

TOWN OF HUMBOLDT
CHAPTER 16
ROAD USE AND SPEED CONTROL

CHAPTER 16 HUMBOLDT CODE OF ORDINANCES

ROAD USE AND SPEED CONTROL

STATE OF WISCONSIN
Town of Humboldt
Brown County

SECTION 1 - TITLE AND PURPOSE

- 1.1 The title of this Ordinance is the Town of Humboldt Road Use and Speed Control Ordinance. The purpose of this Ordinance is for the Town of Humboldt to regulate any motor vehicle, snowmobile, and other vehicle uses and activities on the town roadways.

SECTION 2 - AUTHORITY

- 2.1 This Ordinance was adopted under the statutory authority granted pursuant to the village powers of the town under s. 60.22, Wis. stats., and ss. 66.0425, 82.03, 86.07, 349.06, Wis. stats., 61.35, 62.23 (6), 349.11, 349.17, Wis. stats. and chapters 340 to 348, Wis. stats.

SECTION 3 - ADOPTION OF ORDINANCE

- 3.1 The Town Board of the Town of Humboldt, Brown County, Wisconsin, by this Ordinance, adopted on proper vote with a quorum and by a roll call vote by a majority of the Town Board present and voting, provides the authority for the Town to regulate any motor vehicle and other vehicle uses and activities on the Town roadways.

SECTION 4 - DEFINITIONS

In this Ordinance:

- 4.1 "Automobile" means any of the following:
- 4.1.1 Type 1 is a motor vehicle designed and used primarily for carrying persons, but that does not come within the definition of a motor bus, motorcycle, moped, or motor bicycle.
 - 4.1.2 Type 2 is a motor vehicle capable of speeds in excess of 30 miles per hour on a dry, level, hard surface with no wind, designed and built to have at least 3 wheels in contact with the ground, a power source as an integral part of the vehicle, a curb weight of at least 1,500 pounds, and a passenger and operator area with sides permanently enclosed with rigid construction and a top that may be convertible.
- 4.2 "Highway" means all public ways and thoroughfares in the town and all bridges in the town on public ways and thoroughfares, including all of the following:

- 4.2.1 The entire width between the boundary lines of the right-of-way open to the use of the public as a matter of right and constituting a Town Road.
- 4.2.2 Those roads or driveways in the state, county, or town parks and in state forests that have been opened to the use of the public for the purpose of vehicle travel and roads or driveways upon the grounds of public schools, as defined in s. 115.01 (1), Wis. stats., and institutions under the jurisdiction of the Brown County Board of Supervisors, but does not include private roads or driveways.
- 4.3 "Motor Vehicle" means a vehicle, including a combination of 2 or more vehicles or an articulated vehicle, that is self-propelled, except a vehicle operated exclusively on a rail. "Motor Vehicle" includes, without limitation an automobile, a commercial motor vehicle, or a vehicle that is propelled by electric power obtained from overhead trolley wires but not operated on rails. A snowmobile or all-terrain vehicle is considered a motor vehicle for purposes made specifically applicable by this Ordinance, unless noted to the contrary in this Ordinance. Any electric personal assistance mobility device shall not be considered a motor vehicle.
- 4.4 "Official traffic-control device" means any sign, signal, marking, or device, not inconsistent with chapters 341 to 349, Wis. stats., placed or erected by authority of a public body or official having jurisdiction for the purpose of regulating, warning, or guiding traffic.
- 4.5 "Park" or "parking" means the halting of a vehicle, whether occupied or not, except temporarily for the purpose of, and while actually engaged in, loading or unloading property or passengers.
- 4.6 "Town" means the Town of Humboldt, Brown County, Wisconsin, whether used herein as a noun or adjective.
- 4.7 "Town Board" means the board of supervisors for the Town of Humboldt, Brown County, Wisconsin and includes designees of the board authorized to act for the board.
- 4.8 "Town Clerk" means the clerk of the Town of Humboldt, Brown County, Wisconsin.
- 4.9 "Vehicle" means an automobile and other motor vehicles as defined in s. 340.01 (35), Wis. stats., and includes, specifically, all of the following:
- 4.9.1 Camping trailer, as defined in s. 340.01 (6m), Wis. stats.
 - 4.9.2 Farm tractor, as defined in s. 340.01 (16), Wis. stats.
 - 4.9.3 Farm trailer, as defined in s. 340.01 (17), Wis. stats.
 - 4.9.4 Farm truck, as defined in s. 340.01 (18), Wis. stats.
 - 4.9.5 Farm truck tractor, as defined in s. 340.01 (18g), Wis. stats.
 - 4.9.6 Implement of husbandry, as defined in s. 340.01 (24), Wis. stats.
 - 4.9.7 Junk vehicle, as defined in s. 340.01 (25j), Wis. stats.
 - 4.9.8 Mobile home, as defined in s. 340.01 (29), Wis. stats.
 - 4.9.9 Moped, as defined in s. 340.01 (29m), Wis. stats.

- 4.9.10 Motor bicycle, as defined in s. 340.01 (30), Wis. stats.
- 4.9.11 Motor bus, as defined in s. 340.01 (31), Wis. stats.
- 4.9.12 Motorcycle, as defined in s. 340.01 (32), Wis. stats.
- 4.9.13 Motor home, as defined in s. 340.01 (33m), Wis. stats.
- 4.9.14 Motor truck, as defined in s. 340.01 (34), Wis. stats.
- 4.9.15 Road machinery, as defined in s. 340.01 (52), Wis. stats.
- 4.9.16 Road tractor, as defined in s. 340.01 (53), Wis. stats.
- 4.9.17 School bus, as defined in s. 340.01 (56), Wis. stats.
- 4.9.18 Trailer, as defined in s. 340.01 (71), Wis. stats.
- 4.9.19 Truck tractor, as defined in s. 340.01 (73), Wis. stats.

4.11 "Wis. stats." means the Wisconsin Statutes, including successor provisions.

SECTION 5 - SUBDIVISION AND NUMBERING OF THIS ORDINANCE

- 5.1 This Ordinance is divided into sections designated by section numbers. Sections may be divided into subsections designated by subsection numbers. Subsections may be divided into paragraphs designated by numbers. Paragraphs may be divided into subdivisions designated by numbers. Reference to a "section," "subsection," "paragraph," or "subdivision" includes all divisions of the referenced section, subsection, paragraph, or subdivision.

SECTION 6 - SPECIFIC PROVISIONS ON ROADS AND TRAFFIC CONTROL

- 6.1 **Rules of the Road Adopted.** Except for the suspension or revocation of motor vehicle operator's licenses, the Town adopts all of the provisions of chapters 341 to 348, Wis. stats., for which the penalty for violation thereof is a forfeiture, which statutes are incorporated into this Ordinance by reference as if fully set forth in this reference. The State of Wisconsin Revised Uniform State Traffic Deposit Schedule is hereby adopted as and for the determination of the forfeiture for violations of chapters 341 to 348 Wis. stats.
- 6.2 **Town Highway Alterations:** No person may make any excavation in, place any fill upon, install any culvert in, make any alteration in or of, or in any manner disturb, any Town Highway without a permit or approval therefor from the Town Board or its designee, as authorized by ss. 66.0425 and 86.07, Wis. stats. Any permit or approval issued under this subsection shall be subject to all of the following conditions:
 - 6.2.1 The work shall be constructed subject to and in accordance with all rules and regulations that may be prescribed by the Town Board and be performed and completed to the Town Board's satisfaction.
 - 6.2.2 In the case of temporary alterations, the Town Highway shall be restored to its former condition, and the permittee shall be liable to the Town for all damages that occur during the progress of or as a result of the work.

- 6.2.3 If any culvert is installed, excavation is made, fill is placed, or other alteration is made in violation of the provisions of this subsection; the Town Highway may be restored to its former condition by the Town Board and the violator shall be liable to the Town for all costs and expenses incurred by the Town to complete such restoration. That restitution amount is hereby deemed in all cases to be the prescribed forfeiture for such violation and shall be chargeable and collectible pursuant to a municipal court citation issued to the violator(s).

6.3 Town Highway Closure

- 6.3.1 Whenever any Town Highway is impassable or unsafe for travel, as determined by the Town Board, or during the construction or repair of any Town Highway and until it is ready for traffic, the Town Board may, pursuant to its oversight authority over Town Highways under s. 82.03, Wis. stats., close the Town Highway and keep it closed by maintaining barriers at each end of the closed portion. The barriers shall be of such material and construction and so placed as to indicate that the Highway is closed and shall be lighted at night. Persons without lawful authority of the Town Board, or its designees, shall not remove, take down, alter the position of, destroy, or pass over or beyond any barrier so erected, or travel with any vehicle upon any portion of a Town Highway closed by barriers as provided in this subsection, or walk or travel in any manner upon the materials placed upon the closed Town Highway as part of the repair or construction work.

6.4 Official Traffic Control Devices

- 6.4.1 The Town Board shall procure, erect, and maintain appropriate official traffic-control devices, conforming to the uniform traffic control devices manual adopted by the State of Wisconsin, Department of Transportation under s. 84.02 (4) (e), Wis. stats. Official traffic-control devices shall be erected and maintained in those locations and in the manner authorized by the Town Board to give adequate warning to users of the Highway in question. The Town Chair or the Town Chair's designee shall be responsible for installing, repairing, and maintaining authorized official traffic-control devices.
- 6.4.2 The Town Clerk shall keep an official traffic-control device file and map located in the Town Clerk's office. The file shall contain a detailed listing of all authorized traffic-control devices as authorized by Town Board resolution and their location in the Town.
- 6.4.3 No person shall alter, remove, deface, obliterate, obscure or damage any traffic control device or Town Highway name identification sign. The penalty for a violation of this subsection shall be a forfeiture of not less than \$50.00 nor more than \$500.00, plus the applicable surcharges, assessments and costs for each violation.

6.5 Parking Regulations

- 6.5.1 The Town Board, or its designee, or any law enforcement officer shall attach to a vehicle parking in violation of this subsection a citation returnable to the Town's municipal court to serve as notice to the owner or operator of the motor vehicle that the vehicle has been parked in violation of this subsection. The penalty for a violation of this subsection shall be a forfeiture of \$10.00 for the first violation within 24 hours and a forfeiture of \$25.00 for the second and each subsequent violation within 24 hours. Payment of the forfeiture shall be made to the municipal court clerk in accordance with this Ordinance.
- 6.5.2 No person may park at any time any vehicle in any area on any Highway in the Town designated by the Town Board by resolution and marked by official traffic control devices to be an area for pedestrians or other traffic, or as a "no parking" area.
- 6.5.3 No person may park any vehicle on any Highway in the Town for the primary purpose of advertising or storage.
- 6.5.4 No person may park any vehicle other than parallel to the Highway surface within the Town, unless angle parking lines have been authorized by the Town Board by resolution for a designated area and the roadway marked accordingly by the proper town officials, in which event angle parking within the marked lines is mandatory.
- 6.5.5 No person may leave any motor vehicle on any Highway in the Town with the motor running or with any generator unit operating, unless the motor vehicle is occupied or attended by an individual licensed to operate the vehicle. Exceptions to this section may be granted for special or unusual circumstances with permission of a law enforcement officer or the Town Chair.
- 6.5.6 When so provided by the Town Board by resolution and designated by official traffic-control devices giving notice thereof, no person may park any vehicle for a period in excess of that designated by the resolution of the Town Board during the hours and subject to exceptions designated by the resolution of the Town Board and as specified on the official traffic-control devices placed by the Town. Temporary moving of a vehicle for a period of less than thirty (30) minutes or moving the vehicle to a nearby similarly restricted parking area not less than three hundred feet (300 ft.) from the original parking space shall not relieve a person from a penalty under this subsection.
- 6.5.7 Any vehicle parked on any Town road for greater than 24 hours shall be ticketed and towed away.

6.6 Speed Regulations

- 6.6.1. The provisions of ss. 346.57, 346.58, and 346.59, Wis. stats., relating to the maximum and minimum speed of vehicles, are adopted as part of this Ordinance

as if fully set forth in this Ordinance, except that under s. 349.11 (3) (c), Wis. stats., the following Highways have speed limits that have been modified as of the date of this Ordinance, by the Town Board, as follows: Van's Lane 25 mph limit. Additional exceptions pursuant to s. 349.11(3)(c) Wis. stats. may be made part of this Ordinance by subsequent modification resolution(s) of the Town Board. Upon passage of such resolution and the erection of signs giving notice of the modification of the speed limit, such modification(s) shall thereupon be deemed incorporated herein.

6.7 Heavy Traffic Routes

6.7.1 The Town Board, by this Ordinance and pursuant to s. 349.17 Wis. stats., may by subsequent resolution designate certain Town Highways as heavy traffic routes and designate the types of motor vehicles that may be operated on those designated Highways. Any such Town Highway so designated shall be posted with proper signs as required by law. Upon the passage of such resolution and the erection of signs giving notice of any heavy traffic route, any such resolution shall thereupon be deemed incorporated herein.

6.8 Official Map of the Town of Humboldt

6.8.1 The Town Board, being authorized to exercise village powers under s. 60.22, Wis. stats., pursuant to ss. 61.35 and 62.23 (6), Wis. stats., has adopted an official Town map that describes all Town Highways, bridges, culverts, and other official Town infrastructure and their locations. That map is filed with the Town Clerk and is designated as the "Official Map of the Town of Humboldt."

6.9 Obstruction of Town Highway Prohibited

6.9.1 No person shall deposit snow, rocks, manure, mud, concrete, tires or any other item(s) or object(s) upon any Town Highway including both the travel portion and the right-of-way portion of the Town Highway. Each day that such items or objects remain upon the Town Highway shall constitute a separate violation of this subsection of this Ordinance.

6.9.2 The Town Board, or its designee, or any law enforcement officer may issue a citation returnable to the Town's municipal court for a violation of this subsection.

6.9.3 The penalty for violation of this subsection shall be a forfeiture of not less than \$20.00 nor more than \$200.00. Payment of the forfeiture shall be made to the municipal court clerk in accordance with this Ordinance.

6.9.4 In addition to the penalty for violation of this subsection set forth at Section 6.9.3 above, any person violating this subsection shall remove any and all items or objects constituting a prohibited obstruction and restore the Town Highway to its former condition. Nothing contained herein, shall preclude the Town from immediately proceeding to procure the materials and services deemed necessary

to remove the items or objects and restore the Town Highway to its former condition. If the Town proceeds to remove and restore, the violator shall be liable to the Town for all costs and expenses incurred by the Town to complete such removal and restoration. This restitution amount shall be deemed in all cases to be an additional forfeiture attributable to such violation, in addition to the penalty set forth at Section 6.9.3, and shall be chargeable and collectible pursuant to a municipal court citation issued to the violator(s).

6.10 Disorderly Conduct With A Motor Vehicle Prohibited

6.10.1 Disorderly conduct with a motor vehicle means engaging in violent, abusive, unreasonably loud, 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 while in motion to raise one or more wheels off of the ground; or otherwise provoking a disturbance or creating an annoyance with a motor vehicle.

6.10.2 No person shall cause or provoke disorderly conduct with a motor vehicle or cause a disturbance or annoy one or more persons within the Town by use of any motor vehicle, including, but not limited to, an automobile, truck, motor cycle, mini bike, snowmobile, or all-terrain vehicle.

SECTION 7 - PENALTY PROVISION

7.1 Except for violations of subsections 6.1, 6.2.3, 6.4.3, 6.5 and 6.9, any person, partnership, corporation, or other legal entity that fails to comply with the provisions of this Ordinance shall, upon issuance of a citation returnable to the Town's municipal court and upon conviction, pay a forfeiture of not less than \$20.00 nor more than \$200.00, plus the applicable surcharges, assessments, and costs for each violation. Each day a violation exists or continues constitutes a separate offense under this Ordinance. In addition, the Town Board may seek injunctive relief from a court of record to enjoin further violations.

SECTION 8 - SEVERABILITY


8.1 If any provision of this Ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this Ordinance that can be given effect without the invalid provision or application, and to this end, the provisions of this Ordinance are severable.

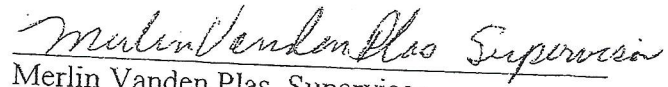
SECTION 9 - EFFECTIVE DATE

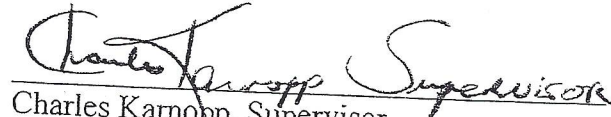
9.1 This Ordinance is effective on publication.

9.2 The Town Clerk shall properly publish this Ordinance as required under s. 60.80, Wis. stats.

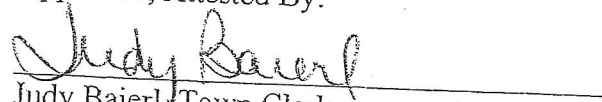
Adopted this 4 day of February 2008.


Norbert Dantinne, Jr. Chairman


Merlin Vanden Plas, Supervisor


Charles Karnopp, Supervisor

Approved, Attested By:


Judy Baiert, Town Clerk