

TOMAHAWK MUNICIPAL CODE

Chapter 94

Traffic and Vehicles\*

**Article I. In General.....3**  
    Section 94-1. State Traffic Laws Adopted. .... 3  
    Section 94-2. School Bus Flashing Warning Lights. .... 3  
    Sections 94-3 – 94-30. Reserved. .... 3

**Article II. Administration and Enforcement\* .....3**  
    Section 94-31. Penalty for Violation of Article..... 3  
    Section 94-32. State Forfeiture Statutes..... 3  
    Section 94-33. Local Regulations..... 4  
    Section 94-34. Enforcement..... 4  
    Section 94-35. Stipulation of No Contest..... 5  
    Sections 94-36 – 94-70. Reserved..... 5

**Article III. Operation of Vehicles Generally .....5**  
    Section 94-71. Through Streets..... 5  
    Section 94-72. Yield Signs..... 6  
    Section 94-73. One-Way Traffic. .... 7  
    Section 94-74. U-Turns Prohibited..... 7  
    Section 94-75. Heavy Traffic Prohibited..... 7  
    Section 94-76. Speed Limits. .... 8  
    Section 94-77. Left turn prohibited..... 8  
    Sections 94-77 – 94-111. Reserved..... 8

**Article IV. Stopping, Standing and Parking\* .....8**  
    Section 94-112. All Night Parking Prohibited..... 8  
    Section 94-113. Parking Time Limits. .... 9  
    Section 94-114. Angle and Parallel Parking..... 9  
    Section 94-115. No Parking Zones; Bus Stops and Taxi Stops..... 9  
    Section 94-116. Parking for Sale of Merchandise Prohibited. .... 10  
    Section 94-117. Municipal Parking Lot..... 10  
    Section 94-118. Reserved..... 10  
    Section 94-119. Parking Fines. .... 11  
    Sections 94-120 – 94-150. Reserved..... 11

**Article V. Traffic Control Signs, Signals and Devices.....11**  
    Section 94-151. Erection. .... 11  
    Sections 94-152 – 94-180. Reserved..... 11

TOMAHAWK MUNICIPAL CODE

**Article VI. Bicycles .....11**  
    Section 94-181. Regulations and Registration of Bicycles. .... 11  
    Sections 94-182 – 94-210. Reserved. .... 11

**Article VII. Snowmobiles .....11**  
    Sec. 94-211. State Laws Adopted. .... 11  
    Sec. 94-212. Definitions..... 12  
    Sec. 94-213. Routes and Trails. .... 13  
    Sec. 94-214. Operation on sidewalks, alleyways, bridges and malls. .... 14  
    Sec. 94-215. Additional Snowmobile Regulation. .... 14  
    Sec. 94-216. Safety permit or operator’s license required. .... 14  
    Sec. 94-217. Operation in Parks. .... 14  
    Sec. 94-218. Written Consent of Owner Required..... 14  
    Sec. 94-219 – 94.225 Reserved. .... 14

**Article VII. All-Terrain and Utility Terrain Vehicles .....15**  
    Section 94-226. State Laws Adopted. .... 15  
    Section 94-227. Definitions. .... 15  
    Section 94-228. All-Terrain Vehicles on City Streets..... 16  
    Section 94-229. All-Terrain Vehicle Routes..... 16  
    Section 94-230. Additional Regulations. .... 18  
    Section 94-231. Exemptions..... 18  
    Sections 232-250. Reserved. .... 18

**Article IX. Equipment.....18**  
    Section 94-251. Compression Brakes Prohibited..... 18  
    Sections 94-252 – 94-280. Reserved. .... 19

**Article X. Railroads .....19**  
    Section 94-281. Obstruction By..... 19

**Article XI. Neighborhood Electric Vehicles Allowed; Conditions.....19**  
    Section 94-281. Definition..... 19  
    Section 94-282. Permitted Operators and Streets..... 19  
    Section 94-283. Standards and Equipment..... 19  
    Section 94-284. City Traffic Code; Violations. .... 20

**Article I. In General**

**Section 94-1. State Traffic Laws Adopted.**

Except as otherwise provided in this chapter, the statutory provision in Wisconsin Statute, Chapters 340-348, describing and defining regulations with respect to vehicles and traffic, exclusive 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.

**Section 94-2. School Bus Flashing Warning Lights.**

- (a) The common council hereby declares that school bus operators shall use the flashing red warning lights on that portion of King Road lying between 11<sup>th</sup> Street and School Road. The operator of a vehicle which approaches from the front or rear of any school bus which has stopped on a street or highway, when the bus is equipped according to Wisconsin Statute § 347.25(2), and when it is displaying flashing red warning lights, shall stop the vehicle not less than 20 feet from the bus and shall remain stopped until the bus resumes motion or the operator extinguishes the flashing red warning lights. The operator of any school bus which approaches from the front or rear of any school bus which has stopped and is displaying flashing red warning lights shall display its flashing red lights while stopped.
- (b) The operator of a school bus equipped with flashing red warning lights as specified in Wisconsin Statute § 347.25(2), shall actuate such lights at least 100 feet before stopping to load or unload pupils or other authorized passengers, and shall not extinguish such lights until loading or unloading is completed and person who must cross the highway are safely across. Where the curb and sidewalk are laid on one side of the road only, the operator shall use the flashing red warning lights when loading or unloading passengers from either side.
- (c) The penalty for violating this section shall be set out in Wisconsin Statute § 346.49(2m) (a).

**Sections 94-3 – 94-30. Reserved.**

**Article II. Administration and Enforcement\***

**Section 94-31. Penalty for Violation of Article.**

The penalty for violation of any provision of this article shall be a forfeiture as provided by statute.

**Section 94-32. State Forfeiture Statutes.**

Any forfeiture for violation of the state statutes adopted by reference in Section 94-1 shall conform to the forfeiture permitted to be imposed for violation of such statutes as set forth in the uniform deposit and misdemeanor bail schedule of the state judicial conference, including any variations or increases for subsequent offenses, which schedule is adopted by reference.

## TOMAHAWK MUNICIPAL CODE

### Section 94-33. Local Regulations.

The penalty for violations of this chapter shall be as provided for in Section 1-14 of this Code.

### Section 94-34. Enforcement.

- (a) *Procedure.* This article shall be enforced according to Wisconsin Statutes 345.20-345.53, and Chapter 799 in accordance with the applicable provisions of the Wisconsin Statutes and this section.
- (b) *Citations.*
- (1) *Uniform Citation and Complaint.* The Wisconsin Uniform Traffic Citation and Complaint described in the Wisconsin Statutes shall be used for enforcement of all provisions of this chapter except those provisions which describe or define nonmoving traffic violations and violations of Wisconsin Statute 346.71 through 346.73. Violations of Wisconsin Statute 346.71 through 346.73 shall be reported to the district attorney, the Wisconsin Uniform Citation and Complaint shall not be used except upon written request by the district attorney.
  - (2) *Parking Citations.* The chief of police shall recommend a citation for use in enforcing the nonmoving traffic regulations in this chapter. When approved by the common council, such citation shall be used for enforcement of nonmoving traffic regulations defined and described in Wisconsin Statutes, adopted by reference in Section 94-1 of this chapter. Nonmoving traffic violations may be issued by law enforcement officers of the police department and by other city employees authorized by the chief of police.
  - (3) *Ordinance Violations.* Pursuant to Wisconsin Statute 66.0113, the common council hereby adopts and authorizes the use of municipal citation to be issued for violations of ordinances, including ordinances for which a statutory counterpart exists. The chief of police shall recommend a citation for use subject to approval by the common council.
- (c) *Deposit.* Any person arrested for a violation of this article may make a deposit of money as directed by the arresting officer at the police station or at the office of the clerk of court or by mailing the deposit to such place. The arresting officer or the person receiving the deposit shall comply with Wisconsin Statute 345.27, or, if the deposit is mailed, the signed statement required under Wisconsin Statute 345.27 shall be mailed with the deposit. The arresting officer or the person receiving the deposit shall notify the arrested person, orally or in writing, that:
- (1) If he or she fails to appear in court at the time fixed in the citation, he or she 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.
  - (2) If he or she fails to appear in court at the time fixed to the citation and the court does not accept the deposit as a forfeiture, he or she will be summoned into court to answer the complaint.
    - (a) The amount of the deposit shall be determined in accordance with the deposit schedule established by the state judicial conference. The deposit shall include court costs and suit tax.
    - (b) The arresting officer or the person receiving the deposit shall issue the arrested person a receipt thereof as required by Wisconsin Statute 345.26(3) (b).

## TOMAHAWK MUNICIPAL CODE

- (3) If a deposit schedule has not been established, the arresting officer shall require the alleged offender to deposit not less than the maximum forfeiture permitted under this article.

### **Section 94-35. Stipulation of No Contest.**

Any person charged with a violation of this article, except Wisconsin Statutes §§ 346.62(1) and 346.63(1) as adopted under Section 74-1, may make a stipulation of no contest pursuant to Wisconsin Statute § 345.27, which must be received at the office of the police department or clerk of court within ten days of the date of the alleged violation. Such person shall, at the time of entering into the stipulation, make the deposit required under Section 94-34(b), if he or she has not already done so. A person who has mailed or filed a stipulation under this section may, however, appear in court on the appearance date and be relieved from the stipulation for cause shown as required in Wisconsin Statute § 345.37.

### **Sections 94-36 – 94-70. Reserved.**

## **Article III. Operation of Vehicles Generally**

### **Section 94-71. Through Streets.**

In addition to streets designated as federal, state, county or aerial highways, the following streets in the city, in the interest of public safety, are hereby designated to be through streets:

- (1) Somo Avenue from Marinette east to the city limits excepting for the intersections with North 4<sup>th</sup> Street and eastbound traffic at Tomahawk Avenue.
- (2) Sprit Avenue from Conservation Street east to 6<sup>th</sup> Street except at its intersection with Tomahawk Avenue.
- (3) Tomahawk Avenue excepting for its intersections with Wisconsin Avenue, Somo Avenue and northbound traffic at Lincoln Avenue.
- (4) Washington Avenue excepting for its intersections with 4<sup>th</sup> Street, 9<sup>th</sup> Street, and westbound traffic at Tomahawk Avenue.
- (5) Lincoln Avenue from Tomahawk Avenue to East King Road except at its intersection with 4<sup>th</sup> Street.
- (6) Wisconsin Avenue from Railway Street to 7<sup>th</sup> Street excepting east bound traffic at Tomahawk Avenue and west bound traffic at 4<sup>th</sup> Street.
- (7) Rice Avenue between Tomahawk Avenue and 6<sup>th</sup> Street.
- (8) Prospect Avenue except for its intersection at 4<sup>th</sup> Street.
- (9) Theiler Drive to Kaphaem Road except south bound at Brief Street.
- (10) West Anna Street except at the following intersections:
  - a. Highway 86.
  - b. Wilson Street (four-way stop)

## TOMAHAWK MUNICIPAL CODE

- (11) West Mill Street except at Highway 86 and South McKinley Street.
- (12) Tannery Road except at County Trunk Highway CC.
- (13) Putnam Street except at Highway 86.
- (14) Leather Avenue from railroad crossing to North 4<sup>th</sup> Street except at intersections with Highway CC.
- (15) Mohawk Drive except at North 4<sup>th</sup> Street.
- (16) 9<sup>th</sup> Avenue is a through street at Washington Avenue.
- (17) 4<sup>th</sup> Street from Wisconsin Avenue North except at the following intersections:
  - (a) Somo Avenue (four-way stop);
  - (b) Leather Avenue (traffic light controls);
  - (c) South-bound Wisconsin Avenue. (right turn west-bound at Wisconsin Avenue is non-stop)
- (18) Kaphaem Road except at Somo Avenue.
- (19) Charlotte Street except at Somo Avenue.
- (20) Pfeifer Road except at Highway 86.
- (21) King Road.
- (22) Voerman Street except at Somo Avenue.
- (23) School Road except at Somo Avenue.
- (24) Bradley Farm Road is a through street at East Acres Drive.
- (25) North Avenue.
- (26) Pleasant Avenue is a through street at Morren Street.
- (27) Nelson Lane.
- (28) Merrill Avenue between Tomahawk Avenue and 4<sup>th</sup> Street.
- (29) River Street between 3<sup>rd</sup> Street and 7<sup>th</sup> Street except at 4<sup>th</sup> Street.

### **Section 94-72. Yield Signs.**

*Yield Signs.* Yield signs shall be located on the following streets:

- (1) 3<sup>rd</sup> Street, South, at the intersection of South 3<sup>rd</sup> Street and Merrill Avenue.
- (2) 2<sup>nd</sup> Street, South, at the intersection of South 2<sup>nd</sup> Street and Merrill Avenue.

## TOMAHAWK MUNICIPAL CODE

- (3) North Tomahawk Avenue, at the intersection of Lincoln Avenue and North Tomahawk Avenue.
- (4) South Coolidge Street northbound at the intersection of Coolidge and North Anna.
- (5) North 7<sup>th</sup> Street southbound at the intersection of North 7<sup>th</sup> Street and East Prospect Avenue.

### **Section 94-73. One-Way Traffic.**

The following are restricted to one-way traffic:

- (1) The east-west alley located in Block 4 of the original plat of the city is restricted to one-way traffic running easterly.
- (2) The east-west alley located in Block 23 of the original plat of the city is restricted to one-way traffic running westerly.

### **Section 94-74. U-Turns Prohibited.**

In addition to the provisions of Wisconsin Statute § 346.33, no person shall turn his or her vehicle so it is proceeding in the opposite direction at the following intersections:

- (1) Wisconsin Avenue and 4<sup>th</sup> Street.
- (2) Wisconsin Avenue and 3<sup>rd</sup> Street.
- (3) Wisconsin Avenue and 2<sup>nd</sup> Street.
- (4) Wisconsin Avenue and Tomahawk Avenue.
- (5) 4<sup>th</sup> Street and Somo Avenue.
- (6) 4<sup>th</sup> Street and Washington Avenue.
- (7) 4<sup>th</sup> Street and Lincoln Avenue.
- (8) 4<sup>th</sup> Street and Prospect Avenue.
- (9) 4<sup>th</sup> Street and River Avenue.

### **Section 94-75. Heavy Traffic Prohibited.**

(a) The following city streets are hereby designated class "A" highways:

- (1) All streets designated Wisconsin U.S. Highway 51.
- (2) All streets designated County Trunk Highway "D".
- (3) All streets designated Country Trunk Highway "A".

## TOMAHAWK MUNICIPAL CODE

(4) All streets designated County Trunk Highway "CC".

(5) All streets designated State Trunk Highway 86.

(b) No vehicle shall be operated or moved on any city street or alley other than those listed in subsection (a) of this section if the weight of the combination of vehicle and load exceeds 10,000 pounds, except that any vehicle may operate on any city street or alley for the purpose of obtaining orders for and delivering or moving supplies or other necessary commodities to or from places of business or residence fronting on such street or alley so long as the weight of vehicle and load does not exceed the limitations of subsection (a) of this section.

### **Section 94-76. Speed Limits.**

The posted speed limits on the following streets or portions thereof shall be as indicated:

(a) North 4<sup>th</sup> Street between River Street and Mohawk Drive, 25 miles per hour.

(b) North 4<sup>th</sup> Street between Mohawk Drive and the northerly city limits, 35 miles per hour.

(c) Kaphaem Road South of State Highway 86, 35 miles per hour.

(d) Coey Lane, 15 miles per hour

### **Section 94-77. Left turn prohibited.**

(a) *Midblock.* There shall be no left turns of vehicles midblock at any time on the following streets:

(1) East and west bound traffic on West Wisconsin Avenue

(b) *Exceptions.* The provisions in subsection (a) of this section do not apply to vehicles turning left into alleyways and driveways.

### **Sections 94-77 – 94-111. Reserved.**

## **Article IV. Stopping, Standing and Parking\***

### **Section 94-112. All Night Parking Prohibited.**

(a) Wisconsin Avenue; all year; 2:30 A.M. to 5:00 A.M.; no person shall leave nor park any motor vehicle on any day on that part of Wisconsin Avenue from its intersection with Railway Street to its intersection with North 4<sup>th</sup> Street between the hours of 2:30 A.M. to 5:00 A.M.

(b) No person shall park, stop, leave standing any vehicle in any City park, whether attended or unattended, between the hours of 10:00 p.m. and 5:00 a.m. except in the following areas:

a. Designated sites at SARA Park Campground with payment of user fee

b. SARA Park Boat Landing, Kwahamot Boat Landing, and Bradley Park Boat Landing with a valid seasonal or day pass property displayed

c. Kwahamot Park



## TOMAHAWK MUNICIPAL CODE

- (c) All other streets; winter hours; 2:30 A.M. to 5:00 A.M.; on all other streets of the city, no person shall leave nor park any motor vehicle between the hours of 2:30 A.M. and 5:00 A.M. in the period from December 1 through March 15.
- (d) Parking prohibited during or after snowstorm. No person shall park any motor vehicle or other apparatus upon any street within the city, during a declared snow emergency until the snow has been removed to the curb or curb line of such street. Snow emergencies may be declared by the Director of Public Works or designee when snowfall of two or more inches has or is predicted to occur.

### **Section 94-113. Parking Time Limits.**

- (a) *Signs.* When signs are erected in any block giving notice thereof, no person shall park a vehicle for a longer period than specified between 8:00 A.M. and 5:00 P.M., and day except Sundays or public holidays. Such signs shall be erected, pursuant to Section 94-151, as directed by the common council or the chief of police in the interest of public safety and welfare.
- (b) *City Hall Parking – One Hour Limit.* No person shall park a vehicle on the following street areas for more than one continuous hour at any time:
  - (1) 2<sup>nd</sup> Street, east side, between Somo Avenue and the east-west alley in Block 13.
  - (2) 2<sup>nd</sup> Street, west side, between Somo Avenue and the east-west alley in Block 8.
  - (3) Somo Avenue, south side, from the east edge of the police station driveway ramp to 2<sup>nd</sup> Street.
  - (4) In the above areas, where a portion is designated for special parking, restricted parking or no parking, the more restrictive shall apply.
- (c) *North 8<sup>th</sup> Street – Two Hour Limit.* No person shall park a vehicle on the following street areas for more than two continuous hours at any time.
  - (1) Both sides of the street, between Washington Avenue and Somo Avenue.
- (d) *North 4<sup>th</sup> Street – Ten (10) Minute Limit.* No person shall park a vehicle on the following street areas for more than ten continuous minutes at any time:
  - (1) East of street, starting at the east-west alley in Block 22 to a point 60 feet north.

### **Section 94-114. Angle and Parallel Parking.**

The chief of police shall designate and have marked all angle or parallel parking areas accordingly.

### **Section 94-115. No Parking Zones; Bus Stops and Taxi Stops.**

The chief of police shall, in the interest of public safety and welfare, designate and have marked no parking zones, loading zones, bus and taxi zones as may be necessary for the efficient regulation and flow of traffic. No vehicle shall stop or momentarily park in the traveled portion of any street, other than at bus stops or loading zones. Taxicabs shall have the privilege of using bus stops and loading zones. There shall be no parking on the following streets within the city:

- (1) Both sides of 4<sup>th</sup> Street from the intersection of Wisconsin Avenue north to the north boundary limits of the city.
- (2) The north side of Somo Avenue (State Highway 86) from North Tomahawk Avenue easterly to the Old MT&W Railroad Bike and Walking Trail crossing.

## TOMAHAWK MUNICIPAL CODE

- (3) The south side of Somo Avenue from a point 125 feet west of 4<sup>th</sup> Street to a point 200 feet east of 4<sup>th</sup> Street.
- (4) The south side of Lincoln Avenue from 4<sup>th</sup> Avenue easterly 150 feet.
- (5) Somo Avenue, south side, from 9<sup>th</sup> Street westerly to a point 75 feet westerly of 8<sup>th</sup> Street.
- (6) School Road from 8:00 A.M. to 4:30 P.M. on both sides of East Kings Road lying between Bradley Farm Road and the southerly line of Squaw Point Park, with the exception of two parking spaces at 1018 East Kings Road, which the board of public works shall locate and designate as handicapped parking only.
- (7) On school days from 8:00 A.M. to 4:30 P.M. on both sides of School Road lying between the school complex property and Bradley Farm Road.
- (8) On school days from 8:00 A.M. to 4:00 P.M. on the north side of Lincoln Avenue and Washington Avenue from the west right-of-way line of 7<sup>th</sup> Street, 95 feet to the west.
- (9) Somo Avenue, north side, from Conservation Street westerly to the end of Somo Avenue.
- (10) Somo Avenue; SARA Park area: The north side of Somo Avenue from Conservation Street westerly to end of Somo Avenue. On the south side of Somo Avenue from the west right-of-way line on Marinette Avenue to a point 425 feet westerly.
- (11) Comfort Drive: on the south side of Comfort Drive from the east right-of-way line of Kaphaem Road to the east end of Comfort Drive.
- (12) Kaphaem Road, west side, from Somo Avenue to Comfort Drive.
- (13) West Mohawk Drive, from radius points of the inside of the curve, 50 feet each direction.

### **Section 94-116. Parking for Sale of Merchandise Prohibited.**

No person shall park any vehicle on any public street in the city for the display or sale of merchandise.

### **Section 94-117. Municipal Parking Lot.**

- (a) No person shall park any vehicle (shall remain parked) in the municipal parking lot on the corner of 2<sup>nd</sup> Street and Somo Avenue longer than 24 hours consecutively.
- (b) Permits will be required for long-term parking in excess of 24 hours consecutively.
  - (1) The police department may issue parking permits for long-term parking at a fee set by resolution of the common council.
  - (2) Said permit shall be displayed by hanging from the rear view mirror of the vehicle.
- (c) Long-term parking spaces shall be established by the board of public works and approved by a resolution of the common council.

### **Section 94-118. Reserved.**

## TOMAHAWK MUNICIPAL CODE

### **Section 94-119. Parking Fines.**

All parking violations except for handicapped parking will be punishable by a \$25.00 fine. Handicapped parking fines will be paid in the amount of \$50.00. Fines if not paid within ten days will be \$50.00 and \$75.00 respectively. In addition, a reinstatement fee of \$10.00 for unpaid parking violations submitted to the state department of transportation will be added to any other fines and costs.

### **Sections 94-120 – 94-150. Reserved.**

## **Article V. Traffic Control Signs, Signals and Devices**

### **Section 94-151. Erection.**

- (a) *Chief of Police Responsible.* Except as provided in Wisconsin Statute § 346.57(6), the chief of police shall effect and procure 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 article as required by state law. Signs shall be erected in such locations and in such manner as the common council determines will best effect the purposes of this article and give adequate warning to users of the streets and highways.
- (b) *Removal of Unofficial Signs and Signals.* The chief of police shall have the authority granted by Wisconsin Statute § 349.09, and shall order the removal of a sign, signal, marking or device placed, maintained or displayed in violation of this article or Wisconsin Statute § 346.41. Any charge imposed on any premises for removal of an illegal sign, signal or device shall be reported to the common council at its next regular meeting for review and certification.

### **Sections 94-152 – 94-180. Reserved.**

## **Article VI. Bicycles**

### **Section 94-181. Regulations and Registration of Bicycles.**

- (a) *Operation.* Pursuant to Wisconsin Statute § 349.18(2), bicycles shall be operated in accordance with all applicable Wisconsin Statutes and city ordinances as amended from time to time.
- (b) *Registration.* Initial one-time fee: Each bicycle owned by a resident of the city and operated within the city shall be registered with the chief of police. The chief of police shall administer the registration of bicycles and issue registration tags. There shall be a one-time initial registration fee of \$10.00

### **Sections 94-182 – 94-210. Reserved.**

## **Article VII. Snowmobiles**

### **Sec. 94-211. State Laws Adopted.**

- (a) In accordance with §350.18 Wis. Stats., the City intends to enact this Ordinance in strict conformity with state law encompassing all aspects of the regulation of snowmobiles encompassed in Chapter 350 Wis. Stats.

## TOMAHAWK MUNICIPAL CODE

- (b) The statutory regulations of snowmobiles in Chapter 350 Wis. Stats. and all Department of Transportation administrative regulations pertaining to the same, including any future amendments thereof, 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.
- (c) The operator of a snowmobile upon a roadway shall, in addition to the provisions of Wis. Stats. ch. 350, be subject to Wis. Stats. §§346.04, 346.06, 346.11, 346.14(1), 346.18, 346.19, 346.20, 346.21, 346.26, 346.27, 346.33, 346.35, 346.37, 346.39, 346.40, 346.44, 346.46, 346.47, 346.48, 346.50(1)(b), 346.51, 346.52, 346.53, 346.54, 346.55, 346.87, 346.88, 346.89, 346.90, 346.91, 346.92(1), and 346.94(1) and (9), and all other provisions of Chapter 346 of the Wisconsin Statutes as may be made applicable to snowmobiles by §346.02(10) Wis. Stats., including any future amendments thereof. Acts required to be performed or prohibited by such statutes are required or prohibited by this Section.

### Sec. 94-212. Definitions

- (a) "Purpose of access for lodging" means for the purpose of traveling for the shortest distance that is necessary for a person operating the snowmobile to go between a lodging establishment and the snowmobile route or snowmobile trail that is closest to the lodging establishment.
- (b) "Purpose of residential access" means for the purpose of traveling for the shortest distance that is necessary for a person operating the snowmobile to go between a residence and the snowmobile route or snowmobile trail that is closest to that residence.
- (c) "Roadway" means that portion of a highway between the regularly established curb lines or that portion which is improved, designed or ordinarily used for vehicular travel, excluding the berm or shoulder. In a divided highway the term "roadway" refers to each roadway separately but not to all such roadways collectively.
- (d) "Snowmobile" means an engine-driven vehicle that is manufactured solely for snowmobiling that has an endless belt tread and sled-type runners, or skis, to be used in contact with snow but does not include such a vehicle that has inflatable tires or a vehicle driven by a motor of 4 horsepower or less and that is operated in sanctioned races, derbies, competitions, or exhibitions or only on private property.
- (e) "Snowmobile route" means a highway or sidewalk designated for use by snowmobile operators by the governmental agency having jurisdiction as authorized under this Section.
- (f) "Snowmobile trail" means a marked corridor on public property or on private lands subject to public easement or lease, designated for use by snowmobile operators by the governmental agency having jurisdiction, but excluding highways except those highways on which the roadway is not normally maintained for other vehicular traffic by the removal of snow.
- (g) "State trunk highway" means any highway designated pursuant to [§84.02](#) or [§84.29](#), Wis. Stats. as part of the state trunk highway system, exclusive of connecting highways.
- (h) "Street" means every highway within the corporate limits of a city or village except alleys.

## TOMAHAWK MUNICIPAL CODE

### Sec. 94-213. Routes and Trails.

- (a) Pursuant to §350.18 Wis. Stats., the following streets and portions of streets are designated as snowmobile routes. Snowmobiles may be operated on the roadway or shoulder of streets designated as snowmobile routes hereunder subject to all regulations of this Article for the purpose of residential access or the purpose of lodging access subject to the rules provided for in this Article.
1. West Somo Avenue - from SARA Park to Conservation Street.
  2. Conservation Street
  3. West Spirit Avenue - from Conservation Street to Railway Street.
  4. Sixth Street
  5. Henry Street
  6. West Mohawk Drive - from Hiawatha Trail to 200 feet west of North Fourth Street.
- (b) All snowmobile routes shall be marked as required by §350.13 Wis. Stats.
- (c) If a residence or place of lodging is not on a designated snowmobile trail or route, a snowmobile may be operated on the streets that form the shortest distance that is necessary for a person operating the snowmobile to go between a residence or lodging establishment and the snowmobile route or snowmobile trail that is closest to that residence or lodging establishment.
- (d) Nothing in this Ordinance is intended to prohibit the use of duly designated and authorized snowmobile trails in accordance with state law.
- (e) No person shall operate a snowmobile on a street that is designated as a snowmobile route for any purpose other than those provided for in this Article.
- (f) The operation of snowmobiles will not be permitted on state trunk highways and on the following streets except as may be necessary to cross the same and then in strict compliance with state law:
1. South Tomahawk Avenue (STH 86) from Somo Avenue to the west City limits
  2. Somo Avenue (STH 86) from South Tomahawk Avenue to the east City limits
  3. Fourth Street from Wisconsin Avenue to River Street
  4. Wisconsin Avenue from Railway Street to Seventh Street
- (g) The routes and trails designated by this Ordinance may from time to time be amended by action of the Common Council after reviewing the recommendation of the Chief of Police or Director of Public Works regarding any such amendment. The City Clerk shall promptly update this Section upon publication of any ordinance changing the route designations provided for in this Article and shall make copies of this Section available to the public at the office of the City Clerk.
- (h) The Chief of Police and Director of Public Works shall assist snowmobile and all-terrain vehicle clubs in creating and circulating a map or maps illustrating the routes and trails designated by this Ordinance. In the event there is any difference between routes and trails designated in any such map and the routes and trails designated by this Ordinance, this Ordinance shall control.

TOMAHAWK MUNICIPAL CODE

**Sec. 94-214. Operation on sidewalks, alleyways, bridges and malls.**

- (a) No person shall operate a snowmobile on any sidewalk or pedestrian way within the City unless otherwise provided for by this Section.
- (b) No person shall operate a snowmobile on any bridge in the City except under the following conditions: Bridges may be crossed by using the pedestrian walkway or staying to the extreme right side of the roadway but shall yield the right-of-way to all vehicular or pedestrian traffic.

**Sec. 94-215. Additional Snowmobile Regulation.**

- (a) In addition to the statutes adopted by this Article, operators of snowmobiles shall comply with the following rules and regulations within City limits:
  1. No snowmobiles shall be operated at a speed in excess of 10 miles per hour.
  2. The operator of a snowmobile shall stop at each intersection and yield the right-of-way to all other vehicles and pedestrians.
  3. Each snowmobile shall display a lighted headlight and taillight, conforming to Wis. Stats. §350.09.
  4. Snowmobiles shall be operated on the extreme right side of the roadway and in single file.
  5. No person shall park a snowmobile on any City street except snowmobiles may be parked in City off-street parking facilities, provided no snowmobile shall be left unattended with the motor running or with the starting key in the ignition.
  6. No snowmobile shall be operated on any sidewalk.
- (b) No person shall operate a snowmobile in the City except as permitted by this Article, subject to the state laws incorporated herein.

**Sec. 94-216. Safety permit or operator's license required.**

No person may operate a snowmobile on the streets of the City unless that person holds a valid snowmobile safety certificate in accordance with Wis. Stats. §350.055 or holds a valid operator's license from the state of residence. The snowmobile safety permit may also be from another state but must meet with the minimum requirements from that state's program.

**Sec. 94-217. Operation in Parks.**

No snowmobile will be operated within 150 feet of any public building or other facility open to the public in any City park, to include hockey and skating rinks, ball fields, or restrooms.

**Sec. 94-218. Written Consent of Owner Required.**

The consent required under Wis. Stats. §350.10(6), (11), (12) and (13), 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.

**Sec. 94-219 – 94.225 Reserved.**

## Article VII. All-Terrain and Utility Terrain Vehicles

### Section 94-226. State Laws Adopted.

- (a) In accordance with § 23.33(11) Wisconsin Statute, the city intends to enact this ordinance in strict conformity with state law encompassing all aspects of the regulation of all-terrain and utility terrain vehicles encompassed in Chapter 23, Wisconsin Statute.
- (b) The statutory provisions of § 23.33, Wisconsin Statute, and the defining regulations found in Chapter NR 64, Wisconsin Administrative Code, with respect to the regulation of all-terrain and utility terrain vehicles including all future amendments thereof, are hereby adopted by reference and made part of this section as fully set forth herein. Acts required to be performed or prohibited by such statutes are required or prohibited by this section.
- (c) The operator of an all-terrain and utility terrain vehicles on a roadway is subject to Sections 364.04, 346.06, 346.11, 346.14(1), 346.18, 346.19, 346.20, 346.21, 346.215(3), 346.26, 346.27, 346.33, 346.35, 346.37, 346.39, 346.40, 346.44, 346.46, 346.47, 346.48, 346.50(1)(b), 346.51, 346.52, 346.53, 346.54, 346.55, 346.71, 346.87, 346.88, 346.89, 346.90, 346.91, 346.92(1) and 346.94(1) and (9), but is not subject to any other provision of Chapter 346 of the Wisconsin Statutes. The forgoing provisions of state law in regard to the operation of all-terrain and utility terrain vehicles as set forth in Section 346.02(11), Wisconsin Statute as such section by heretofore be amended and including any and all such amendments 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.

### Section 94-227. Definitions.

- (a) *All-Terrain Vehicle* means an engine-driven device which has a net weight of 900 pounds or less, which is originally manufactured with a width of 50 inches or less, which is equipped with a seat designed to be straddled by the operator and which is designed by the manufacturer to travel on three or more low-pressure tires.
- (b) *All-Terrain Vehicle Club* means a club consisting of individuals that promotes the recreational use of all-terrain vehicles.
- (c) *All-Terrain Vehicle Route* means a highway or sidewalk designated for use by all-terrain vehicle operators by the governmental agency having jurisdiction as authorized under this section.
- (d) *Mini-Truck* means a motor truck, as defined in § 340.01(34), having a top speed of not more than 60 miles per hour, and that is all of the following:
  - (1) Powered by an internal combustion engine with a piston or rotor displacement of not less than 660 cubic centimeters.
  - (2) Not more than 60 inches wide.
  - (3) Not more than 1,600 pounds in dry, unloaded weight.
  - (4) Manufactured with a locking enclosed cab and a heated interior.

## TOMAHAWK MUNICIPAL CODE

- (e) *Operate* means to exercise physical control over the speed or direction of an all-terrain vehicle or to physically manipulate or activate any of the controls of an all-terrain vehicle necessary to put it in motion.
- (f) *State Trunk Highway* means any highway designated pursuant to §§ 84.02 or 84.29, Wisconsin Statutes as part of the state trunk highway system, exclusive of connecting highways.
- (g) *Street* means every highway within the corporate limits of a city or village except alleys.
- (h) *Utility Terrain Vehicle* means any of the following:
  - (1) A motor driven device, that does not meet federal motor vehicle safety standards in effect on the effective date of this ordinance, that is not a golf cart or low-speed vehicle as defined in § 340.01(27)(h), dune buggy, mini-truck, or tracked vehicle, that is designed to be used primarily off of a highway, and that has, and was originally manufactured with, all of the following:
    - (a) A gross net weight of less than 2,000 pounds.
    - (b) A cargo box or dump box installed by the manufacturer.
  - (2) A motor driven device that has a net weight of more than 900 pounds, that is originally manufactured with a width of 50 inches or less, that is equipped with a seat designed to be straddled by the operator, and that is designed by the manufacturer to travel on three or more low-pressure tires.

### **Section 94-228. All-Terrain Vehicles on City Streets.**

Except for those streets designated in § 94-229(e), all-terrain and utility terrain vehicles may be operated on city streets in the manner provided by state law and this ordinance so long as the use of streets not designated as all-terrain vehicle routes are only for direct access to an all-terrain vehicle route or trail. Operation of an all-terrain or utility terrain vehicle other than on an all-terrain vehicle route or trail or on a city street in the most direct route possible from the point or origin to an all-terrain vehicle route or trail or from an all-terrain vehicle route or trail to a point of destination is prohibited.

### **Section 94-229. All-Terrain Vehicle Routes.**

- (a) Pursuant to § 23.33(8), Wisconsin Statute, the following streets and portions of streets are designated all-terrain vehicle routes as defined in Section NR 64.12 Routes, Wisconsin Administrative Code, within the city:
  - 1. Bay Mill Road
  - 2. Jersey Lane – Bay Mill Road to Bridge Street
  - 3. Bridge Street- from Bay Mill Road to Curve Street
  - 4. Wheeler Road
  - 5. Curve Street
  - 6. Leather Avenue from Curve Street to Fourth Street.
  - 7. Timm Street
  - 8. Swan Avenue
  - 9. Industrial Drive
  - 10. Mohawk Drive – to Cash Road
  - 11. Cash Road
  - 12. Willow Lane



## TOMAHAWK MUNICIPAL CODE

13. Hometown Drive
14. East Side of County Road A within the City Limits
15. Fourth Street - from County Road A to River Street
16. Third Street – from River Street to Prospect Avenue
17. River Street - from Sixth Street to Third Street
18. Prospect Street - from Third Street to Second Street
19. Second Street - from Prospect Street to Washington Avenue
20. Washington Avenue - from Second Street to Railway Street
21. Railway Street - from Washington Avenue to Rice Avenue
22. Rice Avenue - from Railway Street to Sixth Street
23. Sixth Street
24. West Spirit Avenue - from Bradley Park to Railway Street
25. Southgate Drive
26. Brief Street
27. Theiler Drive
28. Kaphaem Road
29. Comfort Drive

- (b) Pursuant to § 23.33, Wisconsin Statute, the following portions of public property are designated as all-terrain vehicle trails:
- (1) Old and New City Garage Sites
  - (2) SARA Park
  - (3) Mirror Lake Road
- (c) All all-terrain vehicle routes shall be marked as provided in Section NR 64.12(7). Nothing in this article or Section 94 – Article VII – Snowmobiles, shall prohibit the city from working cooperatively or by contract with an all-terrain vehicle club to: mark all-terrain vehicle and snowmobile routes and trails; circulate and publish the route and trail map; or otherwise take action to fulfill the city’s obligations created by said articles.
- (d) No person shall operate an all-terrain or utility terrain vehicle on any city street or public property not designated as an all-terrain vehicle route or trail or in the manner provided in Section 94-228 of this code.
- (e) The operation of all-terrain and utility terrain vehicles will not be permitted on the following streets except as may be necessary to cross the same and then in strict compliance with state law:
- (1) South Tomahawk Avenue (STH 86) from Somo Avenue to Mary Street.
  - (2) Somo Avenue (STH 86) from South Tomahawk Avenue to School Road.
- (f) The City of Tomahawk, Wisconsin, has specific authority under s.23.33(11)(am)4 to authorize the operation of all-terrain vehicles on the following public highways with posted speed limits of 35MPH or less:
- (1) State Highway 86 from the junction of School Road to Kaphaem Road.
- (g) The City of Tomahawk, Wisconsin, has specific authority under s.23.33(4)(d)3.b and s.23.33(11)(am)3 to authorize the operation of all-terrain vehicles on the following public highways:
- (1) State Highway 86 from the junction of County Road E to Mary Street.
    - 23.33(11)3. (a)-(e):
      - a. Cross the bridge in the most direct manner practicable and at a place where no obstruction prevents a quick and safe crossing.

## TOMAHAWK MUNICIPAL CODE

- b. Stay as far to the right of the roadway or shoulder as practicable.
  - c. Stop the vehicle prior to crossing.
  - d. Yield the right-of-way to other vehicles, pedestrians, electric scooters, and electric personal assistive mobility devices using the roadway or shoulder.
  - e. Exit the highway as quickly and safely as practicable after crossing the bridge.
- (h) Unless otherwise specifically provided, utility terrain vehicles shall be permitted to operate on the all-terrain vehicle routes in the same manner and subject to the same restrictions as all-terrain vehicles.
- (i) The routes and trails designated by this ordinance may from time to time be amended by action of the common council after reviewing the recommendation of the chief of police or director of public works regarding any such amendment. The city clerk shall promptly update this section upon publication of any ordinance changing the route designations provided for in this article and shall make copies of this section available to the public at the office of the city clerk.
- (j) The chief of police and director of public works shall assist snowmobile and all-terrain vehicle clubs in creating and circulating a map or maps illustrating the routes and trails designated by this ordinance. In the event there is any difference between routes and trails designated in any such map and the routes and trails designated by this ordinance, this ordinance shall control.

### **Section 94-230. Additional Regulations.**

- (a) No person shall operate an all-terrain or utility terrain vehicle within the city except as permitted under this article and subject to the state laws incorporated herein.
- (b) All-terrain and utility terrain vehicles shall not be operated on any sidewalks unless approved by council resolution and designated with signs.

### **Section 94-231. Exemptions.**

City owned vehicles are exempt from this article of the code.

### **Sections 232-250. Reserved.**

## **Article IX. Equipment**

### **Section 94-251. Compression Brakes Prohibited.**

- (a) *Prohibition.* No person shall use motor vehicle brakes within the city which are in any way activated or operated by the compression of the engine or any motor vehicle or any unit or part thereof.
- (b) *Exception.* It shall be an affirmative defense to prosecution under this section that such compression brakes were necessary for the protection of persons and/or property.
- (c) *Penalty.* Any person violating the provision of this section shall upon conviction pay the forfeitures as provided for in Section 1-14.

(Ordinance Number 1991-1, § 7.13, 2-2-1999)

**Sections 94-252 – 94-280. Reserved.**

## **Article X. Railroads**

### **Section 94-281. Obstruction By.**

No person shall obstruct any street or alley with a stopped railroad locomotive or car for a period longer than five minutes so as to interfere with traffic on such street or alley.

## **Article XI. Neighborhood Electric Vehicles Allowed; Conditions**

### **Section 94-281. Definition.**

Neighborhood Electric Vehicle (NEV) is defined in Wisconsin Statute § 340.01(36) (r) and means a motor vehicle that is propelled by electric power and that conforms to the definition and requirements for low speed vehicles as adopted in the Federal Motor Vehicle Safety Standards for low speed vehicles. The definition of the Neighborhood Electric Vehicle does not include a golf cart.

### **Section 94-282. Permitted Operators and Streets.**

Only persons holding a valid Wisconsin driver's license may operate an NEV on permitted streets. NEV's may be operated on any street that has a speed limit not exceeding 35 miles per hour excepting those streets and highways on which State Highway 86 is routed through the city. NEV's may be driven directly across State Highway 86.

### **Section 94-283. Standards and Equipment.**

An NEV must be titled and registered by the State of Wisconsin, and must display a state-issued license plate. An NEV shall have four wheels and have a speed range of at least 20 miles per hour and not more than 25 miles per hour on a paved surface and shall have a gross vehicle weight of less than 3,000 pounds. An NEV shall have the following equipment:

- (a) Headlamps;
- (b) Stop Lamps;
- (c) Front and Rear Turn Signals;
- (d) Reflex Reflectors, one red on each side as far to the rear as practicable, and one red on the rear;
- (e) An Exterior Mirror mounted on the driver's side and either mirror on the passenger side or an interior rearview mirror;
- (f) Parking Brake;
- (g) A Windshield that conforms to the federal safety standard on glazing;

## TOMAHAWK MUNICIPAL CODE

- (h) A Vehicle Identification Number (VIN) that complies with federal law;
- (i) A Type 1 or Type 2 Seatbelt assembly that conforms to federal law for each designated seat location.

### **Section 94-284. City Traffic Code; Violations.**

Operation of any NEV's in the city of Tomahawk shall comply with the City Traffic Code and any person violating the provisions of this ordinance shall be subject to the penalty provide by the penalty section of the Traffic Code.