

Town of Merrill Road Use and Speed Control Ordinance

Ordinance No. 2011-10

STATE OF WISCONSIN
Town of Merrill
Lincoln County

SECTION I - TITLE AND PURPOSE

The title of this ordinance is the Town of Merrill Road Use and Speed Control Ordinance. The purpose of this ordinance is for the Town of Merrill to provide for traffic control and to regulate by permit motor vehicle, snowmobile, all-terrain vehicle, and other vehicle and non-vehicular uses and activities on the town highways.

SECTION II - AUTHORITY

This Ordinance was adopted under the statutory authority granted pursuant to the village powers of the town under s. [60.22](#), Wis. stats., and] ss. [66.0425](#), [82.03](#), [86.07](#), [349.06](#), Wis. stats., [23.33 \(11\)](#), [61.35](#), [62.23 \(6\)](#), [349.11](#), [349.17](#), [350.18 \(3\) \(a\)](#), Wis. stats. and chapters [340](#) to [348](#), [350](#), and [941](#) to [947](#), Wis. stats.

SECTION III - ADOPTION OF ORDINANCE

This ordinance, adopted by a majority of the town board on a roll call vote with a quorum present and voting and proper notice having been given, provides for traffic control and the regulation by permit of certain motor vehicle, snowmobile, all-terrain vehicle, and other vehicle and non-vehicular uses and activities on the town highways.

SECTION IV - DEFINITIONS

In this ordinance:

A. "All-Terrain Vehicle" means an engine-driven device that has a net weight of 900 pounds or less, has a width of 48 inches or less, is equipped with a seat designed to be straddled by the operator, and is designated to travel on 3 or more low-pressure tires. A low-pressure tire is a tire that has a minimum width of 6 inches, is designated to be mounted on a rim with a maximum diameter of 12 inches, and is designed to be inflated with an operating pressure not to exceed 6 pounds per square inch as recommended by the manufacturer.

B. "Automobile" means any of the following:

1. Type 1 is a motor vehicle designed and used primarily for carrying persons, but that does not come within the definition of a motor bus, motorcycle, moped, or motor bicycle.

2. Type 2 is a motor vehicle capable of speeds in excess of 30 miles per hour on a dry, level, hard surface with no wind, designed and built to have at least 3 wheels in contact with the ground, a power source as an integral part of the vehicle, a curb weight of at least 1,500 pounds, and a passenger and operator area with sides permanently enclosed with rigid construction and a top that may be convertible.

C. "Highway" means all public ways and thoroughfares in the town and all bridges in the town on public ways and thoroughfares, including all of the following:

1. The entire width between the boundary lines of every way open to the use of the public as a matter of right for the purposes of vehicular travel.

2. Those roads or driveways in the state, county, or town parks and in state forests that have been opened to the use of the public for the purpose of vehicle travel and roads or driveways upon the grounds of public schools, as defined in s. [115.01 \(1\)](#), Wis. stats., and institutions under the jurisdiction of the Lincoln County Board of Supervisors, but does not include private roads or driveways.

D. "Motor vehicle" means a vehicle, including a combination of 2 or more vehicles or an articulated vehicle, that is self-propelled, except a vehicle operated exclusively on a rail. "Motor vehicle" includes, without limitation, an automobile, a commercial motor vehicle, or a vehicle that is propelled by electric power obtained from overhead trolley wires but not operated on rails. A snowmobile or all-terrain vehicle is considered a motor vehicle for purposes made specifically applicable by this ordinance, unless noted to the contrary in this ordinance. Any electric personal assistance mobility device shall not be considered a motor vehicle.

E. "Official traffic-control device" means any sign, signal, marking, or device, not inconsistent with chapters [341](#) to [349](#), Wis. stats., placed or erected by authority of a public body or official having jurisdiction for the purpose of regulating, warning, or guiding traffic.

F. "Park" or "parking" means the halting of a vehicle, whether occupied or not, except temporarily for the purpose of, and while actually engaged in, loading or unloading property or passengers.

G. "Snowmobile" means an engine-driven vehicle that is manufactured solely for snowmobiling, that has an endless belt tread and sled-type runners, or skis, to be used in contact with snow, but does not include a vehicle that is any of the following:

1. A vehicle that has inflatable tires.

2. A vehicle that is driven by a motor of 4 horsepower or less and is operated in sanctioned races, derbies, competitions, or exhibitions or only on private property.

H. "Town" means the Town of Merrill, Lincoln County, Wisconsin.

I. "Town board" means the board of supervisors for the Town of Merrill, Lincoln County, Wisconsin, and includes designees of the board authorized to act for the board.

J. "Town clerk" means the clerk of the Town of Merrill, Lincoln County, Wisconsin.

K. "Vehicle" means an automobile and other motor vehicles as defined in s. [340.01 \(35\)](#), Wis. stats., and includes, specifically, all of the following:

1. All-terrain vehicle.

2. Camping trailer, as defined in s. [340.01 \(6m\)](#), Wis. stats.

3. Farm tractor, as defined in s. [340.01 \(16\)](#), Wis. stats.

4. Farm trailer, as defined in s. [340.01 \(17\)](#), Wis. stats.

5. Farm truck, as defined in s. [340.01 \(18\)](#), Wis. stats.

6. Farm truck tractor, as defined in s. [340.01 \(18g\)](#), Wis. stats.

7. Implement of husbandry, as defined in s. [340.01 \(24\)](#), Wis. stats.

8. Junk vehicle, as defined in s. [340.01 \(25j\)](#), Wis. stats.

9. Mobile home, as defined in s. [340.01 \(29\)](#), Wis. stats.

10. Moped, as defined in s. [340.01 \(29m\)](#), Wis. stats.

11. Motor bicycle, as defined in s. [340.01 \(30\)](#), Wis. stats.

12. Motor bus, as defined in s. [340.01 \(31\)](#), Wis. stats.

13. Motorcycle, as defined in s. [340.01 \(32\)](#), Wis. stats.

14. Motor home, as defined in s. [340.01 \(33m\)](#), Wis. stats.

15. Motor truck, as defined in s. [340.01 \(34\)](#), Wis. stats.
 16. Road machinery, as defined in s. [340.01 \(52\)](#), Wis. stats.
 17. Road tractor, as defined in s. [340.01 \(53\)](#), Wis. stats.
 18. School bus, as defined in s. [340.01 \(56\)](#), Wis. stats.
 19. Snowmobile, as defined in s. [340.01 \(58a\)](#), Wis. stats.
 20. Trailer, as defined in s. [340.01 \(71\)](#), Wis. stats.
 21. Truck tractor, as defined in s. [340.01 \(73\)](#), Wis. stats.
- L. "Wis. stats." means the Wisconsin Statutes, including successor provisions.

SECTION V - SUBDIVISION AND NUMBERING OF THIS ORDINANCE

This ordinance is divided into sections designated by uppercase Roman numerals. Sections may be divided into subsections designated by uppercase letters. Subsections may be divided into paragraphs designated by numbers. Paragraphs may be divided into subdivisions designated by lowercase letters. Subdivisions may be divided into subdivision paragraphs designated by lowercase Roman numerals. Reference to a "section," "subsection," "paragraph," or "subdivision" includes all divisions of the referenced section, subsection, paragraph, or subdivision.

SECTION VI - SPECIFIC PROVISIONS ON ROADS AND TRAFFIC CONTROL

A. Except for the suspension or revocation of motor vehicle operator's licenses, the town adopts all of the provisions of chapters [341](#) to [348](#) and [350](#), Wis. stats., for which the penalty for violation thereof is a forfeiture, which statutes are incorporated into this ordinance by reference as if fully set forth in this reference.

B. No person may make any excavation in, place any fill upon, install any culvert in, make any alteration in or of, or in any manner disturb any town highway without a permit or approval therefor from the town board or its designee, as authorized by ss. [66.0425](#) and [86.07](#), Wis. stats. Any permit or approval issued under this subsection shall be subject to all of the following conditions:

1. The work shall be constructed subject to and in accordance with all rules and regulations that may be prescribed by the town board and be performed and completed to the town board's satisfaction.

2. In the case of temporary alterations, the highway shall be restored to its former condition, and the permittee shall be liable to the town for all damages that occur during the progress of or as a result of the work.

3. If any culvert is installed, excavation is made, fill is placed, or other alteration is made in violation of the provisions of this subsection, the highway may be restored to its former condition by the town board.

C. Whenever any town highway is impassable or unsafe for travel, as determined by the town board, or during the construction or repair of any town highway and until it is ready for traffic, the town board may, pursuant to its oversight authority over town highways under s. [82.03](#), Wis. stats., close the highway and keep it closed by maintaining barriers at each end of the closed portion. The barriers shall be of such material and construction and so placed as to indicate that the highway is closed and shall be lighted at night. Persons without lawful authority of the town board, or its designees, shall not remove, take down, alter the position of, destroy, or pass over or beyond any barrier so erected, or travel with any vehicle upon any portion of a

highway closed by barriers as provided in this subsection, or walk or travel in any manner upon the materials placed upon the closed highway as part of the repair or construction work.

D. 1. The town board shall procure, erect, and maintain appropriate official traffic-control devices, conforming to the uniform traffic control devices manual adopted by the State of Wisconsin, Department of Transportation under s. [84.02 \(4\) \(e\)](#), Wis. stats. Official traffic-control devices shall be erected and maintained in those locations and in the manner authorized by the town board to give adequate warning to users of the highway in question. The town chair or the town chair's designee shall be responsible for installing, repairing, and maintaining authorized official traffic-control devices.

E. 1. The town clerk shall keep an official traffic-control device file and map located in the town clerk's office. The file shall contain a detailed listing of all authorized traffic-control devices as authorized by town board resolution and their location in the town..

2. No person may park at any time any vehicle in any area on any highway in the town designated by the town board by resolution and marked by official traffic control devices to be an area for pedestrians or other traffic, or as a "no parking" area.

3. No person may park any vehicle on any highway in the town for the primary purpose of advertising or storage.

4. No person may park any vehicle on any highway other than parallel to the highway within the town, unless angle parking lines have been authorized by the town board by resolution for a designated area and the roadway marked accordingly by the proper town officials, in which event angle parking within the marked lines is mandatory.

5. No person may leave any motor vehicle on any highway in the town with the motor running or with any generator unit operating, unless the motor vehicle is occupied or attended by an individual licensed to operate the vehicle. Exceptions to this section may be granted for special or unusual circumstances with permission of a law enforcement officer or the town chair.

6. When so provided by the town board by resolution and designated by official traffic-control devices giving notice thereof, no person may park any vehicle for a period in excess of that designated by the resolution of the town board during the hours and subject to exceptions designated by the resolution of the town board and as specified on the official traffic-control devices placed by the town. Temporary moving of a vehicle for a period of less than 60 minutes or moving the vehicle to a nearby similarly restricted parking area less than 300 feet from the original parking space shall not relieve a person from a penalty under this subsection.

F. The provisions of ss. [346.57](#), [346.58](#), and [346.59](#), Wis. stats., relating to the maximum and minimum speed of vehicles, are adopted as part of this ordinance as if fully set forth in this ordinance.

SECTION VII - PENALTY PROVISION

Except for violations of Section VI, subsections A and E, any person, partnership, corporation, or other legal entity that fails to comply with the provisions of this ordinance shall, upon conviction, pay a forfeiture of not less than \$25 nor more than \$100, plus the applicable surcharges, assessments, and costs for each violation. Each day a violation exists or continues constitutes a separate offense under this ordinance. In addition, the town board may seek injunctive relief from a court of record to enjoin further violations.

SECTION VIII - SEVERABILITY

If any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable.

SECTION IX - EFFECTIVE DATE

This ordinance is effective on publication or posting.

The town clerk shall properly post or publish this ordinance as required under s. [60.80](#), Wis. stats.

Adopted this _____ day of _____, 20__.

Signatures of Town Board:

Attest:
