

STATE OF WISCONSIN
Town of Saint Germain, Vilas County

Code of Ordinances
Chapter 16: Vehicular Traffic on Town Highways
Adopted July 8, 2019

Re-adopted without revisions August 19, 2019

16.01 TITLE AND PURPOSE: The title of this ordinance is Vehicular Traffic on Town Highways. The purpose of this ordinance is for the Town of St. Germain to regulate motor vehicle, snowmobile, all-terrain vehicle, and other vehicle and non-vehicular uses and activities on the town highways. .

16.02 AUTHORITY: The town board has the general authority under its village powers under §60.22, Wis. stats., and the specific authority under §§340 to 348, 350, and 941 to 947, Wis. stats., to adopt this ordinance.

16.03 DEFINITIONS: In this ordinance,

All-Terrain Vehicle: means an engine-driven device that has a net weight of 900 pounds or less, has a width of 48 inches or less, is equipped with a seat designed to be straddled by the operator, and is designated to travel on 3 or more low-pressure tires. A low-pressure tire is a tire that has a minimum width of 6 inches, is designated to be mounted on a rim with a maximum diameter of 12 inches and is designed to be inflated with an operating pressure not to exceed 6 pounds per square inch as recommended by the manufacturer.

Automobile: means a passenger vehicle designed for operation on ordinary roads and typically having four wheels and a gasoline or diesel internal-combustion engine.

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:

- (1) The entire width between the boundary lines of every highway open to the use of the public as a matter of right for the purposes of vehicular travel.
- (2) Those roads or driveways in town parks and upon the grounds of public schools but does not include private roads or driveways.

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.

Off-highway motorcycle: means a 2-wheeled motor vehicle that is straddled by the operator, that is equipped with handlebars, and that is designed for use off a highway, regardless of whether it is also designed for use on a highway.

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.

Town: means the Town of St. Germain, Vilas County, Wisconsin

Town board: means the board of supervisors for the Town of St. Germain, Vilas County, Wisconsin, and includes designees of the board authorized to act for the board.

Town clerk: means the clerk of the Town of St. Germain, Vilas County, Wisconsin.

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.

Vehicle: means any automobile and other motor vehicles as defined in §340.01(35), Wis. stats., and includes, specifically, all of the following:

- (1) All-terrain vehicle: means a commercially designed and manufactured motor-driven device that has a weight, without fluids, of 900 pounds or less, has a width of 50 inches or less, is equipped with a seat designed to be straddled by the operator, and travels on 3 or more low-pressure tires or non-pneumatic tires.
- (2) Camping trailer: means a vehicle with a collapsible or folding structure designed for human habitation and towed upon a highway by a motor vehicle.
- (3) Moped: means any of the following motor vehicles (excluding motor bicycles) 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 vehicle 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.
- (4) Motor bicycle: means 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.

- (5) Motor bus: means a motor vehicle designed primarily for the transportation of persons rather than property and having a passenger-carrying capacity of 16 or more persons, including the operator. Passenger-carrying capacity shall be determined by dividing by 20 the total seating space measured in inches.
- (6) Motorcycle: means a motor vehicle, excluding a tractor, an all-terrain vehicle, or a utility terrain vehicle, which is capable of speeds in excess of 30 miles per hour with a 150-pound rider on a dry, level, hard surface with no wind, with a power source as an integral part of the vehicle, and which meets the following conditions:
 - (a) Type 1 motorcycle:
 - (i) Is designed and built with 2 wheels in tandem and a seat for the operator, and may be modified to have no more than 3 wheels by attaching a sidecar to one side of the wheels in tandem without changing the location of the power source.
 - (ii) Is designed and built to have no more than 3 wheels, seating for the operator and no more than 3 passengers, and does not have the operator area enclosed.
 - (b) Type 2 motorcycle: Is designed and built to have at least 3 wheels in contact with the ground, a curb weight of less than 1,500 pounds, and a passenger and operator area with sides permanently enclosed with rigid construction and a top which may be convertible.
- (7) Motor home: means a motor vehicle designed to be operated upon a highway for use as a temporary or recreational dwelling and having the same internal characteristics and equipment as a mobile home.
- (8) Motor truck: means every motor vehicle designed, used or maintained primarily for the transportation of property.
- (9) Road machinery: means a piece of mobile machinery or equipment such as ditch digging apparatus, power shovels, drag lines and earth-moving equipment, or a piece of road construction or maintenance machinery, such as asphalt spreaders, bituminous mixers, bucket loaders, ditchers, leveling graders, finishing machines, motor graders, paving mixers, road rollers, scarifiers, gravel crushers, screening plants, scrapers, tractors, earth movers, front- or rear-end loaders, conveyors, road pavers, or construction shacks. The foregoing enumeration is intended to be illustrative and does not exclude other similar vehicles which are within the general terms of this subsection, whether used for road construction and maintenance or not, which are not designed or used primarily for transportation of persons or property and only incidentally operated or moved upon a highway.

- (10) Road tractor: means a motor vehicle designed and used for drawing other vehicles and not so constructed as to carry any load thereon either independently or any part of the weight of the vehicle or load so drawn.
- (11) School bus:
- (a) Means a motor vehicle which carries 10 or more passengers in addition to the operator or a motor vehicle painted in accordance with §347.44(1) for the purpose of transporting:
 - (i) Pupils to or from a public school as defined in §115.01(1) or a private school as defined in §115.001(3r) or pupils to or from a technical college when required under §118.15 (1).
 - (ii) Pupils to or from curricular or extracurricular activities.
 - (iii) Pupils to or from religious instruction on days when school is in session.
 - (iv) Children with disabilities, as defined under §115.76 (5), to or from an educational program approved by the department of public instruction.
 - (b) Does not include:
 - (i) A motor vehicle owned or operated by a parent or guardian transporting only his or her own children, regardless of whether a school has made a contract with or paid compensation to such parent or guardian for such transportation.
 - (ii) A motor vehicle operated as an alternative method of transportation under §121.555.
 - (iii) A motor bus operated for purposes specified in par. (i)
- (12) Snowmobile: means an engine-driven vehicle that is manufactured solely for snowmobiling, that has an endless belt tread and sled-type runners, or skis, to be used in contact with snow but does not include such a vehicle that is any of the following:
- (a) A vehicle that has inflatable tires.
 - (b) A vehicle that is driven by a motor of 4 horsepower or less and that is operated in sanctioned races, derbies, competitions or exhibitions or only on private property.
- (13) Trailer: means a vehicle without motive power designed for carrying property or passengers wholly on its own structure and for being drawn by a motor vehicle but does not include a mobile home.
- (14) Truck tractor: means a motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn.
- (15) Utility-terrain vehicle: means a 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 of of a highway, and that has, and was originally manufactured with, all of the following:
- (a) A net weight of less than 2,000 pounds

- (b) Four or more low-pressure tires
- (c) A cargo box installed by the manufacturer
- (d) A steering wheel
- (e) A tail-light
- (f) A brake-light
- (g) Two headlights
- (h) A width of not more than 65 inches
- (i) Seats for at least two occupants. Seating is designed not to be straddled.
- (j) A system of seat belts, or similar system, for restraining each occupant of the device in the event of an accident
- (k) A system of structural members designed to reduce the likelihood that an occupant would be crushed as the result of a rollover of this device

Wis. stats.: means the Wisconsin Statutes, including successor provisions.

16.04 SPECIFIC PROVISIONS AND TRAFFIC CONTROL:

- (A) Excavation: 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 approval therefor from the town board, as authorized by §§66.0425 and 86.07 or 86.16, Wis. stats. Any permit or approval issued under this subsection shall be subject to all of the following conditions:
- (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.
 - (2) In the case of temporary alterations, the 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.
 - (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 highway may be restored to its former condition by the town board at the expense of the person(s) responsible for the alteration.
- (B) Unsafe or impassible travel: Whenever any town highway is impassible 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 §82.03, Wis. stats., close the 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 highway closed by

barriers as provided in this subsection, or walk or travel in any manner upon the materials placed upon the closed highway as part of the repair or construction work.

(C) Traffic control: The town 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 §84.02(4)(e), Wis. stats.

- (1) 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 Public Works Department shall be responsible for installing, repairing, and maintaining authorized official traffic-control devices.
- (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 or ordinance and their location in the town.

(D) Parking restrictions:

- (1) 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 or ordinance and marked by official traffic control devices to be an area for pedestrians or other traffic, or as a “no parking” area.
- (2) No person may park any vehicle on any highway in the town for the primary purpose of advertising or storage.
- (3) No person may park any vehicle on any highway other than parallel to the highway within the town, unless angle parking lines have been authorized by the town board by resolution or ordinance 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.
- (4) 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.
- (5) When so provided by the town board by resolution or ordinance 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 or ordinance of the town board during the hours and subject to exceptions designated by the resolution or ordinance 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 30 minutes or moving the vehicle to a nearby similarly restricted parking area less than 25 feet from the original parking space shall not relieve a person from a penalty under this subsection.

(E) Speed of vehicle operation:

- (1) The operator of every vehicle shall drive at a speed that is reasonable and prudent under the conditions. The speed of a vehicle shall be so controlled as may be necessary to avoid colliding with any object, person, vehicle or other conveyance on or entering the highway in compliance with legal requirements and using due care.
- (2) The operator of every vehicle shall drive at an appropriate reduced speed when approaching and crossing an intersection, when approaching and going around a curve, when approaching a hillcrest, when traveling upon any narrow or winding roadway, when passing school children, highway construction or maintenance workers, or other pedestrians, and when special hazard exists with regard to other traffic or by reason of weather or highway conditions.
- (3) No person shall drive a vehicle in excess of any speed limit established pursuant to law by state or local authorities and indicated by official signs.

(F) All-Terrain and Utility-Terrain Vehicles on Town Highways: The town allows All-Terrain Vehicles and Utility-Terrain Vehicles on town highways as specified in Town of St. Germain Code of Ordinances, Chapter 30 - ATV / UTV Routes.

(G) Snowmobiles on Town Highways: The town allows snowmobiles on a town highways and shoulder of a highway or any portion of a highway that lies within the boundaries of the town for the purpose of residential access or for the purpose of access from lodging as specified in Town of St. Germain Code of Ordinances, Chapter 9 – Snowmobiling on Town Roads.

16.05 FORFEITURES:

Any person, firm or corporation, including those doing work for others, who violates any provisions of this ordinance shall be subject to a forfeiture of \$100.00 plus court costs for the first violation, \$250.00 plus court costs for the second violation and \$500.00 plus court costs for all subsequent violations.

16.06 SEVERABILITY:

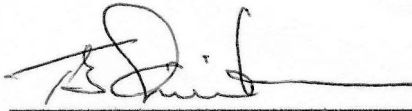
If any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this ordinance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

16.07 EFFECTIVE DATE

This ordinance is effective on publication or posting and rescinds and replaces Town of St. Germain R-1, an Ordinance to regulate vehicular traffic on town roads adopted February 11, 1987.

The Town Clerk shall properly post or publish this ordinance as required under §60.80, Wis. Stats.

Adopted this 19th day of August 2019



Tom Christensen
Town Chairman

Attest:



Tom Martens
Town Clerk