



# ORDINANCE



Ordinance No. O11-2018-105

## ORDINANCE 18

### **AN ORDINANCE ADOPTING STATE STATUTES AND ADMINISTRATIVE CODE PROVISIONS WHICH REGULATE TRAFFIC, SNOWMOBILE AND ATV/UTV'S AS COUNTY ORDINANCES**

The Board of Supervisors of the County of Ashland, Wisconsin, does ordain as follows:

1. Except as specifically provided herein, each provision in Chapters 23, 59, 340 to 348 and 350, Wisconsin Statutes and Wisconsin Administrative Code Chapter NR 64, which sets forth or contains a regulation with respect to traffic, snowmobiles, all terrain vehicles, or utility vehicles, is incorporated herein by reference as a part of this Ordinance, as if fully set forth herein.

2. Each act which is required to be performed or which is prohibited by a section in one of the aforesaid chapters in Wisconsin Statutes, or by a provision in Wisconsin Administrative Code Chapter NR 64, is likewise required to be performed or is prohibited by this Ordinance.

3. A person who commits such an offense in the County of Ashland, Wisconsin is violating this section of this Ordinance.

4. The penalties for such offenses which are set forth in the aforesaid chapters of Wisconsin Statutes or in the aforesaid Wisconsin Administrative Code Chapter NR 64, which provide for a fine and/or imprisonment, are not incorporated into this Ordinance. The penalties for violating this Ordinance are set forth in this Ordinance.

5. Any future amendments, revisions, or modifications of the aforesaid chapters of Wisconsin Statutes or Wisconsin Administrative Code NR 64 which are incorporated herein, are intended to be made a part of this Ordinance. Any such future amendments, revisions or modifications shall be deemed to be incorporated herein by reference.

6. Disorderly Conduct With a Motor Vehicle is Prohibited.

a. The following terms, when used in this section of this Ordinance have the following definitions:

(i) "Motor Vehicle" as defined in Section 340.01(35) Wis. Stats.

(ii) "Vehicle" as defined in Section 340.01(74) Wis. Stats.

(iii) "Highway" as defined in Section 340.01(22) Wis. Stats.

b. No person shall engage in disorderly conduct with a motor vehicle in Ashland County, Wisconsin. Disorderly conduct with a motor vehicle means:

The deliberate operation of a motor vehicle in a manner that is unnecessarily and unreasonably violent, abusive, loud, maneuvered, or accelerated in such a manner so as to disturb, annoy or endanger any person or property in any public or private place or area in Ashland County. It includes, but is not limited to the unnecessary or unreasonable spinning of wheels, squealing of tires, accelerating the engine or vehicle or both, raining one or more wheels off the surface, use of the horn, loud playing of radios or audio entertainment, emission of smoke, gases, or other foul odors that are disagreeable, leaving the highway to travel across property to avoid an intersection, official traffic control sign, signal or other device, and deliberately causing the engine to backfire. For the purpose of this definition, the



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motor vehicle is not required to be moving at the time of commission of the disorderly conduct.

## PENALTY PROVISIONS

7. Penalty/Forfeitures. A person who violates a provision of this Ordinance shall be required to pay the following forfeitures:

a. ATV and UTV violations. For violating a provision of this Ordinance which regulates an ATV or UTV, the violators shall be required to pay the following forfeiture, together with applicable court costs and assessments.

i. Illegal operation of an ATV/UTV off paved roadway surface or damage to roadway: \$100.00 to \$250.00

ii. Speeding on or off of the roadway or trail in excess of posted or fixed speed limits:

- (1) 1-10 miles per hour over the limit \$25.00
- (2) 11-15 miles per hour over the limit \$50.00
- (3) 16-19 miles per hour over the limit \$75.00
- (4) 20-24 miles per hour over the limit \$100.00
- (5) 25 miles per hour and more over the limit \$125.00

iii. Failure to operate vehicles in a single file: \$25.00

iv. Failure to illuminate headlights or taillights or inappropriate use of auxiliary lights \$25.00

v. Operating an ATV/UTV without safety certificate: \$25.00 1<sup>st</sup> offense; \$50.00 2<sup>nd</sup> and subsequent offenses.

vi. Operating an ATV/UTV without protective headgear: \$25.00 1<sup>st</sup> offense; \$50.00 2<sup>nd</sup> and subsequent offenses

vii. Damage to route, right-of-way, trail or ATV/UTV sign or removal of ATV/UTV signage: \$100.00 to 250.00

viii. Illegal possession of ATV/UTV sign: \$250.00

b. General Penalty. Non ATV/UTV violations. Any person who shall violate a provision of this Ordinance which does not involve an ATV/UTV shall, upon conviction of such violation, be subject to a penalty, which shall be as follows:

i. First Offense. Any person who shall violate any provision of this Ordinance shall, upon conviction, forfeit not less than five dollars (\$5.00) nor more than five hundred dollars (\$500.00), plus any applicable Court costs and assessments. In the event of default of payment of such forfeiture and costs, such person may be imprisoned in the County Jail until such forfeiture and costs are paid, but not exceeding ninety (90) days.

ii. Second Offense. Any person found guilty of violating any provision of this Ordinance who has previously been convicted of violation the same section of this Ordinance within one (1) year, shall, upon conviction thereof, forfeit not less than ten dollars (\$10.00) nor more than five hundred dollars (\$500.00) for each such offense, plus any applicable Court costs and assessments. Default of payment of such forfeiture and costs may result in imprisonment in the County Jail until such forfeiture and costs are paid, but not to exceed six (6) months.





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8. Violations. Each violation, and each day a violation continues to occur, shall constitute a separate offense.

9. Execution. If a person fails to pay any forfeiture and/or the applicable Court costs and assessments, the Court may, in lieu of ordering the imprisonment of the person, or after the person has been released from imprisonment, issue an execution against the property of such person for such forfeiture and costs.

10. Citation Method of Enforcement. Pursuant to Section 66.0113 Wisconsin Statutes, the County adopts and authorizes the use of a citation for violations of this Ordinance. Only law enforcement officers employed or working in Ashland County, Wisconsin are authorized to issue citations to enforce this ordinance.

11. A Circuit Judge for Ashland County may adopt a bond schedule for violations of this Ordinance.

12. This Ordinance will go into effect immediately upon its publication.

Dated at the City of Ashland, Wisconsin this 13<sup>th</sup> day of November, 2018.

Signed:

Pat Bruner

Kathy S. Schutte

Ellen Teague

Martynia

Mon Ose

Richard Pupall

Paul Hozzich

Carl Kunkley

Joe Sm Rose

George Miko

John Z Wren

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William Metzger

Danya Metzger

Clarence Campbell

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Ken Wren