

# ORDINANCE NO. 608

## **An Ordinance of the Municipal Code of the City of Kiel Amending Chapter 7 (Traffic Code)**

The Common Council for the City of Kiel do ordain as follows:

SECTION 1: Chapter 7 is hereby amended to read as follows:

### **CHAPTER 7**

#### **TRAFFIC CODE**

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**7.01 STATE TRAFFIC LAWS ADOPTED.** [#368 12/11/90] Except as otherwise specifically provided in this chapter, the statutory provisions in Section 23.33, Chapters 340 to 348, 350 and Section 941.01 Wis. Stats., as well as Wisconsin Administrative Code Chapters Trans. 101, 305, 325, 326, 327 and 330, describing and defining regulations with respect to vehicles and traffic, inclusive of any provisions therein relating to penalties to be imposed and exclusive of any regulations for which the statutory penalty is a fine or term of imprisonment, are adopted and by reference made a part of this chapter as if fully set forth herein. Any act required to be performed or prohibited by any statute incorporated herein by reference is required or prohibited by this chapter. Any future amendments, revisions or modifications of the statutes incorporated herein are intended to be made part of this chapter in order to secure uniform Statewide regulation of traffic on the highways, streets and alleys of the State.

(1) Pursuant to Wis. Stat. Sec 349.21(1) and Wis. Stat Sec. 346.48(2)(b)(2), school bus operators shall use flashing red warning lights in residential or business districts when pupils or other authorized passengers are being loaded or unloaded.

**7.02 SPEED LIMITS.** The provisions of Sections 346.57, 346.58 and 346.59, Wis. Stats., relating to the maximum and minimum speed of vehicles, are hereby adopted as part of this section as if fully set forth herein, except:

(1) The speed limit in Hingiss Park shall be 15 mph.

(2) The speed limit on Park Avenue shall be 35 mph from its intersection with STH 57, easterly to its intersection with STH 67.

(3) The speed limit on Seventh Street between Fremont Street and Calumet Avenue shall be 25 mph.

(4) The speed limit on W. Fremont Street to the west City limits shall be 25 mph.

(5) The speed limit on STH 67 shall be 45 mph from the north City limits south to its intersection with STH 57.

(6) [#402 7/23/96] The speed limit on Rockville Road east of STH 67 shall be 35 mph.

(7) The speed limit on Cemetery Road between Rockville Road and Mueller Road shall be 35 mph.

**7.03 DISORDERLY CONDUCT WITH A MOTOR VEHICLE.** No person may operate a motor vehicle in a reckless or dangerous manner in the City of Kiel which causes a disturbance including the intentional operation of a motor

vehicle in a swerving, swaying or bouncing manner, to operate a vehicle involved as a display of power, as actions intended as horseplay, or to cause a motor vehicle's tires to squeal, scrape, drag or project or spray any material thrown up by the tires of such a vehicle from any surface unnecessarily, due to over acceleration or deceleration, while on public or private property within the city.

#### **7.04 PARKING LIMITATIONS.**

(1) **PARKING LIMITS.** When signs are erected in any block giving notice thereof, no person shall park a vehicle for longer than 2 hours at any time between 8 a.m. and 5 p.m., except Sundays and New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day, upon the following streets or portions of streets:

- (a) North side of Fremont Street from First Street to the Calumet-Manitowoc County line.
- (b) South side of Fremont Street from First Street to the railroad tracks.
- (c) Seventh Street from Fremont Street north to Paine Street
- (d) North and south sides of Paine Street between Sixth and Seventh Streets.
- (e) Parking restrictions at the Kiel Middle School, north side of Paine Street between the signs.
- (f) 2 Hour Parking on the west side of 8<sup>th</sup> Street from 8:00 A.M. to 5:00 P.M. Monday thru Friday, located at 927 8<sup>th</sup> Street for 8 parking stalls consistent with this address.
- (g) Parking restriction - During such times as school is in session at the Kiel Middle School there shall be no parking on the north side of Paine Street between the signs and there shall also be no parking for a length of 20 feet on the north and the south sides of St Paul Street, west of Fourth Street.

(2) **ALL-NIGHT PARKING PROHIBITED.** No person shall park any vehicle for longer than 30 minutes between 2 a.m. and 6 a.m. of any day on Fremont Street except physicians on emergency calls. Parking is prohibited during the above hours during the months from November 15 through March 15 on all streets and alleys. Parking is prohibited for trucks with a registration weight rating over 10,000 lbs. on all streets and alleys between 1 a.m. and 6 a.m., except in special instances a police officer on duty may grant 12 hours' permission.

(3) **PARKING PROHIBITED.** Parking shall be prohibited in the following locations:

- (a) On the west side of Fifth Street south of Fremont Street from the first alley south of Fremont Street
- (b) On the west side of Seventh Street
- (c) On the east side of Eighth Street beginning at a point approximately 100' south of Fremont Street and running southerly 85' along the east side of

## Eighth Street

(d) No vehicle shall be parked in the same place continuously for more than 72 hours on any street, alley or City property, except in City parking lots under permit obtained pursuant to sub. (6).

(e) [#346 11/18/87] On the north side of Fremont Street beginning at a point approximately 220' east of First Street and running easterly along the north side of Fremont Street to STH 67.

(f) On the north side of Raider Heights for a distance of 40' directly to the east of the exit from the rear parking lot of Kiel High School.

(g) Parking of Semi-Trailers and Trucks. No person shall park a semi-trailer or tractor truck as defined in 340.01(57) and 340.01(73), Wis. Stats., on any street or alley not designated as a heavy truck route or upon any residential property within the City except during the process of loading or unloading such vehicle or except in such cases when the police department has given permission due to extenuating circumstances.

(h) In the front yards of residences in residential districts

(i) Within 8 feet of the public street right of way

(j) On the south side of North Street from a point 100 feet east of Adams Street to Buchanan Street on school days between 7:00 AM to 8 AM to 2:30 PM to 3:30 PM

(k) On the north side of Riverview Road between State Highway 67 and Dewey Street

(l) On the south side of Fremont Street beginning from the southeast corner of Fifth Street and running easterly for a distance of 130 feet on school days between 2:30 PM to 3:00 PM.

(m) On the north side of Persnickety Place beginning approximately 2,025 feet of road east of the intersection of Ruh Court and proceeding northeasterly and southernly for a distance of 180 feet.

(n) Beginning on the southwest corner of the intersection of Fremont Street and Eighth Street and running west along Fremont Street approximately 130 feet.

(o) In city parks between the hours of 10:00 p.m. and 5:00 a.m.

(p) Between November 15 and March 15, parking is prohibited on the 700 block of Chicago Street between the hours of 6:00 a.m. and 2:00 a.m. without a valid City-issued parking permit

(4) ANGLE PARKING. Angle parking is permitted on Broadway.

(5) BOAT, TRAILER, RV PARKING RESTRICTED. No boat, camping, snowmobile, ATV, UTV, construction or any other type of trailer whether attached or unattached to a motor vehicle, truck camper, fifth-wheel, mobile home, recreational vehicle, or motor home shall be parked or left standing on public streets within the corporate limits of the City between the hours of 2 a.m. and 6 a.m., except with the express permission of the Police Department. Unattached semi-trailers, in no case, will be allowed to be parked on a public street.

(a) Police permission shall be freely given to accommodate out-of-town

visitors for the duration of their stay. Permission shall also be given in those circumstances where an emergency or other situations exist, making it impossible for the vehicle or trailer to be parked on the owner's property due to construction or other good cause, as may be determined by the Chief of Police. Any permission to so park on public streets, however, shall in no case extend beyond the duration of the circumstances necessitating the on-street parking.

(b) Definitions contained in Section 340.01, Wis. Stats., shall apply to this section.

(6) PARKING LOT RENTAL.

(a) Parking in excess of 72 hours continuously and between the hours of 2 a.m. and 6 a.m. nightly from November 15 through March 15 shall be permitted in the City parking lot known as the South Lot, which abuts the alley 1/2 block south of Fremont Street in the 600 block of Fremont Street, for those persons who have obtained a permit therefore from the City. The parking area shall be located in the east 1/2 of the north 1/2 of the South Lot. The following steps shall be followed in obtaining a permit, which shall be granted or not in the City's discretion:

1. An application form shall be filled in and submitted to the City Police Department by the owner of the vehicle wishing to obtain a permit for parking that vehicle in a reserved area in the South Lot.

2. The owner of the vehicle shall supply the Police Department with the license number of the vehicle for parking which the permit is being sought.

3. The applicant shall pay the sum of \$5 per month for parking a car, van or small truck in reserved parking area in the South Lot.

(b) Failure of a vehicle owner to follow the above steps in obtaining a permit and parking in the South Lot between the hours of 2 a.m. and 6 a.m. from November 15 through March 15 or in excess of 72 hours continuously shall be a parking violation, the forfeiture for which shall be determined in accordance with Section 25.04.

(c) SEMI-TRACTOR TRAILERS AND LARGE VEHICLES - The owner/operator of a semi-tractor trailer or other vehicle more than 6 feet wide and more than 18 feet long wishing to park in the municipal lot identified under this section is required to obtain a parking permit year-round. Applicants shall report in person to the Kiel Police Department and shall pay a sum of \$10 per month for parking these types of vehicles in the municipal lot.

(1) These permits will be issued under the following conditions and are subject to review and approval by the Chief of Police or his/her designee:

(a) At time of application, the owner/operator shall provide the following information:

- Description of the vehicle and/or trailer
- Complete license and registration information for the

vehicle and/or trailer

- Contact information including telephone number where the owner/operator can be reached in cases of an emergency or for any other law enforcement reasons when contact is necessary.

(b) Restrictions - Permits will not be granted for vehicles and/or trailers that contain any materials deemed hazardous and/or any vehicle or trailer that require the use of a power generator to be operating during the time the vehicle or trailer parked within the municipal lot. The City Administrator may restrict the time or duration that a vehicle or accessory unit may be permitted to idle or be parked with the engine engaged.

(7) NO PARKING DURING SCHOOL HOURS. [#392 10/25/94] There shall be no parking during school hours on the west side of Third Street from Fremont Street north to the alley between Fremont Street and Paine Street.

No parking during school hours from 7:30 A.M. to 3:00 P.M. on Raider Heights between First Street and Fourth Street.

(8) PARKING RESTRICTIONS AT KIEL HIGH SCHOOL. There shall be no parking along the north side of Raider Heights within (12) feet on either side and between the main entrance and exit of the Kiel High School. In addition, there shall be no parking from 7:30 AM to 4:30 PM during school hours on the south side of Raider Heights Street in the area between a point directly across from the eastern and western edge of said no parking area.

(9) PARKING RESTRICTIONS AT ZIELANIS ELEMENTARY SCHOOL. There shall be no parking during school hours on the east side of Adams Street between North Street and exit driveways to Zielanis Elementary School.

#### **7.05 VEHICULAR WEIGHT LIMITATIONS.**

(1) CLASS "B" HIGHWAYS DESIGNATED. All streets and alleys within the City, except the following enumerated streets and alleys, are hereby designated Class "B" highways and shall be subject to the weight limitations imposed by Section 348.16, Wis. Stats.:

- (a) Fremont Street from the east to west City limits.
- (b) First Street from Fremont Street south to E. Water Street
- (c) E. Water Street from First Street to east City limits
- (d) Seventh Street north of Fremont Street
- (e) Calumet Avenue from Seventh Street to the north City limits.

(2) HEAVY TRAFFIC ROUTES.

(a) Heavy Traffic Routes Designated. The following streets and parts of streets within the City are hereby designated heavy traffic routes:

1. Sixth Street south of St. Paul Street.
2. Milwaukee Street between Seventh and Eighth Streets.
3. Eighth Street north from Milwaukee Street to Park Avenue.
4. Eighth Street south of Fremont Street.
5. Paine Street west of Seventh Street.
6. First Street north of Fremont Street to Paine Street.
7. Park Avenue between west City limits and STH 67.
8. Alleys parallel to Fremont Street and just adjacent thereto on the north and south.
9. Alley west of Seventh Street between Paine and St. Paul Streets.
10. Alley south of Fremont Street parallel to the railroad tracks and west thereof (Alley to the City Garage).
11. St. Paul Street west of Seventh Street [#352 12/22/88].
12. Tenth Street north of Paine Street [#352 12/22/88, #405 10/1/96].
13. Paine Street between Tenth Street and Twelfth Street [#405 10/1/96].
14. Twelfth Street from Fremont Street to Paine Street [#405 10/1/96].
15. Persnickety Place from STH 67 east to its end point.
16. Ruh Court from Persnickety Place south to its end point.
17. Rockville Road from STH 67 east to Cemetery Road.
18. STH 32 and STH 57 from Park Avenue north to the City limits.

(b) Restriction on Use of Other Streets by Heavy Traffic. No vehicle, except a motor bus, which is not equipped with pneumatic tires or has a combined vehicle load weight exceeding 10,000 LBS., shall be operated or moved on any street or alley not part of the heavy traffic route designated in par. (a), except for the purpose of obtaining orders for, moving or delivering supplies or commodities to or from a place of business or residence facing thereon, provided that in no event shall the weight of vehicle and load on such other streets exceed the limitations of Section 348.15 or 348.16(3), Wis. Stats., pertaining to Class "A" highways or deliveries on Class "B" highways. No vehicle which has a combined vehicle load weight exceeding 10,000 LBS. shall make deliveries to businesses or residences fronting on Eighth Street by traveling upon any of the following streets between Seventh Street and Eighth Street: Chicago Street, North Street, Center Street, Wisconsin Street, and Sheboygan Street.

**7.06 ERECTION OF OFFICIAL TRAFFIC SIGNS AND SIGNALS.** The Street Department shall procure, erect and maintain appropriate standard traffic signs, signals and markings conforming to the rules of the State Department of Transportation giving notice of the provisions of this chapter. Signs shall be erected in such locations and manner as authorized by the City Council as to give adequate warning to users of the street, alley or highway in question.

**7.07 U-TURNS PROHIBITED.** U-turns shall be prohibited at all intersections on Fremont Street.

**7.075 RIGHT TURN.** During such times as school is in session at the Kiel Middle School and specifically between 7:00 A.M. and 8:00 A.M., vehicular traffic traveling east on St Paul Street may turn right only.

**7.08 ACCIDENT REPORTS.** All operators of vehicles involved in accidents within the City where there is property damage or personal injury, regardless of the amount, shall file a report of such accident with the Police Department.

**7.085 ALL-TERRAIN VEHICLES (ATVs) AND UTILITY TERRAIN VEHICLES (UTVs)**

**(1) DEFINITIONS:**

- (a) All definitions set forth in Wisconsin Statute sec. 23.33(1) and any amendments or modifications thereto are hereby incorporated herein and adopted by reference and made part of the Kiel Code of Ordinances in their entirety.
- (b) "ATV" shall mean all-terrain vehicle.
- (c) "UTV" shall mean utility terrain vehicle.
- (d) "Highway" shall have the meaning as set forth in Wisconsin Statute sec. 340.01(22) and any amendments or modifications thereto and said Wisconsin Statute sec. 340.01(22) is hereby incorporated herein and adopted by reference and made part of the Kiel Ordinance in its entirety.

**(2) OPERATION OF ATVs/UTVs ALLOWED AND EXCEPTIONS:**

- (a) Allowed. The operation of ATVs/UTVs on Highways that have a posted speed limit of 35 miles or less within the City in compliance with the provisions of this chapter are permitted, however, it is unlawful to operate any ATV/UTV on any Highways within the city or in any manner not authorized herein. All ATVs/UTVs operating on a Highway under this Chapter shall meet the registration requirements under Wisconsin Statute sec. 23.33(2).
- (b) Exceptions. The operation of ATVs/UTVs is not subject to the provisions of this chapter under the following circumstances:
  - 1. The use of an ATV/UTV in connection with a parade, a festival, or other special events, provided the consent of the sponsor and the City of Kiel is obtained and provided such a vehicle is only used during such an event.
  - 2. Snow removal. ATVs/UTVs may be operated on sidewalks, walkways or on any property owned by the City of Kiel for snow removal only. ATVs/UTVs with a snow removal device attached may be operated for snow removal purposes under the following situation:
    - a) on a public sidewalk, speed may not exceed 5 MPH



(3) RESTRICTIONS ON OPERATORS OF ATVs/UTVs

- (a) Operators of ATVs/UTVs on Highways are required to have a valid probationary or regular driver's license and to be at least 16 years of age.
- (b) Any operator or passenger of an ATV/UTV on a Highway under 18 years of age is required to wear a helmet unless the machine is registered as an implement of husbandry and is being used for a legitimate agricultural purpose.
- (c) All ATVs/UTVs being operated on a Highway must be insured with liability insurance with the same minimum requirements as motor vehicle insurance mandated by Chapter 344 of the Wisconsin Statutes including, but not limited, to secs. 344.33(2) and 344.62 of said Chapter 344 of the Wisconsin Statutes and any amendments or modifications thereto to said Chapter 344 of the Wisconsin Statutes and secs. 344.33(2) and 344.62.
- (d) If so equipped, all UTV passengers must have their seatbelts fastened at all times.

(4) MANNER OF OPERATION: ATVs/UTVs will not be operated on the Highways of the City, except in full compliance with the provisions of this Chapter:

(a) Highways:

- 1. ATVs/UTVs will not be operated on any Highway where such operation is prohibited by a posted sign.
- 2. ATVs/UTVs will reduce their speed to 10 miles per hour or less when riding within 150 feet of a home or dwelling, unless the ATV/UTV is operating on a Highway that allows for travel of ATVs/UTVs under Section 7.085.

(b) Motor vehicle laws: All laws regarding the use of motor vehicles in the State of Wisconsin and all ordinances regarding the use of motor vehicles in the City, not inconsistent therewith, shall be observed.

- 1. ATVs/UTVs must be operated on the extreme right side of the Highway and travel with the flow of traffic.
- 2. ATVs/UTVs must be operated in single file with headlights and taillights in operation at all times, day or night. If a trailer is towed behind an ATV, the trailer must conform to all lighting requirements for ATVs.
- 3. ATV/UTV operators will yield the right-of-way to all other vehicular traffic and pedestrians.
- 4. ATVs/UTVs violating any of the above conditions will be subject to the penalties outlined in Wis. Stats. and city ordinances.
- 5. Speed. ATVs/UTVs operated on any portion of any Highway pursuant to this section will observe the posted speed limit for that Highway.
- 6. Any ATV/UTV unable to reach a maximum speed of 25 MPH, must display a slow-moving vehicle (SMV) triangle, visible on the rear of such a vehicle according to Wis. Stats. governing the SMV emblems at all times while in operation on any Highway.

- (c) City property and sidewalks. Except as otherwise provided in Section 7.085(2)(b)(ii). ATVs/UTVs will not be operated on any sidewalk, pedestrian walkway, jogging path, greenway, park, trail except for official police business or by City personnel while on City business. Notwithstanding anything herein to the contrary, ATVs/UTVs will not be operated on property owned or leased by the City except with the express written consent of the Public Works Foreman or the Chief of Police and upon the terms and conditions as may be set forth in such written permission.
  - (d) Commercial purposes. ATVs/UTVs may not be used as a taxicab or bus or the commercial carrying of passengers or the hauling of freight.
  - (e) Parking. ATVs/UTVs may only be parked in the same manner and at the same places designated for the parking of motor vehicles. The stopping, standing, or parking of ATVs/UTVs in areas where parking is not allowed or in any place that impedes the flow of traffic, pedestrian walkways or a passageway is prohibited.
  - (f) Towing. ATVs/UTVs may not be used for the purpose of towing another cart, or vehicle of any kind including a person on roller skates, in-line skates, skateboard, bicycle, or any other non-motorized equipment with wheels, except as otherwise set forth in Section 7.085(4)(b)(ii) above.
- (5) STATE ALL-TERRAIN VEHICLE (ATV) AND UTILITY TERRAIN VEHICLE (UTV) LAWS ADOPTED: Except as otherwise specifically provided in this section, the statutory provisions found in Wisconsin Statute sec. 23.33 as previously adopted by City of Kiel Ordinance 7.01 and the Administrative Code provisions set forth in Wisconsin Administrative Code NR 64 describing and defining regulations with respect to ATVs and UTVs and any amendments or modifications thereto are hereby incorporated herein and adopted by reference and made part of the Kiel Code of Ordinances in their entirety.
- (6) VIOLATIONS AND PENALTIES:  
Any person who violates this section are subject to penalty as set forth in Section 7.16.

## **7.086 GOLF CARTS**

- (1) DEFINITIONS:
- (a) "Golf cart" shall have the meaning set forth in Wisconsin Statute sec. 23.33(1)(fm) and any amendments or modifications thereto and said Wisconsin Statute sec. 23.33(1)(fm) is hereby incorporated herein and adopted by reference and made part of the Kiel Ordinance in its entirety.
  - (b) "Highway" shall have the meaning as set forth in Wisconsin Statute sec. 340.01(22) and any amendments or modifications thereto and said Wisconsin Statute sec. 340.01(22) is hereby incorporated herein

and adopted by reference and made part of the Kiel Ordinance in its entirety.

(2) OPERATION OF GOLF CARTS ALLOWED and EXCEPTIONS:

- (a) Allowed. The operation of Golf carts on the Highways within the City of Kiel in compliance with the provisions of this chapter are permitted, however, it is unlawful to operate any Golf cart at any place or in any manner not authorized herein.
- (b) Exceptions. The operation of Golf carts is not subject to the provisions of this chapter under the following circumstances:
  - 1. The use of Golf cart in connection with a parade, a festival, or other special events, provided the consent of the sponsor and the City of Kiel is obtained and provided such a vehicle is only used during such an event.
- (c) Golf carts are allowed on a Highway that has a speed limit of 25 miles per hour or less except as otherwise provided in this Chapter. Golf carts, however, are not allowed on State Highway 67/32/57, except as provided in 7.086(4)(b). Golf carts are not allowed on any Highway that has a speed limit of greater than 25 miles per hour.

(3) LICENSE/INSURANCE REQUIRED.

- (a) Operators of Golf carts on Highways are required to have a valid probationary or regular driver's license and to be at least 16 years of age.
- (b) All Golf carts being operated on a Highway must be insured with liability insurance with the same minimum requirements as motor vehicle insurance mandated by Chapter 344 of the Wisconsin Statutes including, but not limited, to secs. 344.33(2) and 344.62 of said Chapter 344 of the Wisconsin Statutes and any amendments or modifications thereto to said Chapter 344 of the Wisconsin Statutes and secs. 344.33(2) and 344.62.

(4) MANNER OF OPERATION

- (a) Hours of operation. Golf carts may be driven on Highways and approved areas of crossing from sunrise until sunset, except that Golf carts equipped with at least one operating headlight, having at least a fifty-five-watt halogen, or equal, bulb on the front of the Golf cart, and two operating taillights on either side of the rear of the Golf cart, all of which are visible for a distance of not less than 250 feet, may be operated from one-half hour before sunrise until one-half hour after sunset. Golf carts may not be operated when fog, smog, smoke, snow, or other conditions reduce visibility so that the Golf cart is not visible for a distance of 250 feet.
- (b) Public Streets, Highways, and crossings. Golf carts are only allowed to cross the State Highway 67/32/57 system at these designated locations:
  - 1. 1<sup>st</sup> Street

2. 2<sup>nd</sup> Street
  3. 3<sup>rd</sup> Street
  4. 4<sup>th</sup> Street
  5. 5<sup>th</sup> Street
  6. 6<sup>th</sup> Street
  7. St. Paul Street
- (c) Motor vehicle laws. All laws regarding the use of motor vehicles in the State of Wisconsin and all ordinances regarding the use of motor vehicles in the City, not inconsistent therewith, shall be observed by the Golf cart operator.
- (d) Right-of-way. The operator of a Golf cart will yield the right-of-way to overtaking motor vehicles.
- (e) City property and sidewalks. Golf carts will not be operated on any sidewalk, pedestrian walkway, jogging path, greenway, park, trail except for official police business or by City personnel while on City business. Notwithstanding anything herein to the contrary, Golf carts will not be operated on property owned or leased by the City except with the express written consent of the Public Works Foreman or Chief of Police and upon the terms and conditions as may be set forth in such written permission.
- (f) Golf cart capacity. The seating capacity (normally no more than four passengers) will not be exceeded nor the operator or any passenger be permitted to stand while the Golf cart is in operation.
- (g) Commercial purposes. Golf carts may not be used as a taxicab or bus or the commercial carrying of passengers or the hauling of freight.
- (h) Parking. Golf carts may only be parked in the same manner and at the same places designated for the parking of motor vehicles. The stopping, standing, or parking of Golf carts in areas where parking is not allowed or in any place that impedes the flow of traffic, pedestrian walkways, or a passageway is prohibited.
- (i) Towing. Golf carts may not be used for the purpose of towing another cart, trailer or vehicle of any kind including a person on roller skates, in-line skates, skateboard, bicycle or any other non-motorized equipment with wheels.

#### (5) VIOLATIONS AND PENALTIES

Violations and penalties. Any person who violates this section are subject to penalties set forth in Section 7.16.

### **7.09 SNOWMOBILES.**

(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 Chapter 350, Wis. Stats., are hereby adopted by reference and made part of this section as if fully set forth herein. Acts required to be performed or prohibited by such statutes are required or

prohibited by this section.

(2) **APPLICABILITY OF RULES OF THE ROAD TO SNOWMOBILES.** The operator of a snowmobile upon a roadway shall, in addition to the provisions of Chapter 350, be subject to the applicable provisions of Chapter 346, Wis. Stats.

(3) **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 to do so under State law or who is under the influence of an intoxicant or a dangerous or narcotic drug.

(4) **OPERATION WHILE UNDER INFLUENCE PROHIBITED.** Section 350.101 Wis. Stats., shall apply to the operation of a snowmobile any place within the City.

(5) **WRITTEN CONSENT OF OWNER REQUIRED.** The consent required under Section 350.10(1)(f), (k), (l) and (m), Wis. Stats., shall be written consent dated and limited to the year in which the consent is given. If the property is owned or leased by more than one person, the consent of each must be obtained.

(6) **SPEED LIMIT ON SHEBOYGAN RIVER.** The speed limit for snowmobiles, all terrain vehicles (ATV's), or any other motor vehicle on the Sheboygan River between the railroad trestle and the dam shall be 10 mph.

## **7.10 BICYCLES.**

(1) **DEFINITION.** "Bicycle" is hereby defined as set forth in Section 340.01(5), Wis. Stats.

(2) **REGISTRATION REQUIRED.** No bicycle shall be operated upon any of the streets of the City without having a registration tag therefore, properly registered and displayed thereon.

(3) **APPLICATION FOR REGISTRATION.** Application for registration shall be made by the owner on forms provided by the Police Department. Such application shall contain the name, age, and address of the owner and a description of the bicycle, including the serial number thereof. If the bicycle has no serial number, the Police Department shall assign one to it. Applications shall contain such other information as may be deemed pertinent by the Police Department.

(4) **TERM OF REGISTRATION TAG.** Upon such application, and the payment of the registration fee in Section 12.01 to the Police Department, the Department shall issue to the applicant a registration tag for the bicycle which shall be effective for 2 years, ending on May 1 each second year, and shall permit such bicycle to be operated upon the streets of the City as herein provided. The Police Department shall keep a record of the date of issuance of such

registration tag, to whom issued and the number thereof. A copy of the application shall be kept on record and filed in the office of the Police Department.

(5) USE OF REGISTRATION TAG. No bicycle shall be considered registered until a registration tag shall be affixed to the frame of such bicycle which shall remain so affixed until reregistration or until removed by the Police Department for cause. No person shall willfully remove, deface or destroy any such identification tag.

(6) TRANSFER OF BICYCLE. Any person who transfers the title to any bicycle of which he is the owner, shall endorse upon the registration tag the name and address of the buyer, the date of the transfer and the name of the seller. The new owner of such bicycle shall apply for a transfer of the registration thereof within 10 days of such transfer. There shall be no fee charged for the transfer of the title of any bicycle.

(7) PENALTIES. Any person who shall violate any of the provisions of this Section shall be punished according to the provisions of Chapter 346, Wis. Stats.

(8) BICYCLE SAFETY EQUIPMENT.

(a) Lights and reflectors. No person shall operate a bicycle in the city during hours of darkness unless such bicycle is equipped with a lamp on the front emitting a white light visible from a distance of at least 500 feet to the front and with a red reflector at least two inches in surface area on the rear so mounted and maintained as to be visible from all distances from 50 to 300 feet to the rear when directly in front of lawful lower beams of headlamps on a motor vehicle.

(b) Brakes. No person shall operate a bicycle in the city unless it is equipped with a brake that operates effectively.

(c) Operating condition. No person shall operate a bicycle in the city unless the bicycle is in safe operating condition including, but not limited to:

(1) All tires inflated with a minimum of 1/16 of an inch tread depth.

(2) All fasteners on the bicycle are attached properly.

(3) The bicycle is equipped with a seat.

(4) The steering mechanism is in alignment and properly fastened.

(5) All chains are attached and in proper working order.

(9) RULES FOR BICYCLE OPERATION: Whenever a bicycle is operated in the city the following rules shall apply:

(a) In accordance with Wisconsin Statue Ch. 346, the City of Kiel hereby permits operation of bicycles on all city sidewalks unless otherwise specifically prohibited within this ordinance. All rules of the road according to Wisconsin Statue Ch 346 apply to bicycles being operated in the city.

(b) The rider of a bicycle shall ride as near as practicable to the right-

hand curb or edge of the roadway, exercising due care when passing a standing vehicle or one proceeding in the same direction, or when making a left-hand turn at an intersection.

(c) No bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped for, nor shall a bicycle be used to tow any person or object that is not specifically designed for towing by bicycles.

(d) No person operating a bicycle shall cling or attach themselves or their bicycle to any moving vehicle.

(e) Persons riding bicycles in the city shall ride single file on all roadways, sidewalks and in other areas where other motor vehicles or pedestrian traffic is present.

(f) A person propelling a bicycle shall not ride in any other manner than upon or astride a permanent and regular seat attached thereto, facing forward, with both feet on the pedals.

(g) No person operating a bicycle shall participate in any race, speed or endurance contest with any other moving vehicle in the city.

(h) No rider of a bicycle shall practice any fancy or acrobatic riding or stunts while operating such bicycle, nor operate such bicycle without keeping at least one hand on its steering apparatus.

(i) Every person operating a bicycle upon a sidewalk shall yield the right-of-way to any pedestrian and shall exercise due care and give an audible signal when passing a bicycle or electric personal mobility device rider or a pedestrian proceeding in the same direction.

(j) Bicycles which are not mechanically safe shall not be operated on the public ways of the city.

(k) Persons riding bicycles when permitted on sidewalks in the city shall yield the right of way to all persons walking on the sidewalk. When passing pedestrians on the sidewalk, bicycle riders shall do so in a safe manner and at whatever speed is necessary to maintain control of the bicycle.

(l) Bicycles are not permitted to be operated or parked upon any city sidewalks from 1 hour before the start until 1 hour after the finish of any officially recognized parade occurring within the city.

## **7.11 BOATING RESTRICTIONS.**

(1) **SPEED TO BE REASONABLE AND PRUDENT.** No person shall operate a motorboat at a speed greater than is reasonable and prudent under the conditions and having regard for the actual and potential hazards then existing. The speed of a motorboat shall be so controlled as to avoid colliding with any object lawfully in or on the water or with any person, boat or other conveyance in or on the water in compliance with legal requirements and exercising due care.

(2) **FIXED LIMITS.** In addition to complying with sub. (1), no person may operate a motorboat at a speed in excess of the posted notice as established by regulatory markers.

(3) **PROHIBITED OPERATION.** No person may operate a personal water craft at a speed in excess of slow-no-wake within 100 feet of any other boat.

(4) **OPERATION OF BOAT WHILE INTOXICATED PROHIBITED.** No person may engage in the operation of a motorboat while under the influence of an intoxicant to a degree which renders him or her incapable of safe motorboat operation. In addition, no person may engage in the operation of a motorboat while the person has an alcohol concentration of .1% or more. This subdivision does not apply to commercial motorboats.

**7.12 TRAINS NOT TO OBSTRUCT CROSSINGS.** No person in charge of operation of a railroad train or car shall permit the same to obstruct a street crossing within the City for more than 10 minutes.

### **7.13 ABANDONED VEHICLES.**

(1) **VEHICLE ABANDONMENT PROHIBITED.** No person shall leave unattended any motor vehicle, trailer, semi trailer or mobile home on any public street or highway or public or private property for such time and under such circumstances as to cause the vehicle to reasonably appear to have been abandoned. When any such vehicle has been left unattended on any City street or highway or on any public or private property within the City without the permission of the property owner for more than 48 hours., the vehicle is deemed abandoned and constitutes a public nuisance.

(2) **REMOVAL AND IMPOUNDMENT OF ABANDONED VEHICLES.** Any vehicle in violation of this subsection shall be impounded until lawfully claimed or disposed of under sub. (3); except if the Chief of Police or his authorized representative determines that the cost of towing and storage charges for the impoundment would exceed the value of the vehicle, the vehicle may be junked by the City prior to expiration of the impoundment period upon determination by the Chief of Police or his authorized representative that the vehicle is not wanted for evidence or any other reason.

(3) **DISPOSAL OF ABANDONED VEHICLES.** The City may dispose of abandoned vehicles by proceeding as authorized by Section 342.40, Wis. Stats.

(4) **OWNER RESPONSIBLE FOR IMPOUNDMENT AND SALE COSTS.** 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, provided no such costs shall be imposed without notice thereof to the owner and an opportunity for the owner to be heard thereon. Costs not recovered by the sale of the vehicle may be recovered in a civil action by the City against the owner.



(5) NOTICE OF SALE OR DISPOSITION. Within 5 days after the sale or disposal of a vehicle as provided in sub. (3), the Chief of Police or his authorized representative shall advise the State Department of Transportation, Division of Motor Vehicles, of such sale or disposition on a form supplied by the Division. A copy of such form shall be given to the purchaser of the vehicle and a copy shall be retained on file in the City.

**7.14 TRAFFIC AND PARKING REGULATIONS ON KIEL SCHOOL DISTRICT GROUNDS.** [#409 8/26/97] Pursuant to the provisions of Section 118.105, Wis. Stats., the following regulations shall apply to the grounds of the Kiel Area School District located within the City:

(1) PARKING. All parking on any grounds of the Kiel Area School District shall be restricted to areas designated for parking by the School Board. When signs are erected by the School Board giving notice of such restrictions, all persons shall park only in areas designated and signed for parking.

(2) SPEED LIMITS. No person shall at any time operate a motor vehicle upon any Kiel Area School District grounds at a speed in excess of ten (10) miles per hour.

(3) VEHICLES PROHIBITED AT SPECIFIED TIMES. No person shall at any time operate a motor vehicle, other than a school bus and emergency vehicle, in or upon any drive designated for buses only by sign on any weekday during the months school is in session.

(4) AUTHORITY. The City police shall supervise and enforce all of the traffic control laws and ordinances, both State and local, set forth in this Chapter relating to driving and parking on all public school grounds in the City, and the penalties for violation of said laws shall be as provided for in the State statutes and ordinances, as elsewhere adopted in this Municipal Code.

**7.15 BRAKING BY COMPRESSION OF ENGINE PROHIBITED.**

Section 1. No person shall brake a motor vehicle within the city limits of the City of Kiel by the compression of the engine of any such motor vehicle or any unit or part thereof, causing noise, unless said operation is reasonably necessary in order to avoid a traffic accident or other emergency.

Section 2. The penalty for violation of Section 7.15 shall be as provided in Section 25.04 of the Kiel Municipal Code.

Section 3. Currently Section 7.15(Penalty) and 7.16(Enforcement) shall be renumbered as sections 7.16 and 7.17 respectively.

**7.16 PENALTY.** The penalty for violation of any provision of this chapter shall be forfeiture as hereafter provided together with costs under authorization of Chapter 345, Wis. Stats., unless otherwise specified.

(1) STATE FORFEITURE STATUTES. Forfeitures for violation of Section 7.01 shall conform to the forfeitures permitted to be imposed for violation of the statutes adopted by reference, as set forth in the Uniform Deposit and Misdemeanor Bail Schedule of the Wisconsin Judicial Conference, including any variations or increases for subsequent offenses, and where consistent therewith, the Municipal Court Bond Schedule established pursuant to Section 1.12(3) of this Code.

(2) STATE FINE STATUTES. The forfeiture for violation of any statute adopted by reference hereunder for which the penalty is a fine shall not exceed the maximum fine permitted under such statute.

(3) LOCAL REGULATIONS. Except as otherwise provided, the penalty for violation of this chapter shall be as provided in Section 25.04 of this Municipal Code.

### **7.17 ENFORCEMENT.**

(1) ENFORCEMENT PROCEDURE. This chapter shall be enforced according to Sections 66.0113, 66.0114, 345.53 and Chapter 800, Wis. Stats. In addition, Section 25.04 of this Municipal Code shall be available for enforcement of traffic laws by forfeitures.

(2) DEPOSIT.

(a) Any person arrested for a violation of this chapter may sign a personal recognizance bond or may make a deposit of money, as directed by the arresting officer when the person is cited for such violation. The arresting officer or the person receiving the recognizance bond shall comply with Section 346.26, Wis. Stats., or if the deposit is mailed, the signed statement required under Section 345.26 shall be mailed with the deposit. The arresting officer or the person receiving the deposit or the signed recognizance bond shall notify the arrested person, orally or in writing, that:

1. If he fails to appear in court at the time fixed in the citation, he will be deemed to have tendered a plea of no contest and submitted to a forfeiture plus costs not to exceed the amount of the deposit or the amount indicated on the personal recognizance bond; or

2. If he fails to appear in court at the time fixed in the citation, and if he has submitted a deposit as forfeiture and the court does not accept the deposit as forfeiture, he will be summoned into court to answer the complaint.

(b) The amount of the deposit or the amount to be placed in the personal recognizance bond shall be determined in accordance with the deposit

schedule established by the Wisconsin Judicial Conference. The amount shall include court costs, penalty assessment, jail assessment and crime lab fee.

(c) If a deposit is submitted by the arrested person, the arresting officer or the person receiving the deposit shall issue the arrested person a receipt therefore, as required by Section 345.26(3)(b), Wis. Stats.

(d) If a deposit schedule has not been established, the arresting officer shall require the alleged offender either to deposit not less than the maximum forfeiture permitted under this chapter or to sign a personal recognizance bond in an amount not less than the maximum forfeiture permitted under this chapter.

(e) If the offender who is convicted of the offense charged fails to pay the amount of the forfeiture established for said offense within sixty (60) days after the date of judgment, his operator's permit shall be suspended for five (5) years or until the said forfeiture is paid.

(3) STIPULATION OF NO CONTEST. Except as otherwise provided, any person charged with a violation of this chapter may make a stipulation of no contest pursuant to applicable sections of Chapter 345 of the Wisconsin Statutes. Said stipulation must be received at the office of the Police Department or Administrator within 10 days of the time of the alleged violation. Such person shall, at the time of entering into the stipulation, make the deposit required under sub. (2), if he has not already done so. A person who has mailed or filed a stipulation under this subsection may, however, appear in court on the appearance date and may be relieved from the stipulation for cause shown as indicated in Section 345.37(2), Wis. Stats.

(4) PARKING VIOLATIONS. Notwithstanding any other provision of this section, the person to whom a ticket or citation has been issued for any parking violation may settle the City's claim by paying a fine of \$25 for each violation to the City of Kiel Police Department within 72 hours of the day of issuance. If the fine is not paid within 72 hours but within 10 days of the date of violation the fine amount is \$50; after 10 days but within 28 days of the date of violation, the fine amount is \$75.00. If the fine amount is not paid within 28 days of the date of violation, the City of Kiel Police Department will proceed with the suspension of the offending vehicle's registration.

SECTION 2: This ordinance takes effect upon passage and publication in accordance with the law.

Ordinance No. 608 introduced on October 10, 2023 by Alderperson \_\_\_\_\_,  
seconded by Alderperson \_\_\_\_\_.

Upon a call of votes thereof, the result was as follows:

\_\_\_\_\_ Votes Cast  
\_\_\_\_\_ Votes Aye  
\_\_\_\_\_ Votes Nay

The Mayor declared Ordinance No. 608 introduced and approved this 10th day of October, 2023

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MICHAEL STEINHARDT, Mayor

COUNTERSIGNED:

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CASEY WITTERHOLT, City Administrator