

SEC. 8-1-33 VILLAGE STREETS NAMED

- (a) COMMENCING at the intersection of State Highway No. 76 and the western Village Line, County Trunk Highway D,
  - (1) Highway No. 76 running from said point west to the western Village Line shall be named Willow Street;
  - (2) The first north-south street commencing west of the County Trunk D shall be named Clark Street;
  - (3) The second north-south street commencing west of County Trunk D shall be named Railroad Avenue;
  - (4) The third north-south street commencing west of County Trunk D shall be named Ballhorn Street;
  - (5) The fourth north-south street commencing west of County Trunk D shall be named Prospect Street;
  - (6) The fifth north-south street and turning west of County Trunk D shall be named Hyde Street where it runs north of the said Willow Street, and shall be called Pearl Street where it runs south of said Willow Street;
  - (7) The sixth north-south street and turning east therefrom to Hyde Street commencing west of County Trunk D shall be called Park Street;
- (b) TIELKE STREET at the intersection of Willow Street and Clark Street;
  - (1) The first street south of said intersection commencing on Clark Street and running west to the School District ;
  - (2) The second street south of said intersection commencing at said intersection and running west to and abutting on the premises of the Parish of Saint Mary shall be named Rollo Street;
  - (3) The third street south of said intersection running due east and west from said Clark Street from the western end of said third street south to its eastern end on the village east line shall be called Flanagan Avenue;
- (c) COMMENCING at the intersection of Rollo Street and Prospect Street;
  - (1) The first street south of said intersection running west one short block as a continuation of County Trunk Highway F shall be named Oak Place;
  - (2) The first street west of said intersection running south from said Rollo Street and intersecting with said Oak Place one block south and ending at Flanagan Street shall be named Welcome Avenue;
  - (3) State County Trunk Highway D running north and south shall be called Deer Creek Road;
- (d) SMITH STREET commencing at the west side of Welcome Avenue extending to and connection with Konkle Street at its north end.
- (e) KONKLE STREET commencing at the Northwest boundary of Flanagan Avenue extending to and connecting to the south side of Smith Street.
- (f) TIELKE STREET is hereby extended from its present east limits an additional 240 feet easterly according to a certain deed on file in the office of the Outagamie County Register of Deeds.
- (g) DUREL STREET is a new street extending from the East limits to Tielke Street Southerly a distance of approximately 1332 feet thence Westerly 300 feet to Clark Street.
- (h) TELLOCK STREET is that Street running north and south which is west of property presently occupied by Herbert Poppe as a dwelling.
- (i) PARK COURT is that Street running Northerly form Willow Street east of the elementary public school and extending easterly to Hyde Street.
- (j) JAMES STREET is that Street beginning at the end of the northern portion of Hyde Street and running Westerly to property owned by LaVerne Shadduck.

SEC. 8-1-34 THROUGH SEC. 8-1-39 RESERVED FOR FUTURE USE.



**ARTICLE D**

Miscellaneous Provisions

SEC. 8-1-40     DISTURBANCE OF THE PEACE WITH A MOTOR VEHICLE.

No driver of any vehicle, including motorcycles, all-terrain vehicles and bicycles, shall cause, by excessive and unnecessary acceleration, the tires of such vehicle or cycle to spin and emit loud noises or to unnecessarily throw stones or gravel; nor shall such driver cause to be made by excessive and unnecessary acceleration any loud noise as would disturb the public peace.

SEC. 8-1-41     PEDESTRIAN REGULATIONS.

- (a) **PEDESTRIAN OBEDIENCE TO TRAFFIC CONTROL DEVICES AND REGULATIONS.**
- (1) Obedience to Traffic Control Devices. No person shall fail to obey the instructions of any Uniform Traffic Control Device when traveling as a pedestrian on any highway within the Village unless otherwise directed by a law enforcement officer.
  - (2) Crossing at Crosswalks. No pedestrian shall cross at a crosswalk except on the right half thereof whenever practicable. Where sidewalks are provided, no pedestrian shall walk along and upon an adjacent roadway except when the sidewalk is visibly unsafe, obstructed, or closed to public travel.
- (b) **PROHIBITED PEDESTRIAN CROSSINGS.** No pedestrian shall cross between adjacent intersections, unless such crossing is permitted by Official Traffic Control Devices.

SEC. 8-1-42     MOTOR VEHICLES ON PEDESTRIAN WAYS AND OVERPASSES.

No person shall operate or park any motor vehicle on any pedestrian way or pedestrian overpass within the Village of Bear Creek except municipal or county maintenance vehicles.

SEC. 8-1-43     UNAUTHORIZED OPERATION OF MOTOR VEHICLES ON PUBLIC OR PRIVATE PROPERTY.

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

SEC. 8-1-44     DRIVING OVER CURBING PROHIBITED.

It shall be unlawful for any motor vehicle to be driven or backed over any curbing in the Village of Bear Creek.

SEC. 8-1-45 THROUGH SEC. 8-1-49     RESERVED FOR FUTURE USE.



## ARTICLE E

## Enforcement and Penalties

SEC. 8-1-50 PENALTIES.

- (a) **FORFEITURE PENALTY.** The penalty for violation of any provision of this Chapter shall be a forfeiture as hereafter provided, together with court costs and fees prescribed by Section 814.63(1) and (2) or 814.65(1), Wis. Stats., the penalty assessment for moving traffic violations and the driver improvement surcharge imposed by Section 165.87 and 346.655, Wis. Stats., where applicable. Payment of the judgment and applicable court costs, fees, assessments and surcharges may be suspended by the sentencing court for not more than sixty (60) days. Any person eighteen (18) years of age or older who shall fail to pay the amount of the forfeiture, court costs, any penalty assessment or driver surcharge or other penalty imposed for violation of any provision of this Chapter may, upon order of the court entering judgment therefor and having jurisdiction of the case, be imprisoned until such forfeiture, costs and assessment are paid, but not exceeding ninety (90) days.
- (b) **OTHER SANCTIONS.** Nothing herein shall preclude or affect the power of the sentencing court to exercise additional authorities granted by the Wisconsin Statutes to suspend or revoke the operating privileges of the defendant, order the defendant to submit to assessment and rehabilitation programs or to attend traffic safety school in addition to payment of a monetary penalty or in lieu of imprisonment.
- (c) **FORFEITURES FOR VIOLATION OF UNIFORM TRAFFIC REGULATIONS.** Forfeitures for violation of any moving traffic regulation set forth in the Wisconsin Statutes adopted by reference in Section 8-1-1 shall conform to the forfeiture penalty permitted to be imposed for violations of the comparable Wisconsin Statute, including any variations of increases for subsequent offenses; provided, however, that this subsection shall not be construed to permit prosecution under this Chapter for any offense described in Chapters 341 to 348, Wis. Stats. for which an imprisonment penalty or fine may be imposed upon the defendant.
- (d) **FORFEITURES FOR PARKING VIOLATIONS.**
- (1) Forfeitures for Uniform Statewide Parking, Stopping and Standing Offenses. Minimum and maximum forfeitures for violation of non-moving traffic violations adopted by reference in Section 8-1-1 as described in Chapters 341 to 348, Wis. Stats., shall be as follows:

<u>Offense</u>		<u>Forfeiture</u>
346.51(1)	Improper parking on/off roadway	\$5.00
346.52(1)	Stopping/standing in prohibited areas	5.00
	2nd conviction within one year	5.00
346.52(2)	Stopping/standing on highway by grade school	5.00
	2nd conviction within one year	5.00
346.53	Parking/standing where prohibited	5.00
	2nd conviction within one year	5.00
346.54	Improper parking/standing of vehicle	5.00
	2nd conviction within one year	5.00
346.55(1)	Parking on left side of highway	5.00
346.55(2)	Parking vehicle for sale on highway	5.00
346.55(3)	Parking on posted private property	5.00
	2nd conviction within one year	5.00



- (2) Penalty for Other Parking Violations. The penalty for all other parking violations not included under Subsection (1) above shall be a forfeiture of not less than Five (\$5.00) Dollars nor more than Twenty (\$20.00) Dollars for the first offense and not less than Ten (\$10.00) Dollars nor more than One Hundred (\$100.00) Dollars for the second offense within two (2) years, except that the forfeiture for violations of the provisions of Sec. 8-1-28(a) of this Chapter relating to all-night parking shall be Ten (\$10.00) Dollars for the first offense.
- (e) OTHER VIOLATIONS. Any person who shall violate any provision of this Chapter for which a penalty is not otherwise established by this Section shall be subject to a forfeiture of not less than Twenty-five (\$25.00) Dollars nor more than Two Hundred (\$200.00) Dollars.

SEC. 8-1-51      ENFORCEMENT.

- (a) ENFORCEMENT PROCEDURES. How enforced. This Chapter shall be enforced in accordance with the applicable provisions of the Wisconsin Statutes and this Section.
- (b) CITATIONS.
  - (1) Uniform Citation and Complaint. The Wisconsin Uniform Traffic Citation and Complaint described and defined in the Wisconsin Statutes shall be used for enforcement of all provisions of this Chapter except those provisions which describe or define non-moving traffic violations and violations of Sections 346.71 through 346.73, Wis. Stats. Violations of Sections 346.71 through 346.73, Wis. Stats., shall be reported to the District Attorney and the Wisconsin Uniform Traffic Citation shall not be used in such cases except upon written request of the District Attorney.
  - (2) Parking Citations. The Village Marshal shall recommend a citation for use in enforcing the non-moving traffic offenses in this Chapter. When approved by the Village Board, such citation shall be used for enforcement of non-moving traffic regulations created or adopted by this Chapter, including violations of non-moving traffic regulations defined and described in the Wisconsin Statutes, adopted by reference in Section 8-1-1, and all provisions regarding non-moving traffic violations in this Chapter. The citation for non-moving traffic violations shall contain a notice that the person cited may discharge the forfeiture for violation of a non-moving traffic regulation and penalty thereof by complying with Subsection (c)(2) of this Section. Non-moving traffic citations may be issued by law enforcement officers or by authorized civilian employees of the Village.
- (c) DEPOSITS AND STIPULATIONS.
  - (1) Uniform Traffic Offenses.
    - a. Who May Make. Persons arrested or cited for violation of moving traffic offenses created by this Chapter shall be permitted to make deposits and stipulations of no contest or released by the arresting officer in accordance with the applicable provisions of the Wisconsin Statutes. Stipulations of guilt or no contest may be made by persons arrested for violations of this Chapter in accordance with Section 66.12(1)(b) of the Wisconsin Statutes whenever the provisions of Section 345.27 of the Wisconsin Statutes are inapplicable to such violations. Stipulations shall conform to the form contained on the uniform traffic citation and complaint under Section 345.11 of the Wisconsin Statutes and may be accepted within five (5) days of the date of the alleged violation. Stipulations may be accepted by the Village Marshal.



- b. Delivery or Mailing of Deposit and Stipulation. Any person stipulating guilt or no contest under the preceding Subsection must make the deposit required under Section 345.26 of the Wisconsin Statutes or, if the deposit is not established under such Statute, shall deposit a forfeited penalty as provided in the schedule established by the Village Marshal and approved by the Village Board. Deposits may be brought or mailed within five (5) days of the issuance of the citation in lieu of court appearance to the Village Treasurer.
  - c. Receipt Required. Every officer accepting a stipulation under the provisions of this Chapter shall comply with the provisions of Sections 343.27, 343.28, 345.26(1)(a) and 345.27(2) of the Wisconsin Statutes and shall require the alleged violator to sign a statement of notice in substantially the form contained on the uniform traffic citation and complaint promulgated under Section 345.11 of the Wisconsin Statutes. The official or person receiving the deposit shall furnish and deliver or mail an original receipt for such deposit to the alleged violator and shall deliver the deposit and stipulation, and a copy of the receipt within seven (7) days to the Clerk of Municipal Court.
- (2) Non-moving Traffic Offenses.
- a. Direct Payment of Penalty Permitted. Persons cited (summons not issued) for violation of non-moving traffic offenses described and defined in this Chapter may discharge the penalty thereof and avoid court prosecution by mailing or forwarding within five (5) days of the issuance of the citation to the Village Treasurer the minimum forfeiture specified for the violation. If not forwarded, the penalty may be discharged by forwarding within fifteen (15) days of the date of citation to the above named office the amount of Twenty (\$20.00) Dollars. When payment is made as provided in this paragraph, no court costs shall be charged.
  - b. Court Prosecution. If the alleged violator does not deliver or mail a deposit as provided in Subsection a., the Village Marshal shall forward a copy of the citation to the Village Attorney.
  - c. Registration suspension. If the alleged violator does not pay the forfeiture or appear in court in response to the citation for a non-moving traffic violation on the date specified in the citation, or, if no date is specified on the citation, within twenty-eight (28) days after the citation is issued, the Village may ask the Wisconsin Department of Transportation to suspend the registration of the vehicle involved or refuse registration of the vehicle involved or refuse registration of any vehicle owned by the person pursuant to the provisions of Sec. 345.28(4), Wis. Stats., and Subsection (c)(3) below.
  - d. Deposits Returned to Clerk-Treasurer. Officers receiving deposits for non-moving traffic violations under this Subsection shall pay over such deposits to the Village Treasurer within seven (7) days of receipt. Such payment shall be accompanied by an itemized statement for each deposit of the offense charged and the name of the depositor.
  - e. Bond. Any officer authorized to accept deposits under Sec. 345.26, Wis. Stats., or this Section shall qualify by taking the oath prescribed by Sec. 19.01, Wis. Stats.
- (3) Notice of Demerit Points and Receipt. Every officer accepting a forfeited penalty or money deposit under this Section shall receipt therefor in triplicate as provided in Sec. 345.26(3)(b), Wis. Stats. Every officer accepting a stipulation under the provisions of this Section shall comply with the provisions of Section 343.27, 343.28, 345.26(1)(a) and 345.27(2), Wis. Stats., and shall



require the alleged violator to sign a statement of notice in substantial the form contained on the uniform traffic citation and complaint promulgated under Sec. 345.11, Wis. Stats.

(4) Registration Suspension Program.

- a. The Village shall participate in the Wisconsin Department of Transportation Traffic Violation and Registration Program as set forth in Sec. 345.28, Wis. Stats., and Wis. Admin. Code Trans. 128 and all amendments or changes thereto.
- b. The Village Marshal is hereby designated as a delegated authority for purposes of Section 85.13 and 345.28, Wis. Stats., and Wis. Admin. Code Trans. 128. The Village Marshal is authorized to perform, on behalf of the Village, all functions required of a local authority under said Statutes and Code including, but not limited to:
  1. Preparing and completing all forms and notices, notifying the Wisconsin Department of Transportation of unpaid citations for non-moving traffic violations;
  2. Specifying whether the registration of vehicles involved in unpaid citations for non-moving traffic violations should be suspended and/or whether registration should be refused for any vehicle owned by persons with unpaid citations for non-moving traffic violations;
  3. Determining the method by which the Village will pay the Wisconsin Department of Transportation for administration of the program; establishing the effective date for participation;
  4. And taking such other action as is necessary to institute and continue participation in the Wisconsin Department of Transportation Traffic Violation and Registration Program.
- c. In addition to all applicable fines and court costs, the cost of using the Wisconsin Department of Transportation Traffic Violation and Registration Program shall be assessed as permitted by Sec. 345.28(4)(d), Wis. Stats. The Village Marshal may refuse to notify the Wisconsin Department of Transportation of payment on a citation until all applicable fines and costs, including costs assessed under the preceding sentence, are paid.
- d. This Subsection shall not be interpreted as requiring that all unpaid citations for non-moving traffic violation be processed through the Wisconsin Department of Transportation Traffic Violation and Registration Program. The Village's participation in such program shall be in addition to any and all other means legally available to enforce such citations.

State Law Reference: Sec. 345.28, Wis. Stats.; Chapter Trans. 128, Wis. Adm. Code.

## CHAPTER 2

### Bicycles

- § 8-2-1 Manner of Operation Restricted
- § 8-2-2 Lighting Equipment
- § 8-2-3 Warning Signal Required
- § 8-2-4 Parking a Bicycle
- § 8-2-5 Riding Abreast Prohibited
- § 8-2-6 Rules of the Road
- § 8-2-7 Bicycle Registration
- § 8-2-8 Skateboard Use Regulated

#### SEC. 8-2-1 MANNER OF OPERATION RESTRICTED.

- (a) No bicycle shall be allowed to proceed in any street in the Village of Bear Creek by inertia or momentum with the feet of the rider removed from the bicycle pedals. No rider of a bicycle shall remove both hands from the handlebars or practice any trick or fancy riding in any street in the Village nor shall any bicycle rider carry or ride any other person so that two persons are on the bicycle at one time, unless a seat is provided for a second person.
- (b) No person shall ride a bicycle on any public sidewalk, or in any park, baseball park or designated recreation area within the Village of Bear Creek.

#### SEC. 8-2-2 LIGHTING EQUIPMENT.

No person shall operate a bicycle upon a highway during the hours of darkness unless equipped as required in Sec. 346.81, Wis. Stats.

#### SEC. 8-2-3 WARNING SIGNAL REQUIRED.

No bicycle shall be operated on the streets of the Village unless equipped with either a warning bell or horn.

#### SEC. 8-2-4 PARKING A BICYCLE.

No person shall leave a bicycle at such a place or in such a way as to create a hazard to pedestrians, automobile operators or to anyone else.

#### SEC. 8-2-5 RIDING ABREAST PROHIBITED.

Persons riding or using bicycles or other similar vehicles along or upon any public street, avenue, lane, alley or other public road, ground or way within the Village shall not ride more than two abreast excepting a general parade or public demonstration.



SEC. 8-2-6      RULES OF THE ROAD.

The provisions of Ch. 346, Wis. Stats., shall be applicable to the operation of bicycles where appropriate.

SEC. 8-2-7      BICYCLE REGISTRATION

- (a) License. No person shall ride or use a bicycle upon any public street in the Village of Bear Creek unless the same shall have been licensed and registered as herein provided.
- (b) Registration. Every owner, who is a resident, of a bicycle shall list and register with the Police Department the manufacturer of his bicycle, its number, style and general description. One registration is all that is required for as long as said owner retains ownership of the registered bicycle. The new owner of a previously registered bicycle shall register it in his or her own name and pay the full registration fee.
- (c) Safe Condition. No bicycle shall be registered which is in unsafe mechanical condition. The Police Department shall have the authority to suspend the registration of and remove the identification tag from any bicycle operated contrary to any state law or village ordinance or operated while in unsafe mechanical for such period of time as set by the court, provided that such registration shall not be reinstated or such identification tag be replaced while such bicycle is in unsafe condition.
- (d) Licensed Fee. Registration of bicycles under the provisions of this ordinance shall be effective after June 1, 1984, and shall extend indefinitely as set forth above. The fee for this perpetual registration of one owner shall be \$1.00.

SEC. 8-2-8      SKATEBOARD USE REGULATED

- (a) The provisions of Ch. 348, Wis. Stats., shall be applicable to the operation of bicycles where appropriate.
- (b) Skateboards are prohibited on the following street or portions thereof:
  - (1) Pearl Street
  - (2) Highway 76
  - (3) Rollo Street
  - (4) Tilke Street
  - (5) Welcome Street until its intersection with Oak Place.

## CHAPTER 3

### Snowmobiles

- § 8-3-1 State Snowmobile Laws Adopted
- § 8-3-2 Applicability of Traffic Regulations to Snowmobiles
- § 8-3-3 Speed; Hours of Operation
- § 8-3-4 Unattended Vehicles
- § 8-3-5 Operation on Sidewalks Prohibited
- § 8-3-6 Snowmobile and Other Off-Highway Vehicle Operation Restricted
- § 8-3-7 Restriction on Operators
- § 8-3-8 Accidents and Accident Reports
- § 8-3-9 Snowmobile Routes and Trails Designated
- § 8-3-10 Penalty
- § 8-3-11 Enforcement

#### SEC. 8-3-1 STATE SNOWMOBILE LAWS ADOPTED.

Except as otherwise specifically provided in this Chapter, the statutory provisions describing and defining regulations with respect to snowmobiles in the following enumerated sections of the Wisconsin Statutes are hereby adopted by reference and made part of this Chapter as if fully set forth herein. Acts required to be performed or prohibited by such statutes are required or prohibited by this Chapter. Any future amendments, revisions or modifications of the Statutes incorporated herein by reference are intended to be made part of this Code.

- 350.01 Definitions.
- 350.02 Operation of Snowmobiles on or in the Vicinity of Highways.
- 350.03 Right-of-Way
- 350.04 Snowmobile Races, Derbies and Routes.
- 350.45 Public Utility Exemption.
- 350.47 Local Utility Exemption.
- 350.05 Operation by Youthful Operators Restricted.
- 350.055 Safety Certification Program Established.
- 350.06 Firearms and Bows.
- 350.07 Driving Animals.
- 350.08 Owner Permitting Operation.
- 350.09 Head Lamps, Tail Lamps and Brakes, Etc.
- 350.10 Miscellaneous Provisions for Snowmobile Operation.
- 350.12 Registration of Snowmobiles.
- 350.125 Completion of Application for Registration by Snowmobile Dealers.
- 350.13 Uniform Trail Signs and Standards.
- 350.15 Accidents and Accident Reports.
- 350.17 Enforcement.
- 350.18 Local Ordinances.
- 350.19 Liability of Landowners.
- 350.99 Parties to a Violation.



SEC. 8-3-2      APPLICABILITY OF TRAFFIC REGULATIONS TO SNOWMOBILES.

No person shall operate a snowmobile upon any street, highway or alley within the Village of Bear Creek in violation of the traffic regulation provisions of Sections 346.04, 346.06, 346.11, 346.14(1), 346.18, 346.19, 346.20, 346.21, 346.26, 346.27, 346.33, 346.35, 346.37, 346.39, 346.40, 346.44, 346.46, 346.47, 346.48, 346.50(1)(b), 346.51, 346.52, 346.53, 346.54, 346.55, 346.87, 346.88, 346.89, 346.90, 346.91, 346.92(1), and 346.94, (6), (6m) and (9), Wis. Stats.

SEC. 8-3-3      SPEED; HOURS OF OPERATION.

- (a) SPEED. No person shall operate a snowmobile upon any public highway within the Village at a speed in excess of fifteen (15) miles per hour. No person shall operate a snowmobile on any trail designated in Section 8-3-9 of this Chapter or in any public park or recreation area at a speed in excess of the posted limit.
- (b) HOURS OF OPERATION. No person shall operate a snowmobile within the Village of Bear Creek during the hours of 12:00 p.m. (Midnight) and 8:00 a.m.

SEC. 8-3-4      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.

SEC. 8-3-5      OPERATION ON SIDEWALKS PROHIBITED.

No person shall operate a snowmobile upon any sidewalk, pedestrian way or upon the area between the sidewalk and the curb line of any street in the Village, except as specifically authorized by Sec. 8-3-9 or for the purpose of crossing to obtain immediate access to an authorized area of operation.

SEC. 8-3-6      SNOWMOBILE AND OTHER OFF-HIGHWAY VEHICLE OPERATION  
RESTRICTED.

- (a) PERMITTING OPERATION BY IMPROPER PERSONS PROHIBITED. No owner or person having charge or control of a snowmobile shall authorize or permit any person to operate such snowmobile who is not permitted under state law to operate such snowmobile, or who is under the influence of an intoxicant or a dangerous or narcotic drug.
- (b) OPERATION WHILE UNDER INFLUENCE PROHIBITED. Sec. 346.63, Wis. Stats., shall apply to the operation of a snowmobile any place within the Village.

Cross-Reference: Section 8-1-43.



SEC. 8-3-7      RESTRICTIONS ON OPERATORS.

- (a) No person under the age of twelve (12) years may operate a snowmobile. No person over the age of twelve (12) years but under the age of sixteen (16) years may operate a snowmobile unless he holds a valid snowmobile safety certificate or is accompanied by a person over eighteen (18) years of age or by a person over fourteen (14) years of age having a snowmobile safety certificate issued by the Department of Natural Resources.
- (b) No person shall operate any snowmobile upon any street, alley or other public right-of-way in the Village unless such person shall have a valid motor vehicle operator's license or unless such operator is accompanied by a person who has a valid motor vehicle operator's license and who is occupying a seat on the vehicle.

SEC. 8-3-8      ACCIDENTS AND ACCIDENT REPORTS.

- (a) If he can do so without serious danger to his own snowmobile or to persons on board, the operator of a snowmobile involved in a snowmobile accident within the Village shall stop his snowmobile and shall render to other persons affected thereby such assistance as may be practicable and necessary to save them from or minimize any danger caused by the accident and shall give his name and address and identification of his snowmobile to any person injured and to the owner of any property damaged in the accident.
- (b) If the snowmobile accident results in death or injury to any person or total property damage in excess of Two Hundred (\$200.00) Dollars, every operator of a snowmobile involved in such accident shall, as soon as possible, notify the Village Marshal of the accident and shall, within ten (10) days after the accident, file a written report thereof with the department on forms prescribed by it.
- (c) If the operator of a snowmobile is physically incapable of making the report required by this Section and there was another occupant in the snowmobile at the time of the accident capable of making the report, he shall make such report.
- (d) "Snowmobile Accident" means a collision, accident or other casualty involving a snowmobile.

SEC. 8-3-9      SNOWMOBILE ROUTES AND TRAILS DESIGNATED.

- (a) ROUTES DESIGNATED. Except as provided in Section 350.02 and 350.045 of the Wisconsin Statutes, or for snowmobile events authorized in accordance with Section 350.04, Wis. Stats., no person shall operate a snowmobile upon any public right-of-way, in any public park, or on any other public municipal property in the Village except upon snowmobile routes and trails designated by the Village Board. The designated route to be used within the Village limits shall be adopted by resolution by the Village Board, a copy of which shall be on file with the Village Clerk.
- (b) DECLARING TRAILS CLOSED. The Village Marshal shall have the power to declare the stated snowmobile routes and trails either open or closed.
- (c) MARKERS TO BE OBEYED. No person shall fail to obey any route or trail sign, marker or limit erected in accordance with this Section.



SEC. 8-3-10     PENALTY.

Any person who shall violate any provision of this Chapter shall upon conviction thereof forfeit not more than Five Hundred (\$500.00) Dollars together with the costs of prosecution and in default of payment thereof may be imprisoned in the county jail for not exceeding ninety (90) days; provided no person shall forfeit an amount in excess of the maximum fine or forfeiture allowed in the Wisconsin Statutes for the same offense and further provided that the penalty and forfeiture for parking violation on highways shall be the amount applicable to such violations by owners or operators of motor vehicles under Title 8, Chapter 1 of this Code of Ordinances. Any parent or any owner of any snowmobile or other motor vehicle, permitting any such operation in violation of Sec. 8-3-7, shall upon conviction thereof pay a forfeiture of Twenty-five (\$25.00) Dollars, plus the costs of the action.

SEC. 8-3-11     ENFORCEMENT.

- (a) **UNIFORM CITATION FOR HIGHWAY VIOLATIONS.** The uniform traffic citation promulgated under Sec. 345.11, Wis. Stats., shall be used for violations of this Chapter relating to highway use except as herein provided.
- (b) **PARKING VIOLATIONS.** The special traffic citation described and defined in Title 8, Chapter 1 of this Code of Ordinances shall be used for enforcement of violations of rules of the road relating to parking of vehicles adopted by reference in Section 8-3-1 of this Chapter.
- (c) **OTHER VIOLATIONS.** All violations of this Chapter not described in Subsections (a) or (b) shall be enforced in accordance with Sections 66.12 and 66.114 of the Wisconsin Statutes. Stipulations of guilt or no contest may be made as provided in Sec. 66.12(1)(b), Wis. Stats., in substantially the form provided in the uniform traffic citation within five (5) days of the date of the citation for such violation. Bail deposits may also be made under Sec. 66.12, Wis. Stats. Such deposits shall include a Two (\$2.00) Dollars Clerk's fee and costs of prosecution.
- (d) **POLICE DEPARTMENT TO RECEIVE STIPULATIONS AND PENALTIES.** Stipulations, forfeited penalties and deposits for obtaining release from arrest authorized under this Chapter may be accepted at the Police Department offices by the Village Marshal or officer designated by him. The officer authorized to accept penalties and deposits shall be bonded and such bond shall be filed with the Village Clerk.
- (e) **FORFEITED PENALTIES AND DEPOSITS.** Except as otherwise provided in Sec. 345.26, Wis. Stats., and the deposit schedule adopted by the State Board of Circuit Court Judges thereunder, required forfeited penalties and deposits or bail not including costs or fees for violation of this Chapter shall be as established by the schedule adopted by the Village Board.



## CHAPTER 4

### Abandoned and Junked Vehicles

- § 3-4-1 Abandoned Vehicles; Definitions
- § 3-4-2 Removal and Impoundment of Vehicles
- § 3-4-3 Removal, Storage, Notice or Reclaimer of Abandoned Vehicles
- § 3-4-4 Disposal of Abandoned Vehicles
- § 3-4-5 Report of Sale or Disposal
- § 3-4-6 Owner Responsible for Impoundment and Disposal Costs
- § 3-4-7 Conflict with Other Code Provisions
- § 3-4-8 Junked Vehicles and Appliances on Private Property

#### SEC. 3-4-1 ABANDONED VEHICLES; DEFINITIONS.

- (a) **ABANDONMENT OF VEHICLES PROHIBITED.** No person shall leave unattended any motor vehicle, trailer, semitrailer or mobile home on any public street or highway or private or public property in the Village of Bear Creek, for such time and under such circumstances as to cause the vehicle to reasonably appear to have been abandoned. Whenever any such vehicle has been left unattended on any street or highway in the Village of Bear Creek or upon private or public property without the permission of the property owner or other person charged with the lawful jurisdiction thereof for more than seventy-two (72) hours, the vehicle shall be deemed abandoned and constitutes a public nuisance.
- (b) **DEFINITIONS.** For purposes of this Chapter, the following definitions shall be applicable:
  - (1) Vehicle shall mean a motor vehicle, trailer, semitrailer, or mobile home, whether or not such vehicle is registered under Wisconsin Law.
  - (2) Unattended shall mean unmoved from its location with no obvious sign of continuous human use.
  - (3) Street shall mean any public highway or alley and shall mean the entire width between the boundary lines of any public way where any part thereof is open to the public for purposes of vehicular travel.
- (c) **PRESUMPTIONS.** For purpose of this Section, the following irrebutable presumptions shall apply:
  - (1) A vehicle shall be presumed unattended if it is found in the same position seventy-two (72) hours after issuance of a traffic ticket or citation and if such traffic ticket or citation remains placed upon the windshield during said seventy-two (72) hours.
  - (2) Any vehicle left unattended for more than seventy-two (72) hours on any public street or public ground or left unattended for more than seventy-two (72) hours on private property without the consent of the property owner is deemed abandoned and constitutes a nuisance: provided, that the vehicle shall not be deemed abandoned under this subsection if left unattended on private property outside of public view or if designated as not abandoned by the Village Marshal.
- (d) **EXCEPTIONS.** This Section shall not apply to a vehicle in an enclosed building, or a vehicle stored on a premises licensed for storage of junk or junked vehicles, or to a vehicle parked in a paid parking lot or space where the required fee has been paid.



SEC. 8-4-2    REMOVAL AND IMPOUNDMENT OF VEHICLES.

Any vehicle in violation of this Chapter shall be removed and impounded until lawfully claimed or disposed of under the provisions of Section 8-4-3.

SEC. 8-4-3    REMOVAL, STORAGE, NOTICE, OR RECLAIMER OF ABANDONED VEHICLES.

The provisions of this Section shall apply to the removal, storage, notice, reclaimer or disposal of abandoned vehicles.

(a)    REMOVAL.

- (1)    Any police officer who discovers any motor vehicles, trailer, semitrailer or mobile home on any public street or highway or private or public property in the Village of Bear Creek which has been abandoned shall cause the vehicle to be removed to a suitable place of impoundment.
- (2)    Upon removal of the vehicle the police officer shall notify the Village Marshal or his designee of the abandonment and of the location of the impounded vehicle.

(b)    STORAGE AND RECLAIMER. Any abandoned vehicle which is determined by the Village Marshal or his designee to be abandoned shall be retained in storage for a period of fourteen (14) days after certified mail notice, as hereinafter provided, has been sent to the Wisconsin titled owner and/or secured party of record with the Wisconsin Motor Vehicle Division, except that if the Village Marshal or his designee determines an abandoned vehicle to have a value of less than One Hundred (\$100) Dollars, or that the cost of towing and storage charges for impoundment will exceed the value of the vehicle it may be junked or sold by direct sale to a licensed salvage dealer after having been retained in storage for a period of seven (7) days and after certified mail notice, as hereinafter provided, has been sent to the Wisconsin titled owner or secured party of record with the Wisconsin Motor Vehicle Division, provided that it is first determined that the vehicle is not reported stolen or wanted for evidence or other reason. Any such vehicle which may be lawfully reclaimed may be released upon the payment of all accrued charges, including towing, storage and notice charges and upon presentation of the vehicle title or other satisfactory evidence to the Village Marshal or his designee to prove an ownership or secured party interest in said vehicle.

(c)    NOTICE TO OWNER OR SECURED PARTY. Certified mail notice, as referred to herein, shall notify the Wisconsin titled owner of the abandoned vehicle, if any, and/or the secured party of record with the Wisconsin Motor Vehicle Division, if any, that the vehicle has been deemed abandoned and impounded by the Village of Bear Creek; the "determined value" of the abandoned vehicle or if the cost of towing and storage charges will exceed the determined value of the vehicle; that if the vehicle is not wanted for evidence or other reason, the vehicle may be reclaimed upon the payment of all accrued charges, including towing, storage and notice charges, within fourteen (14) days of the date of notice, unless the vehicle has been determined to have a value less than One Hundred (\$100.00) Dollars or that the cost of towing and storage charges for impoundment will exceed the value of the vehicle, in which case the vehicle may be reclaimed within seven (7) days upon the payment of the aforesaid charges; and that the owner or aforesaid secured party may, upon request, be granted a hearing relating to the determinations made with respect to said vehicle within the period that such vehicles may be reclaimed.



SEC. 8-4-4 DISPOSAL OF ABANDONED VEHICLES.

Any abandoned vehicle impounded by the Village which has not been reclaimed or junked or sold by direct sale to a licensed salvage dealer pursuant to the provisions of this Chapter, may be sold by public auction sale, or public sale calling for the receipt of sealed bid. Class I Notice, including the description of the vehicle, the name(s) and address(es) of the Wisconsin titled owner and secured party of record, if known, and the time of sale, shall be published before the sale.

SEC. 8-4-5 REPORT OF SALE OR DISPOSAL.

Within five (5) days after the direct sale or disposal of a vehicle as provided for herein, the Village Marshal or his designee shall advise the State of Wisconsin Department of Transportation, Division of Motor Vehicles, of such sale or disposal on a form supplied by said Division. A copy of the form shall be given to the purchaser of the vehicle.

SEC. 8-4-6 OWNER RESPONSIBLE FOR IMPOUNDMENT AND DISPOSAL COSTS.

- (a) The owner of any abandoned vehicle, except a stolen vehicle, is responsible for the abandonment and all costs of impounding and disposing of the vehicle. Costs not covered from the sale of the vehicle may be recovered in a civil action by the Village against the owner.
- (b) Payment of removal and impoundment costs is not required when the vehicle has been impounded for purposes of law enforcement investigation.

SEC. 8-4-7 CONFLICT WITH OTHER CODE PROVISIONS.

In the event of any conflict between this section and any other provisions of the Municipal Code, this Chapter shall control.

SEC. 8-4-8 JUNKED VEHICLES AND APPLIANCES ON PRIVATE PROPERTY.

- (a) STORAGE OF AUTOMOBILES RESTRICTED.
  - (1) No disassembled, inoperable, unlicensed, junked or wrecked motor vehicles, truck bodies, tractors, trailers, farm machinery or appliances shall be stored or allowed to remain in the open upon private property within the Village for a period exceeding ten (10) days unless it is in connection with a properly licensed automotive or appliance sales, repair or storage business enterprise located in a properly zoned area.
  - (2) Any business engaged in automotive sales or repair may retain such vehicles in the open, on private property, for a period not to exceed three (3) months, after which such vehicles must be enclosed by a screening or live planting to be approved by the Village Board.
- (b) DEFINITIONS.
  - (1) The term "disassembled, inoperable, junked or wrecked motor vehicles, truck bodies, tractors, trailers" as used in this section is defined as follows: motor vehicles, truck bodies, tractors, farm machinery or trailers in such state of physical or mechanical ruin as to be incapable of propulsion, being operated upon the public streets or highways or which is otherwise not in safe or legal



## Abandoned and Junked Vehicles

- condition for operation on public streets or highways due to missing or inoperative parts, flat or removed tires, expired or missing license plates, or other defects.
- (2) The term "unlicensed - motor vehicles, truck bodies, tractors or trailers" as used in this Chapter is defined as follows: motor vehicles, truck bodies, tractors or trailers which do not bear lawful current license plates.
  - (3) The term "motor vehicle" is defined in Section 340.01(35), Wis. Stats.
  - (4) The term "inoperable appliance" is defined as any stove, washer or refrigerator which is no longer operable in the sense for which it was manufactured.
- (c) **EXCEPTIONS.** This Section shall not apply to any motor vehicle or motor vehicle accessories stored within an enclosed building or on the premises of a business enterprise operated in a lawful place and manner when necessary to the operation of such business enterprise, in a storage place or depository maintained in a lawful place and manner, or seasonal use vehicles such as snowmobiles, motorcycles, motor scooters and nonmotorized campers, provided such vehicles are stored in rear yard areas. Such business enterprises shall include auto junk yards, auto repair and body shops but shall not include automobile service stations or tire, battery and accessory sales stores, except those service stations which operate a duly licensed wrecker service. Also excepted are motor vehicles registered pursuant to Sections 341.265 and 341.266, Wis. Stats. In other situations the Village Marshal may issue permits permitting an extension of not to exceed an additional thirty (30) days time to comply with this section where exceptional facts and circumstances warrant such extension.
- (d) **ENFORCEMENT.**
- (1) Whenever the Village Marshal shall find any vehicles or appliances, as described herein, placed or stored in the open upon private property within the Village, they shall notify the owner of said property on which said vehicle or appliance is stored of the violation of this Section. If said vehicle or appliance is not removed within five (5) days, the Village Marshal shall cause to be issued a citation to the property owner or tenant of the property upon which said vehicle or appliance is stored.
  - (2) If such vehicle or appliance is not removed within twenty (20) days after issuance of a citation, the Village Marshal shall cause the vehicle or appliance to be removed and impounded and it shall thereafter be disposed of as prescribed in Sections 8-4-3 through 8-4-6 by the Village Marshal or his duly authorized representative. Any cost incurred in the removal and sale of said vehicle or appliance shall be recovered from the owner. However, if the owner of the vehicle or appliance cannot readily be found, the cost of such removal shall be charged to the property from which it is removed, which charges shall be entered as a special charge on the tax roll.
- (e) **PENALTY.** Any person who shall interfere with the enforcement of any of the provisions of this Section and shall be found guilty thereof shall be subject to a penalty as provided in Section 1-1-6. Each motor vehicle or appliance involved shall constitute a separate offense.

State Law Reference: Section 342.40, Wis. Stats.



## CHAPTER 5

### Subdivision Regulations

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- §10-5-21 Variations and Exceptions
- §10-5-22 Development Plan
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#### SEC. 10-5-1 INTRODUCTION AND PURPOSE.

- (a) INTRODUCTION. In accordance with the authority granted by Section 236.45 of the Wisconsin Statutes and for the purposes listed in Section 236.01 and 236.45 of the Wisconsin Statutes, the Village Board of the Village of Bear Creek does hereby ordain as follows:
  - (1) The provisions of this Chapter shall be held to be minimum requirements adopted to promote the health, safety, morals, comfort, prosperity and general welfare of the Village.
  - (2) This Chapter shall not repeal, impair or modify private covenants or public ordinances, except that it shall apply whenever it imposes stricter restrictions on land use.
- (b) PURPOSE. The purpose of this Chapter is to promote the public health, safety, convenience, and general welfare. The regulations are designed to lessen congestion in the streets, to foster the orderly layout and use of land; to insure safety from fire, flooding, panic and other dangers, to provide optimum light and air; to discourage overcrowding of the land; to lessen concentration of population, to facilitate adequate provision of transportation, public water and sewerage, schools, parks, playgrounds and other public necessities; and to facilitate the further division of large tracts of land into smaller parcels. The regulations are made with reasonable consideration of, but not limited to, the present character of the Village