

## TOWN OF LEON

### ROAD USE/MOTOR VEHICLE CONTROL ORDINANCE

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1.1 **AUTHORITY.** This Ordinance is adopted pursuant to ss. 60.22, 66.0425, 80.03, 86.07, 349.06, 61.35, 62.03(6), 349.11, 349.17, 349.06, 350.18(3)(a), Wis. Statutes, and Chapters 340-348; 350; and 941-947 Wis. Statutes.

1.2 **PURPOSE AND SCOPE.** The purpose of this ordinance is to regulate the operation of any motor vehicle, snowmobile, all-terrain vehicle and other vehicle use and activities on Town roadways.

1.3 **DEFINITIONS.**

A. "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. (A low-pressure tire is a tire that has a minimum width of 6 inches and that is designated to be inflated with an operating pressure not to exceed 20 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 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 a rigid construction and a top which may be convertible.

C. "Highway" means all public ways and thoroughfares and bridges on the same. It includes the entire width between the boundary lines of every way open to the use of the public as a matter of right for the purposes of vehicular travel. It

includes those roads or driveways in the state, county or municipal parks and in state forests which have been opened to the use of the public for the purpose of vehicular travel and roads or driveways upon the grounds of public schools, as defined in s. 115.01(1), and institutions under the jurisdiction of the county board of supervisors, but does not include private roads or driveways as defined in s. 340.01(46) Wis. Statutes.

- 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, an all-terrain vehicle, and a utility terrain vehicle, and an electric personal assistive mobility device shall be considered motor vehicles only for purposes made specifically applicable by statute.
- E. “Official Traffic-Control Device” means any sign, signal, marking, or device, not inconsistent with chapters 341 to 349, Wis. Statutes, 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 had an endless belt tread and sled-type runners, or skis, to be used in contact with snow, but does not include 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 is operated in sanctioned races, derbies, competitions, or exhibitions or only on private property.
- H. “Town” means the Town of Leon in Monroe County, Wisconsin.
- I. “Town Board” means the board of supervisors for the Town of Leon, Monroe County, Wisconsin.
- J. “Town Clerk” means the clerk of the Town of Leon, Monroe County, Wisconsin.
- K. “Vehicle” means every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, except railroad trains. A

snowmobile, an all-terrain vehicle, and an electric personal assistive mobility device shall not be considered a vehicle except for purposes made specifically applicable by statute. See s. 340.01 Wis. Statutes for a complete list of definitions.

#### 1.4 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 Chapters 341 to 348 and 350, Wis. Statutes, for which the penalty for violation thereof is a forfeiture, which statutes are incorporated into this Ordinance by references 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, or approval therefor from the Town Board or its designee, as authorized by ss. 66.0425 and 86.07, Wis. Statutes. Such permit or approval shall be subject to the condition that the work shall be constructed subject to such rules and regulations as may be prescribed by the Town Board and be performed and completed to its satisfaction, and in the case of temporary alterations that the highway 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 impassable or unsafe for travel, as determined by the Town 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, Wis. Statutes, 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, 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 section, or walk or travel in any manner upon the materials placed thereon as part of the repair or construction work.
- D. 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 uniform traffic control manual adopted by the Department of Transportation under s. 84.02(4)(e), Wis. Statutes. These devices, signs, signals, and markings shall be erected in such locations and in the manner authorized by the Town Board to give adequate warning to users of the highway in question, unless otherwise established by the Town

Board. The Town Chair or his/her designee shall be responsible for installing, repairing, and maintaining these signs, signals, and markings.

E. PARKING AND STANDING

1. No person shall park on any roadway any vehicle for the primary purpose of advertising or storage.
2. 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.
3. No person shall leave any motor vehicle at any location 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.

F. The provisions of Section ss. 346.57, 346.58 and 346.59, Wis. Statutes, relating to maximum and minimum speed of vehicles, are adopted as part of this Ordinance as is fully set forth herein, except that under Section 349.11(3)(c) Wis. Statutes, the following highways have speed limits that have been modified by the Town Board under s. 349.11, Wis. Statutes, as follows: none.

G. The Town Board, being authorized to exercise Village Powers under s. 60.22, Wis. Statutes, pursuant to ss. 61.35 and 62.23(6), Wis. Statutes, is working with the Leon Planning Commission to adopt an Official Town Map that describes all Town highways and bridges and other official Town infrastructure and their locations. This map will be stored with the Town Clerk.

H. The Town Board has, under s. 23.33(11), Wis. Statutes, adopted as part of this Ordinance regulations that designates all town highways as all-terrain vehicle routes in the Town. This Ordinance has been sent to the Department of Natural Resources and to the following law enforcement agencies, specifically: Monroe County Sheriff and Monroe County Traffic Patrol. The Town adds the following conditions to this Ordinance:

1. Noise level of all-terrain vehicles must conform to state statutes.
2. Operators must be 16 years of age or older.
3. Operation of all-terrain vehicles will be allowed between one-half hour before sunrise and one-half hour after sunset.

I. The Town, pursuant to s. 350.18(3)(a), Wis. Statutes, allows for the operation of snowmobiles on a Town highway and shoulder of highway for any portion

of 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.

1.5 PENALTY. 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 \$50.00 nor more than \$500.00, 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.

1.6 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.

Revised this \_\_\_\_\_ day of \_\_\_\_\_, 2014

By the Town Board

\_\_\_\_\_  
Gregory E. Selbrede

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Kathy LaValley

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Sharon M. Folcey

Attested by Town Clerk  
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