Sec. 10-1-40 Disturbance of the Peace with a Motor Vehicle.

- (a) Unnecessary Noise Prohibited. It shall be unlawful for any person to operate a motor vehicle with a loud muffler or in such a manner which shall make or cause to be made any loud, disturbing, or unnecessary sounds or noises such as may tend to annoy or disturb another in or about any public or private area in the Village of Elk Mound.
- (b) Unnecessary Smoke Prohibited. It shall be unlawful for any person to operate a motor vehicle in such a manner which shall make or cause to be made any smoke, gases, or odors which are disagreeable, foul, or otherwise offensive which may tend to annoy or disturb another in or about any public or private area in the Village of Elk Mound.
- (c) Unnecessary Acceleration and Display of Power Prohibited. It shall be unlawful for any person to operate any vehicle, including motorcycles, all-terrain vehicles and bicycles, in such a manner as to cause, by excessive and unnecessary acceleration, the tires of such vehicle or cycle to spin, squeal, or 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 peace.
- (d) Disorderly Conduct with a Motor Vehicle.
 - (1) **Conduct Prohibited.** No person shall, within the Village of Elk Mound, by or through the use of any motor vehicle, including but not limited to, an automobile, truck, motorcycle, minibike or snowmobile, cause or provoke disorderly conduct with a motor vehicle, cause a disturbance or annoy one or more persons, or disturb or endanger the property or the safety of another's person or property.
 - (2) **Definition.** "Disorderly conduct with a motor vehicle" shall mean the engaging in violent, abusive, unreasonably loud conduct, or disturbing or endangering the property or the safety of another's person or property, or otherwise disorderly conduct, including but not limited to, unnecessary, deliberate or intentional spinning of wheels, squealing of tires, revving of engine, blowing the horn, causing the engine to backfire or causing the vehicle, while commencing to move or in motion, to raise one or more wheels off the ground.
- (e) Avoidance of Traffic Control Device Prohibited. It shall be unlawful for any person to operate a motor vehicle in such a manner as to leave the roadway and travel across private property to avoid an official traffic control device, sign, or signal.
- (f) Operation in Restricted Area Prohibited. It shall be unlawful for any person to operate a motor vehicle in such a manner as to leave the roadway and park, stop, or travel upon or across any public or private property, parking lot, driveway, or business service area for any purpose except the official conduct of business located on said property without the consent of the owner or lessee of the property. This Section shall specifically include, but not be limited to:

- (1) Public park property;
- (2) Cemetery properties;
- (3) School District property;
- (4) Medical facilities;
- (5) Funeral homes;
- (6) Service stations;
- (7) Grocery stores;
- (8) Restaurants;
- (9) Financial institutions; and
- (10) Other similar-type businesses with service driveways or drive-up or drive-through facilities.
- (g) **Stopping and Parking Prohibited.** It shall be unlawful for any person to stop or park a motor vehicle in any manner on any public or private property or parking lot contrary to a regulatory sign posted thereon which may permit parking by certain persons and limits, restricts, or prohibits parking as to other persons without the consent of the owner or lessee of the property. Any vehicle parked in violation of this Section may be removed or towed by the property owner at the vehicle owner's expense.

Sec. 10-1-41 Motor Vehicles on Pedestrian Ways and Overpasses.

- (a) No person shall operate or park any motor vehicle on any pedestrian way or pedestrian overpass within the Village of Elk Mound except municipal or county maintenance vehicles.
- (b) At an intersection or crosswalk where traffic is not controlled by traffic control signals or by a traffic officer, the operator of a vehicle shall yield the right-of-way to a pedestrian, or to a person riding a bicycle or electric personal assistive mobility device in a manner which is consistent with the safe use of the crosswalk by pedestrians, who are crossing the highway within a marked or unmarked crosswalk. The minimum and maximum forfeiture for a violation of this Subsection shall be the same as those prescribed by statute for a violation of Sec. 346.24(1), Wis. Stats.

Sec. 10-1-42 School Crossing Guards.

- (a) **Authority.** Pursuant to Sec. 349.215, Wis. Stats., those adult persons hired by the School District or Village of Elk Mound to act as "School Crossing Guards" shall have the authority to stop vehicular traffic and to keep it stopped as long as necessary at their respective school crossings for the purpose of permitting school children to cross the street.
- (b) **Unlawful to Disobey.** It shall be unlawful for any person to refuse or fail to comply with any lawful order, signal or direction of any adult "School Crossing Guard" given for the purpose of permitting school children to cross the street.

State Law Reference: Sec. 349.215, Wis. Stats.

Sec. 10-1-43 Driving Over Curbing or Safety Islands Prohibited.

- (a) **Driving Over Curbing Prohibited.** It shall be unlawful for any motor vehicle to be driven or backed over any curbing in the Village of Elk Mound.
- (b) **Driving Over Safety Zones or Islands Prohibited.** Whenever safety zones or safety islands are marked in accordance with the Wisconsin Uniform Traffic Control Device Manual, no operator of a vehicle shall at any time drive through or over a safety zone or safety island. Persons causing damage to curbing by driving over such curbing shall be responsible for the cost of such repairs.

Sec. 10-1-44 Sound-Producing Devices in Vehicles; Impoundment; Seizure and Forfeiture.

(a) Sound-Producing Devices; Impoundment; Seizure and Forfeiture.

- (1) In this Section, "sound-producing device" does not include a piece of equipment or machinery that is designed for agricultural purposes and that is being used in the conduct of agricultural operations.
- A law enforcement officer, at the time of issuing a citation for a violation of Sec. (2) 346.94(16), Wis. Stats., or a Village ordinance in strict conformity with Sec. 346.94(16), Wis. Stats., or any other Village ordinance prohibiting excessive noise, is authorized to impound any radio, electric sound amplification device or other sound-producing device used in the commission of the violation if the person charged with such violation is the owner of the radio, electric sound amplification device or other sound-producing device and has two (2) or more prior convictions within a three (3) year period of Sec. 346.94(16), Wis. Stats., or a local ordinance in strict conformity with Sec. 346.94(16), Wis. Stats., or any other Village ordinance prohibiting excessive noise. The Village of Elk Mound authorizes the impoundment of a vehicle for not more than five (5) working days to permit the Village authorities or their authorized agent to remove the radio, electric sound amplification device or other sound-producing device if the vehicle is owned by the person charged with the violation and the sound-producing device may not be easily removed from the vehicle. Upon removal of the sound-producing device, an impounded vehicle shall be returned to its rightful owner.
- (3) The Village of Elk Mound may recover the cost of impounding the sound-producing device and, if a vehicle is impounded, the cost of impounding the vehicle and removing the sound-producing device. Upon disposition of the forfeiture action for the violation of Sec. 346.94(16), Wis. Stats., or a local ordinance in strict conformity with Sec. 346.94(16), Wis. Stats., or any other local ordinance prohibiting excessive noise and payment of any forfeiture imposed, the sound-producing device shall be returned to its rightful owner.

- (4) The Village may dispose of any impounded sound-producing device or, following the procedure for an abandoned vehicle under Sec. 342.40, Wis. Stats., any impounded vehicle which has remained unclaimed for a period of ninety (90) days after disposition of the forfeiture action.
- (5) This Subsection does not apply to a radio, electric sound amplification device or other sound-producing device on a motorcycle.
- (6) Notwithstanding Subsections (a)(1)-(5) above, the Village authorizes a law enforcement officer, at the time of issuing a citation for a violation of Sec. 346.94(16), Wis. Stats., or a local ordinance in strict conformity with Sec. 346.94(16), Wis. Stats., or any other local ordinance prohibiting excessive noise, to seize any radio, electric sound amplification device or other sound-producing device used in the commission of the violation if the person charged with such violation is the owner of the radio, electric sound amplification device or other sound-producing device and has three (3) or more prior convictions within a three (3) year period of Sec. 346.94(16), Wis. Stats., or a local ordinance in strict conformity with Sec. 346.94(16), Wis. Stats., or any other local ordinance prohibiting excessive noise.
- (7) The Village may impound a vehicle violating Subsection (a)(6) vehicle for not more than five (5) working days to permit the Village or its authorized agent to remove the radio, electric sound amplification device or other sound-producing device if the vehicle is owned by the person charged with the violation and the sound-producing device may not be easily removed from the vehicle. Upon removal of the sound-producing device, an impounded vehicle shall be returned to its rightful owner upon payment of the reasonable costs of impounding the vehicle and removing the sound-producing device.
- (8) Any seized sound-producing device under Subsection (a)(6) shall be treated in substantially the manner provided in Sec. 973.075(3), 973.076 and 973.077, Wis. Stats., for property realized through the commission of any crime, except that the sound-producing device shall remain in the custody of the applicable law enforcement agency; a district attorney or Village Attorney, whichever is applicable, shall institute the forfeiture proceedings; and, if the sound-producing device is sold by the law enforcement agency, all proceeds of the sale shall be retained by the Village of Elk Mound.
- (9) The Village may, following the procedure for an abandoned vehicle under Sec. 342.40, Wis. Stats., dispose of any impounded vehicle which has remained unclaimed for a period of ninety (90) days after disposition of the forfeiture action.
- (10) This Subsection does not apply to a radio, electric sound amplification device or other sound-producing device on a motorcycle.

(b) Vehicle Owner's Liability for Radios or Other Electric Sound Amplification Devices.

- (1) a. The owner of a vehicle involved in a violation of Sec. 346.94(16), Wis. Stats., shall be presumed liable for the violation as provided in this Section.
 - b. Notwithstanding Subsection (b)(1), no owner of a vehicle involved in a violation of Sec. 346.94(16), Wis. Stats., may be convicted under this Section if the person

- operating the vehicle or having the vehicle under his or her control at the time of the violation has been convicted for the violation under this Section or under Sec. 346.94(16), Wis. Stats.
- (2) Any member of the public who observes a violation of Sec. 346.94(16), Wis. Stats., may prepare a written report indicating that a violation has occurred. If possible, the report shall contain the following information:
 - a. The time and the approximate location at which the violation occurred.
 - b. The license number and color of the motor vehicle involved in the violation.
 - c. Identification of the motor vehicle as an automobile, station wagon, motor truck, motor bus, motorcycle or other type of vehicle.
- (3) a. 1. Within twenty-four (24) hours after observing the violation, a member of the public may deliver a report containing all of the information in Subsection (b)(2) to a law enforcement officer of the county or municipality in which the violation occurred. A report which does not contain all of the information in Subsection (b)(2) shall nevertheless be delivered and shall be maintained by the county or municipality for statistical purposes.
 - 2. Within forty-eight (48) hours after receiving a report containing all of the information in Subsection (b)(2), the law enforcement officer shall investigate the violation and may prepare a uniform traffic citation under Sec. 345.11 and, within seventy-two (72) hour after receiving such report, any traffic officer employed by the authority issuing the citation may personally serve it upon the owner of the vehicle.
 - b. If with reasonable diligence the owner cannot be served under paragraph (a), service may be made by leaving a copy of the citation at the owner's usual place of abode within this state in the presence of a competent member of the family who is at least fourteen (14) years of age and who shall be informed of the contents thereof. Service under this paragraph may be made by any law enforcement officer employed by the authority issuing the citation and shall be performed within seventy-two (72) hours after a report containing all of the information in Subsection (b)(2) was delivered to a law enforcement officer under paragraph (a)1.
 - c. If with reasonable diligence the owner cannot be served under paragraph (a) or (b) or if the owner lives outside of the jurisdiction of the issuing authority, service may be made by certified mail addressed to the owner's last-known address. Service under this paragraph shall be performed by posting the certified mail within seventy-two (72) hours after a report containing all of the information in Subsection (b)(2) was delivered to a law enforcement officer under paragraph (a)1. Except for owners who live outside of the jurisdiction of the issuing authority, service under this paragraph may not be performed unless service under paragraphs (a) and (b) has been attempted.

- (4) Defenses to the imposition of liability under this Section include:
 - a. That a report that the vehicle was stolen was given to a traffic officer before the violation occurred or within a reasonable time after the violation occurred.
 - b. If the owner of the vehicle provides a traffic officer employed by the authority issuing the citation with the name and address of the person operating the vehicle or having the vehicle under his or her control at the time of the violation and sufficient information for the officer to determine that probable cause does not exist to believe that the owner of the vehicle was operating the vehicle or having the vehicle under his or her control at the time of the violation, then the owner of the vehicle shall not be liable under this Section or under Sec. 346.94 (16), Wis. Stats.
 - c. If the vehicle is owned by a lessor of vehicles and at the time of the violation the vehicle was in the possession of a lessee, and the lessor provides a law enforcement officer employed by the authority issuing the citation with the information required under Sec. 343.46(3), Wis. Stats., then the lessee and not the lessor shall be liable under this Section or under Sec. 346.94(16), Wis. Stats.
 - d. If the vehicle is owned by a dealer, as defined in Sec. 340.01(11) (intro.), Wis. Stats., but including the persons specified in Sec. 340.01 (11)(a) to (d), Wis. Stats., and at the time of the violation the vehicle was being operated by or was under the control of any person on a trial run, and if the dealer provides a law enforcement officer employed by the authority issuing the citation with the name, address and operator's license number of the person operating the vehicle or having the vehicle under his or her control on a trial run, then that person, and not the dealer, shall be liable under this Section or under the applicable provision of Sec. 346.94(16), Wis. Stats.
 - e. Notwithstanding Sec. 346.94(16)(b)6., Wis. Stats., this Section does not apply to the operation of a motorcycle.

(c) Authority to Regulate Radios or Other Electric Sound Amplification Devices.

- (1) Notwithstanding Sec. 346.94(16), Wis. Stats., the provides that, except as provided in Sec. 347.38(1), Wis. Stats., no person may operate or park, stop or leave standing a motor vehicle while using a radio or other electric sound amplification device emitting sound from the vehicle that is clearly audible under normal conditions from a distance of fifty (50) or more feet, unless the electric sound amplification device is being used to request assistance or warn against an unsafe condition. Any person violating this Subsection may be required to forfeit not less than Forty Dollars (\$40.00) nor more than Eighty Dollars (\$80.00) for the first violation and not less than One Hundred Dollars (\$100.00) nor more than Two Hundred Dollars (\$200.00) for the second or subsequent violation within a year.
- (2) Subsection (c)(1) may not apply to any of the following:
 - a. The operator of an authorized emergency vehicle, when responding to an emergency call or when in the pursuit of an actual or suspected violator of the law or when responding to but not upon returning from a fire alarm.

- b. The operator of a vehicle of a public utility, as defined in Sec. 11.40(1)(a), Wis. Stats.
- c. The operator of a vehicle that is being used for advertising purposes.
- d. The operator of a vehicle that is being used in a community event or celebration, procession or assemblage.
- e. The activation of a theft alarm signal device.
- f. The operator of a motorcycle being operated outside of a business or residence district.

Sec. 10-1-45 Motorized Vehicles or Horses on Village Trails.

- (a) No horses or motorized vehicles shall be permitted to use or cross any portion of a walking ir bicycle trail that is situated in the Village of Elk Mound.
- (b) No horses or motorized vehicles other than licensed snowmobiles shall be permitted to use or cross any portion of the snowmobile trails that are situated in the Village of Elk Mound.

Sec. 10-1-46 Low Speed Vehicles.

- (a) **Definitions.** The following definitions shall be applicable herein:
 - (1) **Low Speed Vehicle (LSV).** A motor vehicle that is propelled by electric power and which conforms to the definition and requirements for low-speed vehicles as adopted in the federal motor vehicle safety standards for low-speed vehicles under 49 C.F.R. Sec. 571.3(b) and 49 C.F.R. 500, and is a motor vehicle:
 - a. That is four-wheeled;
 - b. Whose speed attainable in one (1) mile is more than twenty miles per hour (20 m.p.h.) and not more than twenty-five miles per hour (25 m.p.h.) on a paved level surface;
 - c. Whose gross vehicle weight is less than three thousand (3,000) pounds; and
 - d. Is not a golf cart-type vehicle;
 - e. Has the following equipment in working order:
 - 1. Headlamps;
 - 2. Front and rear turn signals;
 - 3. Stop lamps;
 - 4. Reflex reflectors one (1) red on each side as far to the rear as practicable, and one (1) red on the rear;
 - 5. An exterior mirror mounted on the driver's side and either an exterior mirror on the passenger side or an interior rearview mirror;
 - A parking brake;

- 7. A windshield that conforms to the requirements of the federal motor vehicle standard on glazing materials (49 CFR 571.205);
- 8. A Type I or Type 2 seatbelt assembly conforming to 49 CFR 571.209, and Federal Motor Safety Standard No. 209, for each designated seating position;
- f. Has a valid Vehicle Identification Number (VIN) that complies with federal law (49 CFR 565); and
- g. Meets the general test conditions under 49 CFR 571.50056. [Note: LSVs are also referred to as "neighborhood electric vehicles" by some manufacturers].
- (b) Licensed Driver and Vehicle Registration Requirements.
 - (1) **Valid Driver's License Requirement.** Any person who operates a Low Speed Vehicle on Village of Elk Mound streets shall hold a valid driver's license.
 - (2) **Registration Requirements.** Any person who operates a Low Speed Vehicle on any Village of Elk Mound street shall register the LSV in accordance with the requirements of the Wisconsin Statutes and Wisconsin Administrative Code, specifically, but not limited to, Sections 341.25(1)(b) and 341.297(1), Wis. Stats., and TRANS 145, Wis. Adm. Code. A LSV shall be titled and registered by the State of Wisconsin, and shall display a proper State-issued license plate.
- (c) Operation and Use of Low Speed Vehicles.
 - (1) Limited Permitted Street Use; Headlight Use Required. A licensed individual may operate a Low Speed Vehicle on the streets of the Village of Elk Mound having a posted speed limit of thirty-five miles per hour (35 m.p.h.), and headlights shall be on at all times the LSV is in operation. A slow-moving vehicle (SMV) emblem is not required on a LSV.
 - (2) **Compliance With State and Local Laws.** The operation of a Low Speed Vehicle shall in all respects comply with state traffic laws and the Village of Elk Mound Code of Ordinances, specifically, but not limited to this Title 10, Chapter 1.
- (d) **Enforcement.** Enforcement of this Section, and penalties for violations, regarding the use of Low Speed Vehicles within the Village of Elk Mound shall be pursuant to Sections 10-1-50 and 10-1-51.

Sec. 10-1-47 Engine Compression Brakes Use Prohibited.

- (a) **Prohibition.** The use of engine compression brakes ("jake brakes") by motor vehicles in the Village of Elk Mound is prohibited. The Village shall erect regulatory signs stating "No Engine Braking Except in Emergency" at appropriate locations and with supplemental plaques stating "Within Village Limits" at Village boundaries.
- (b) **Exceptions.** Exceptions to the prohibitions in Subsection (a) above are:
 - (1) This Section does not apply when enforcement officers determine that engine compression brakes were used in an emergency.

(2) This Section does not apply to vehicles of any fire department and other emergency vehicles, whether or not responding to an emergency.

Sec. 10-1-48 Operation of Golf Carts on Village Streets and Public Property.

- (a) Intent. The Village of Elk Mound adopts the following regulations and standards for the operation of golf carts upon the roadways of the Village pursuant to Sec. 349.18(1m), Wis. Stats., and other applicable provisions of the Wisconsin Statutes. Following due consideration of the value of providing economical transportation options and weighed with possible dangers, public safety, and liability concerns, and such factors as terrain involved, traffic density, and motor vehicle traffic patterns, it is the intent of the Village Board to permit the operation of golf carts on Village of Elk Mound streets pursuant to the standards of this Section.
- (b) **Statutory Authority.** This Section is created pursuant to municipal authority under Section 349.18(1m), Wis. Stats.; this Section is intended to facilitate the implementation of these statutory provisions. To the extent necessary to accomplish this, Section 349.18(1m), Wis. Stats., is hereby adopted by reference.
- (c) **Definition.** Pursuant to the authority granted in Sec. 349.18(1m)(d), Wis. Stats., the term "golf cart" within the context of this Section includes:
 - (1) A vehicle whose speed attainable in one (1) mile does not exceed twenty-five miles per hour (25 m.p.h.) on a paved, level surface, and that is designed, manufactured and intended to convey one (1) or more persons and equipment to play the game of golf;
 - (2) Any additional requirements and standards in this Section necessary for golf carts to operate safely on Village of Elk Mound streets; and
 - (3) Low speed vehicles (LSV), all-terrain vehicles (ATV) and utility terrain vehicles (UTV) are not considered golf carts under Wisconsin law.

(d) Operation on Village Streets Authorized.

- (1) **Street Use Generally.** Pursuant to Sec. 349.18, Wis. Stats., this Section authorizes the operation of golf carts on the streets, roadways and/or shoulders of a street or highway maintained by the Village within the limits of the Village of Elk Mound except as provided in Subsection (d)(1)d below. Under this Section, the operation of golf carts of the type and kind equipped without modified drive trains will be allowed to operate upon Village of Elk Mound streets and roads under the conditions prescribed herein.
- (2) **Golf Carts On or Across State Highways.** No golf cart may operate on any street or highway within the Village of Elk Mound which is also a state trunk highway. but golf carts may cross state highways.
- (e) **Conditions of Operation.** The following conditions of operation shall apply to all operators and passengers of golf carts:

(1) **Speed; Hours.**

- a. No person shall operate a golf cart within the Village of Elk Mound at a speed in excess of twenty-five miles per hour (25 m.p.h.) on any street or highway of the Village of Elk Mound, including on road shoulders.
- b. Golf carts shall not operate on public streets or property during hours of darkness, including thirty (30) minutes before and after the time of darkness.
- (2) **Restrictions on Equipment.** No golf cart may be operated on any street or public way within the Village of Elk Mound unless it complies to all noise and other equipment standards as established in the Wisconsin Statutes or this Code of Ordinances.

(3) Safety Requirements; Manufacturer's Specifications.

- a. Every golf cart operating within the Village of Elk Mound upon any public street or way shall display at all times a rear-mounted Slow Moving Vehicle (SMV) emblem.
- b. Golf carts shall utilize front lights and rear lights at all times when operating on a public street or right-of-way.
- c. Reflectorized tape strips shall be installed on the sides of the golf cart for street use.
- d. If a trailer is towed behind a golf cart, the trailer shall conform with all safety marking requirements applicable to a golf cart.
- e. Golf carts shall be maintained and operated in conformance with manufacturer's specifications. No racing-type golf carts, golf cart conversions, or modified golf cart drive trains will be allow on Village streets or public ways. All equipment shall be properly installed and in good working condition. No golf cart shall have broken, loose or unsafe parts improperly attached or be loose from the chassis.
- (4) **Operations Restrictions.** Golf carts operating on Village of Elk Mound streets, roads, and other public property shall comply with all State of Wisconsin rules of the road, including, but not limited to, the following:
 - a. Golf carts shall be operated on the extreme right side of the roadway and travel with the flow of traffic.
 - b. Golf carts shall be operated in single-file, with headlights and taillights in operation at all times.
 - c. Golf cart operators shall yield the right-of-way to all other vehicular traffic and pedestrians.
- (5) **Insurance Requirement.** As a motor vehicle operating upon a public highway, golf carts operating on a Village street or highway shall have valid liability insurance as prescribed by Subch. VI of Chapter 344, Wis. Stats.
- (f) **Unattended Units.** No person shall leave or allow any golf cart owned or operated by him/her to remain unattended on any public highway, public way or public property.
- (g) **Licensed Operator Requirements.** Operation of golf carts on a Village street or public way by shall be by licensed operators as required by Sec. 343.05, Wis. Stats., and the provisions of this Section. No person who is not lawfully licensed, is under-age, or who

is under a current driver's license suspension, revocation or cancellation for any reason, may operate a golf cart upon a public street or public way in the Village of Elk Mound.

(h) Limited Areas of Operation.

- (1) No person may operate a golf cart in the following non-roadway areas of the Village of Elk Mound, unless authorization is first obtained from the Village Board; Village-owned property need not be posted regarding this regulation:
 - a. Any Village of Elk Mound parks, conservancy and athletic facilities.
 - b. Any Village of Elk Mound cemeteries.
 - c. Any non-roadway property owned or leased by the Village of Elk Mound.
- (2) This Section does not authorize operation of golf carts on private property not owned or leased by the golf cart's operator. It is the responsibility of golf cart operators to know whether they are operating on public or private property.
- (3) This Section does not authorize golf cart operation on public streets and highways outside of the jurisdictional limits of the Village of Elk Mound.

Sec. 10-1-49 Reserved for Future Use.

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