

TOWN OF RICE LAKE
ROAD USE/MOTOR VEHICLE CONTROL ORDINANCE #05-102

STATE OF WISCONSIN
Town of Rice Lake
Barron County

The Town Board of the Town of Rice Lake do ordain as follows:

SECTION 1 – TITLE/PURPOSE

The title of this Ordinance is the Town of Rice Lake Road Use/Motor Vehicle Control Ordinance. The purpose of this ordinance is for the Town of Rice Lake to regulate by license, issuance, suspension, revocation, penalties or other specific road use actions in the Town.

SECTION 2 – AUTHORITY

This Ordinance was adopted under the statutory authority granted pursuant to Village Powers of the Town of Rice Lake and ss.82.03, 86.07, 349.06, 23.33(11), 61.35 and 62.23 (6), 349.11, 349.06, Wis Stats, Chapters 340-348 and Chapters 350, 941-947 Wis Stats.

SECTION 3 – ADOPTION OF ORDINANCE

The town board of the Town, 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 by permit any motor vehicle, snowmobile, all terrain vehicle and other vehicle uses and activities on the Town roadways.

SETION 4 – DEFINITIONS

- A. "All-Terrain Vehicle" means an engine-driven device, which has a net weight of 900 pounds or less, which has a width of 48 inches or less, which is equipped with a seat designed to be straddled by the operator and which is designated to travel on 3 or more low-pressure tires. A low-pressure tire is a tire which has a minimum width of 6 inches, which is designated to be mounted on a rim with a maximum diameter of 12 inches and which is designed to be inflated with an operating pressure not to exceed 6 pounds per square inch as recommended by the manufacturer.
- B. "Automobile" means any of the following:
 - 1. Type 1 is a motor vehicle designed and used primarily for carrying persons, but which does not come within the definition of a motor bus, motorcycle, moped or motor bicycle.
 - 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 which may be convertible.

- C. "Highway" means all public ways and thoroughfares and bridges in the Town 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 Town parks and in State forests which 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 115.101 (1), Wis. Stats., and institutions under the jurisdiction of the County Board of Supervisors, but does not include private roads or driveways.
- D. "Motor Vehicle" means a vehicle, including a combination of 2 or more vehicles or an articulated vehicle, which 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, which is propelled by electric power obtained from overhead trolley wires, but not operated on rails. A snowmobile and all-terrain vehicle shall be considered motor vehicles 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.
- E. "Official Traffic Control Device" means all signs, signals, markings and devices, 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; and includes the terms "official traffic sign" and official traffic signal".
- F. "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.
- G. "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:
1. A vehicle that has inflatable tires.
 2. 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.
- H. "Traffic Control Signal Device" means any device, whether manually, electrically or mechanically operated, by which traffic is alternately directed to stop and permitted to proceed.
- I. "Vehicle" means an automobile and other motor vehicles as defined in s. 340.01 (35) Wis. Stats and includes, specifically, all of the following:
1. All-terrain vehicle.
 2. Camping trailer, as defined in s. 340.01 (6m), Wis. Stats.
 3. Farm tractor, as defined in s. 340.01 (16), Wis. Stats.
 4. Farm trailer, as defined in s. 340.01 (17), Wis. Stats.
 5. Farm truck, as defined in s. 340.01 (18), Wis. Stats.
 6. Farm truck tractor, as defined in s. 340.01 (18g), Wis. Stats.
 7. Implement of husbandry, as defined in s. 340.01 (24), Wis. Stats.

8. Junk vehicle, as defined in s. 340.01 (25j), Wis. Stats.
9. Mobile home, as defined in s. 340.01 (29), Wis. Stats.
10. Moped, as defined in s. 340.01 (29n), Wis. Stats.
11. Motor bicycle, as defined in s. 340.01 (31), Wis. Stats.
12. Motor bus, as defined in s. 340.01 (31), Wis. Stats.
13. Motorcycle, as defined in s. 340.01 (32), Wis. Stats.
14. Motor home, as defined in s. 340.01 (33m), Wis. Stats.
15. Road machinery, as defined in s. 340.01 (52), Wis. Stats.
16. Road tractor, as defined in s. 340.01 (53), Wis. Stats.
17. School bus, as defined in s. 340.01 (56), Wis. Stats.
18. Snowmobile, as defined in s. 340.01 (58a), Wis. Stats.
19. Trailer, as defined in s. 340.01 (71),
20. Truck
21. Truck tractor, as defined in s. 340.01 (73), Wis. Stats.

SECTION 5 – SPECIFIC PROVISIONS ON ROADS/TRAFFIC CONTROL

- A. Except for the suspension or revocation of motor vehicle operator's licenses, the Town adopts all of the provisions of chs. 341 to 348 and 350 for which the penalty for violation thereof is a forfeiture, which statutes are incorporated into this Ordinance by reference as if fully set forth herein.
- B. No person may make any excavation in, place any fill upon, or install any culvert or make any alteration in any highway or in any manner disturb any highway without a permit therefore from the Town Chair or his/her designee, as authorized by s. 86.07, Wis. Stats. and Town Ordinance #00-103. Such permit shall contain the statement and be subject to the condition that the work shall be constructed subject to such rules and regulations as may be prescribed by said authority and be performed and completed to its satisfaction, and in the case of temporary alterations that the highway or bridge shall be restored to its former condition, and that the permittee shall be liable to the Town for all damages that occur during the progress of said work or as a result thereof. If any culvert is installed or any excavation or fill or any 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.
- C. Whenever any Town highway is impassible or unsafe for travel, as determined by the Town Chair or Board, or during the construction or repair of any such highway and until it is ready for traffic, the Town Board may pursuant to its oversight authority over Town highways under s. 82.03, Wi.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 designee shall not remove, take down, alter the position of, destroy, pass over or beyond any barrier so erected, or travel with any vehicle upon any portion of a highway closed by barriers as in this section provided, or walks or travels in any manner upon the materials placed thereon as part of the repair or construction work.
- D. Traffic Control Devices

1. The Town Board shall, related to official traffic control devices procure, erect, and maintain appropriate official traffic control devices, standard traffic signs, signals, and markings conforming to the rules of the State Department of Transportation giving such notice of the provisions of this title as required by State law. These devices, signs, signals and markings shall also be erected in such locations and in the manner authorized by the Town Board to give adequate warning to users of the highway in questions, unless otherwise established by the Town Board. The Town Chair or his/her designee shall be responsible to install, repair, and maintain these signs, devices, signals, and markings.
2. The Town Clerk shall keep an official traffic-control device file located in the Town Clerk's office. The files shall contain a detailed listing of all authorized traffic-control devices, signs, signals, or devices, as authorized by Town Board Resolution and their location in the Town.

E. Parking on Town Highways

1. The Town Board or its designee or any law enforcement officer shall attach to a vehicle parking in violation of this Ordinance a ticket to serve as notice to the owner or operator thereof that the motor vehicle has been parked in violation of this Ordinance. The penalty shall be a fine of \$ 10.⁰⁰ for the first violation within twenty-four (24) hours and \$ 15.⁰⁰ for the second violation and each and every subsequent violation within twenty-four (24) hours. Payment of the fine shall be made to the Town Clerk in accordance with this Ordinance.
2. No person shall park at any time any vehicle in zones marked for pedestrians or other traffic, or in areas designated by the Town Board as "no parking" areas on any of the highways in the Town.
3. No person shall park on any roadway any vehicle for the primary purpose of advertising or storage.
4. No vehicle shall be parked other than parallel to the highway surface within the Town, unless angle parking lines have been marked thereon by the proper Town officials, in which event angle parking within the marked lines is mandatory.
5. No person shall leave any motor vehicle at any location in the Town with the motor running or with any generator or unit operating, unless the motor vehicles 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 of the Town Chair.

- F. ~~The provisions of Section 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 herein, except as specified pursuant to Section 349.11 (3) ©, Wis. Stats., the following highways have speed limits that have been modified by the Town Board under 349.11 Wis Stats as follows:~~

Amended
by Ord # 05-103

Amended
by
Ord. 05-103

25 MPH

Street Number	From	To
21 st St.	STH 48	21 1/8 St.
21 1/8 St.	21 st St.	21 st St.
21 1/16 th St.	21 st St.	21 st St.
22 1/2 Ave.	CTH M	18 3/4 Ave.
18 3/4 Ave.	22-22 1/4 St.	Termini
22-22 1/4 St.	CTH O	Termini
19 1/2 Ave.	CTH M	21 7/8 St.
21 7/8 St.	19 1/2 Ave.	20 1/4 Ave.
20 1/4 Ave.	21 7/8 St.	CTH M
20 1/2 Ave.	20 1/4 St.	Termini

35 MPH

Street Number	From	To
19 3/4 St.	18 th Ave.	19 1/2 Ave.
20 1/2 St.	STH 48	24 th Ave.
21 1/2 St.	CTH O	18 1/2 Ave.
18 1/2 Ave.	21 1/2 St.	22 nd St.
22 nd St.	18 1/2 Ave.	18 th Ave.

45 MPH

Street Number	From	To
19 St.	18 th Ave.	20 Ave.
20 Ave.	18 th St.	19 th St.
18 1/2 St.	STH 48	North 1 mile
22 1/2 Ave.	CTH SS	18 th St.
22 nd St.	18 1/2 Ave.	18 th Ave.

SECTION 6 – PENALTY PROVISION

Except for violations of Section V, Subsections A and E, any person, partnership, corporation, or other legal entity that fails to comply with the provisions of this ordinance shall, upon conviction, pay a forfeiture of not less than \$10.⁰⁰ nor more than \$1,000.⁰⁰, plus the applicable surcharges, assessments, and costs for each violation. Each day a violation exists or continues shall be considered 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 7 – 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.

SECTION 8 – EFFECTIVE DATE

This Ordinance is effective on publication.

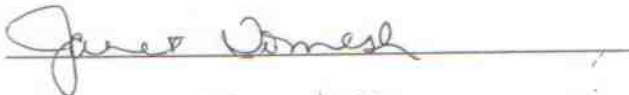
The town clerk shall properly post or publish this ordinance as required under s. 60.80, Wis stats.

Adopted by the Town Board of the Town of Rice Lake this 13th day of June, 2005.

Voting in favor: 5 Voting opposed: 0


Thomas Fankhauser, Chairman

Attested by:



Posted: 6/22/05

Published: notice on 6/29/05