly across at right angles to the roadway, and then only after stopping and yielding the right of way to all vehicles approaching on the said highway or street. No person shall operate a snowmobile upon any public right-of-way, in any public park, or on any other public property in the City except that a snowmobile may be operated in those areas owned by the City which are defined as follows:

- (a) Between the Canadian National railroad tracks and Milwaukee Drive, west of Mason Street, to the north side of the intersection of Milwaukee Drive and Illinois Avenue.
- (b) In the public right-of-way directly north of the intersection of Milwaukee Drive and Hickory Lane, only to cross Milwaukee Drive.
- (c) Along the south side of Harding Avenue, between Plymouth Street and Wilson Street; and, between Wilson Street and Calumet Drive, along the storm water drainage ditch.

(3) **PERSONS UNDER 12 OPERATING A SNOWMOBILE.** There shall be no age limitation for the operation of a snowmobile except that no person under the age of 12 shall drive a snowmobile across any City street and no person under the age of 16 shall drive a snowmobile across any state trunk highway or connecting street thereto without a valid snowmobile safety certificate.

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

(5) **OPERATION ON SIDEWALKS OR MALLS PROHIBITED.** No person shall operate a snowmobile on any sidewalk, pedestrian way or mall within the City.

Additionally, the City of New Holstein owns and operates the New Holstein Municipal Airport located in Section 16, Town 17 North, Range 20 East, Calumet County, Wisconsin, zoning and operation of which are addressed at Chapter 13 of the New Holstein Code of Ordinances. It shall be unlawful for any person who has not obtained a specific permit to operate a snowmobile on the airport premises. That applies to the entire airport premises described above. The City Clerk may provide a permit for the

operation of a snowmobile on the airport premises in extenuating circumstances which the City Clerk determines necessary.

5.17 STATE ALL-TERRAIN VEHICLES (ATV) AND UTILITY TERRAIN VEHICLES (UTV) Ord 648

- (1) **STATE ALL-TERRAIN VEHICLES (ATV) AND UTILITY TERRAIN VEHICLES (UTV) LAWS ADOPTED.** Except as otherwise specifically provided in this section, the statutory provisions and the Administrative Code provisions describing and defining regulations with respect to ATV's and UTV's as contained at Chapter 23 of the Wisconsin Statutes and Wisconsin Administrative Code NR 64, and any amendments or modifications thereto, are hereby incorporated herein and adopted by reference and made part of the New Holstein Code of Ordinances in their entirety.

5.18 PENALTY. The uniform deposit schedule for violations of this ordinance shall be established by the Municipal Judge of the City of New Holstein in accordance with the uniform deposit schedule established by the State of Wisconsin.