

October 2020 Law of the Month

Sec. 12-65. - Open fires and open flame

(1) Prohibitions; definitions. The term "open burning," as used herein, shall mean burning done outside of a building. Open burning is prohibited in the village without first obtaining a "fire pit" permit, with the following exceptions:

- (1) Small outdoor fires used for cooking, provided they are contained within a grill designed for cooking or an outdoor fireplace with a screen to contain any embers produced by burning. The burning material should not contain yard waste or rubbish.
- (2) Small open fires for welding, acetylene torches, safety flares, heating tar, or similar applications.
- (3) No burning shall be allowed on or immediately adjacent to the surface of any blacktop street.
- (4) All leaf burning is prohibited.

(b) Substances which may be burned. The following open burning may be conducted providing a burning pit permit is first obtained:

- (1) Fires set for practice and instruction of firefighters, or the testing of firefighting equipment.
- (2) The burning of small amounts of dry combustible rubbish not to include: wet combustible rubbish, garbage, oily substances, asphalt, plastic, or rubber products.
- (3) The burning of trees, wood, limbs, stumps, brush, or leaves; provided, however, that such materials may be burned only in those areas zoned "agricultural" or by permission of the fire chief or designee.

Failure to adhere to the above Ordinance could result in a citation and a penalty of up to \$326.50.

Brooklyn Police Department

September 2020 Law of the Month

346.46 Vehicles to stop at stop signs and school crossings

(1) Except when directed to proceed by a traffic officer or traffic control signal, every operator of a vehicle approaching an official stop sign at an intersection shall cause such vehicle to stop before entering the intersection and shall yield the right-of-way to other vehicles which have entered or are approaching the intersection upon a highway which is not controlled by an official stop sign or traffic signal.

(2) Stops required by sub. (1) shall be made in the following manner:

- (a) If there is a clearly marked stop line, the operator shall stop the vehicle immediately before crossing such line.
- (b) If there is no clearly marked stop line, the operator shall stop the vehicle immediately before entering the crosswalk on the near side of the intersection.
- (c) If there is neither a clearly marked stop line nor a marked or unmarked crosswalk at the intersection or if the operator cannot efficiently observe traffic on the intersecting roadway from the stop made at the stop line or crosswalk, the operator shall, before entering the intersection, stop the vehicle at such point as will enable the operator to efficiently observe the traffic on the intersecting roadway.
- (2m) Every operator of a motor vehicle approaching a school crossing which is controlled by an adult school crossing guard appointed under s. [120.13 \(31\)](#) or [349.215](#) shall follow the directions of the school crossing guard. If directed by the school crossing guard to stop, the operator shall stop the vehicle not less than 10 feet nor more than 30 feet from the school crossing and shall remain stopped until the school crossing guard directs the operator to proceed.
- (3) Every operator of a vehicle approaching an official stop sign at a railroad crossing shall, before proceeding on or over such crossing, stop the vehicle immediately before crossing a clearly marked stop line. If there is no clearly marked stop line, the operator shall stop the vehicle not less than 15 nor more than 50 feet from the nearest rail.
- (4) (a) Every operator of a vehicle approaching an official stop sign or official temporary stop sign erected mid-block on or in the roadway by local authorities under s. [349.07 \(6\)](#) shall cause such vehicle to stop not less than 10 nor more than 30 feet from such official sign except when directed to proceed by a traffic officer.
- (b) As used in this subsection "mid-block" has the meaning given it in s. [346.33 \(3\)](#).

Violations can result in a \$175 to \$187 fine depending on the violation. Each violations has an assessment of three demerit points.

Brooklyn Police Department

August 2020 Law of the Month

Sec. 16-1. - Regulation of trailers and mobile home outside of parks

- (a)It shall be unlawful for any person to park any trailer or mobile home on any street, alley or highway, or other public place, or on any tract of land owned by any person within the village.
- (b)Emergency or temporary stopping or parking is permitted on any street, alley or highway for no longer than one hour subject to any other and further prohibitions, regulations, or limitations imposed by the traffic and parking regulations or ordinances for that street, alley or highway.
- (c)No person shall park or occupy any trailer or mobile home on any premises, except as provided in subsection (b) of this section.

Brooklyn Police Department

July 2020 Law of the Month

Sec. 20-7. - Regulation of fireworks.

(a) No person shall use, keep, discharge, explode, sell, expose or offer for sale any fireworks within the limits of the village unless he shall be authorized by a fireworks permit as provided in this section. The term "fireworks" in this section shall be defined so as to bring within the prohibitions of this section all fireworks prohibited by Wis. Stats. § 167.10 as amended or renumbered from time to time. Nothing in this section shall prohibit fireworks specifically exempted from regulation by Wis. Stats. § 167.10 nor shall this section be construed so as to conflict with that statute.

(b) Nothing herein contained shall prohibit the use of fireworks for pyrotechnic displays given by fair associations, amusement parks, the village recreation committee or civic organizations under a fireworks permit granted by the village board nor shall the provisions of this section prohibit the use or sale of colored flares or the use or sale of blank cartridges for theatrical purposes or for signal purposes in athletic contests or sports events, or by railroads for signal purposes, or for the use by militia, police or military organizations.

(c) All organizations obtaining fireworks permits from the village board shall take all reasonable precautions with regard to the protection of the lives and property of all persons. Before granting any fireworks permits the village board shall determine that the applicant will exercise reasonable precautions with regard to the protection of the lives and property of all persons and shall require the applicant to guarantee the payment of all claims that may arise by reason of injuries to persons or property from the handling, use or discharge of fireworks under such permit. Any activity pursuant to the permit must be supervised by the police department and/or the Brooklyn Fire Protection District. Further, before any permit may be issued by the village president, the permit must be reviewed and approved by the fire chief and police chief.

(d) Fee. The applicant for the fireworks permit shall be responsible for any and all costs incurred by the village and/or the Brooklyn Fire Protection District in connection with the issuance and use of the permit.

Brooklyn Police Department

June Law of the Month

Sec. 6-13. - Barking dogs or crying cats.

It shall be unlawful for any person knowingly to keep or harbor any dog which habitually barks, howls or yelps, or any cat which habitually cries or howls to the great discomfort of the peace and quiet of the neighborhood or in such manner as to materially disturb or annoy persons in the neighborhood who are of ordinary sensibilities.

(Ord. of 4-25-2016, § 25.06)

Brooklyn Police Department

May 2020 Law of the Month

Sec. 6-9. - Animals running at large.

(a) No person having in his possession or ownership any animal or fowl shall allow the same to run at large within the village. The owner of any animal, whether licensed or unlicensed, shall

keep his animal tied or enclosed in a proper enclosure so as not to allow said animal to interfere with the passing public or neighbors. Any animal running at large shall be seized and impounded by an animal control or law enforcement officer.

(b) A dog or cat shall not be considered to be running at large if it is on a leash and under control of a person physically able to control it or is trained and in the immediate company of a person to which it immediately responds and obeys (e.g., a dog playing a game of fetch in a field, or walking alongside its owner or a member of the owner's immediate family) if such person is over the age of 12 years.

(c) Owner's liability for damage caused by dogs; penalties. The provisions of Wis. Stats. § 174.02, relating to the owner's liability for damage caused by dog or cats together with the penalties therein set forth are hereby adopted and incorporated herein.

Brooklyn Police Department

April 2020 Law of the Month

Sec. 32-48. – Zoned and Posted Speed Limits

What Are School Zones?

School zones are areas around schools where the posted speed limit is lowered in order to protect children. Areas for school zones typically include:

- Streets directly adjacent to a school
- Intersections near a school
- Crosswalks in the vicinity of a school

In most states, the speed limit in a school zone will only be lower during hours when students are going to and from school. However, some states require motorists to reduce speeds when passing schools, no matter what time of day.

SCHOOL SPEED LIMIT signs are used to establish speed zones near schools which may not be directly adjacent to the school property, or which may have a different speed limit than the standard 15 mph set by state statute. Unless posted otherwise, the speed limit on a street adjacent to a school is set by state statute at 15 mph. This limit applies when children are going to or from school or are playing within the sidewalk area, or at an intersection marked with a SCHOOL CROSSING sign. The SCHOOL ADVANCE WARNING sign also identifies an area where the school zone speed limit is in effect provided children are present.

Wisconsin State Statute 346.57(4)

(4) FIXED LIMITS. In addition to complying with the speed restrictions imposed by subs. (2) and (3), no person shall drive a vehicle at a speed in excess of the following limits unless different limits are indicated by official traffic signs:

(a) Fifteen miles per hour when passing a schoolhouse at those times when children are going to or from school or are playing within the sidewalk area at or about the school.

(b) Fifteen miles per hour when passing an intersection or other location properly marked with a "school crossing" sign of a type approved by the department when any of the following conditions exists:

1. Any child is present.

2. A school crossing guard is within a crosswalk at the intersection or the other location or, if no crosswalk exists, is in the roadway at the intersection or the other location.
3. A school crossing guard is placing in or removing from the roadway at or near the intersection or the other location a temporary sign or device that guides, warns, or regulates traffic.

Brooklyn Police Department

March 2020 Law of the Month

Sec. 32-51. - Operating of snow removal vehicles on public streets.

A person may operate an ATV or "skid steer" with a snow removal device attached for snow removal purposes and under the following conditions:

- (1) On a public sidewalk, speed may not exceed 5 mph.
- (2) On or adjacent to a roadway which is not a freeway, speed may not exceed 15 mph.
- (3) Only on roadways where the motor vehicle speed limit is 45 mph or less.
- (4) Only on the far right side of the road.
- (5) On roads that are posted ATV routes and currently open to ATV use.
- (6) The operator must be 16 years or older and if born after December 31, 1987, a valid ATV safety certificate is required.
- (7) Only between October 1 and April 30 for the purpose of removing snow.
- (8) For a distance not to exceed two miles from the original starting or unloading point.
- (9) Displaying one or more illuminated, yellow lights that are flashing or rotating and visible for 360 degrees.
- (10) Operator shall wear an ANSI Class 2 Hi-Visibility vest/coat.
- (11) Headlights are required to be on at all times while operating on the road. Operators must be certain the snow removal equipment does not interfere with the legal lighting requirements.
- (12) This section pertains to village controlled streets only.

Brooklyn Police Department

February 2020 Law of the Month

TRAFFIC RULES AND VEHICLE OPERATION

Sec. 32-48. - Zoned and posted speed limits.

Fixed limits; limits on specific streets, roads, and highways. No person shall drive a vehicle within the village boundary at a speed in excess of 25 miles per hour unless different limits are indicated by official traffic signs. The speed limit on the following streets, roads, or highways, within the village, shall be as follows:

- (1) State Highway 92:
 - a. Twenty-five miles per hour from its intersection with Union Road (West Main Street) through Commercial Street;
 - b. Twenty-five miles per hour beginning at Church Street to the village eastern boundary;
 - c. The speed limit on all other portions of State Highway 92 within the corporate limits of the village (west of the intersection with Union Road) shall be 55 miles per hour.
- (2) State Highway 104 (South Rutland Avenue): 25 miles per hour.
- (3) County Highway MM (North Rutland Avenue): 25 miles per hour.
- (4) S First St. (South of St. Hwy. 92) to Legion Park: 15 miles per hour.
- (5) All Village Park roadways: 15 miles per hour.

(Ord. of 2-9-1998, § 32.03; Ord. of 7-13-2015(1), § 32.03; Ord. of 9-11-2017(1))

State Law reference— Speed restrictions, reasonable and prudent limit, Wis. Stats. § 346.57.

Brooklyn Police Department

January 2020 Law of the Month

Are drivers on highways required to make room for merging vehicles?

While merging from a ramp onto a multiple-lane highway, it certainly helps when drivers on the main freeway move over a lane so you can get into the flow of traffic more easily. But, are drivers on the main freeway required by law to change lanes and provide a clear path for merging vehicles?

“As a matter of courtesy and safety, we encourage drivers on multiple lane highways to change lanes if possible or adjust their speed so that merging vehicles can get into the traffic flow quickly. However, drivers merging from a ramp onto a highway should be aware that vehicles on the main freeway are not legally required to move over for merging vehicles.”

Here are a few suggestions for merging onto highways smoothly:

- Enter the freeway from the ramp at or near the speed of freeway traffic.

- Use your turn signals.
- Do not stop while merging unless absolutely necessary.
- Don't try to squeeze into a gap in traffic that won't provide room to react.
- If you have to cross several lanes of traffic, cross them one at a time.

Merging onto a highway can be stressful when traffic is heavy and moving rapidly. Drivers trying to merge should pay strict attention to the traffic flow and be prepared to adjust their speed. But don't expect that the drivers on the main freeway will necessarily move over for a merging vehicle.

Brooklyn Police Department