

**ORDINANCE CREATING SECTION 9.23
OF THE TOWN CODE OF THE
TOWN OF BROOKFIELD, WAUKESHA COUNTY, WISCONSIN**

THE TOWN BOARD OF THE TOWN OF BROOKFIELD, WAUKESHA COUNTY,
WISCONSIN, DOES ORDAIN AS FOLLOWS:

SECTION 1: Section 9.23 of the Town Code of the Town of Brookfield
is hereby created to read as follows:

**OPERATION AND REGULATION OF DIRT BIKES,
MINI BIKES, AND TRAIL BIKES.**

(1) DEFINITIONS. Whenever any of the following terms are used in
this Section, such terms shall be deemed and construed to have the
meaning ascribed to them as follows:

(a) "Dirt bike, mini bike, or trail bike" shall be defined as a
motorcycle or other motor bicycle designed especially to operate and
intended for operation off public roads.

(b) "Operate" shall be defined as the exercise of physical control
over the speed or direction of or to physically manipulate or activate any
of the controls of a "dirt bike, mini bike or trail bike" necessary to put it in
motion.

(c) "Operation" shall be defined as the exercise of physical control
over or physical manipulation or activation of any of the controls of a "dirt
bike, mini bike, or trail bike" necessary to put it in motion.

(2) RESTRICTIONS. No person shall operate a "dirt bike, mini bike,
or trail bike" as follows:

(a) In a manner that violates the laws of the State of Wisconsin or
the ordinances of the Town of Brookfield.

(b) On any private property without obtaining written permission
of the property owner, written permission to be carried on the person of
the operator. Immediate members of the owner's family are exempt from
this requirement.

(c) Between the hours of 6:00 PM and 8:00 AM, Monday through Friday.

(d) At any time on Saturdays, Sundays, and legal holidays.

(e) On the shoulders or in the drainage ditches of public streets and highways.

(f) In excess of twenty-five (25) miles per hour, provided that a licensed vehicle operated by a licensed driver and authorized by the laws of the State of Wisconsin to be operated on any public road, street, alley, highway, freeway, interstate, town trunk highway, or public right-of-way, may be operated at the posted speed limit.

(g) In any careless way so as to endanger the operator, any other person, or any property of another.

(h) With more than one (1) passenger.

(i) Without protective head gear.

(j) Without a functioning or sufficient muffler.

(k) On a public street or highway unless the driver has an operator's license and the vehicle is licensed by and meets the equipment requirements of the State of Wisconsin.

(l) Who is under twelve (12) years of age.

(m) So as to race the engine or otherwise cause unnecessary or unusual noise which annoys, disturbs, injures, or endangers the comfort, health, peace, or safety of others, or which results in a loss of the privacy, quietude, and serenity to which the owners and users of land are rightfully entitled.

(n) So as to cause the unnecessary or unusual circulation of dust or dirt particles which annoys, disturbs, injures, or endangers the comfort, health, peace, or safety of others, or which results in a loss of the privacy, quietude, and serenity to which the owners and users of land are rightfully entitled.

(o) In a Town park, except where designated by the Parks Department.

(p) Within three hundred (300) feet of a property zoned or used for residential purposes.

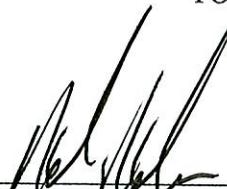
(q) If the engine size has a capacity of more than 90 CC.

SECTION 2: All ordinances or parts of this ordinance conflicting or contravening the provisions of this ordinance are hereby repealed.

SECTION 3: This ordinance shall take effect upon passage and posting as provided by law.

Dated this 5th day of November, 2008.

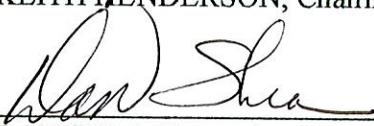
TOWN BOARD, TOWN OF BROOKFIELD,
WAUKESHA COUNTY, WISCONSIN

BY: 

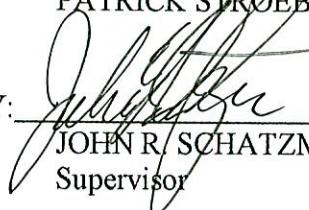
KEITH HENDERSON, Chairman

BY: 

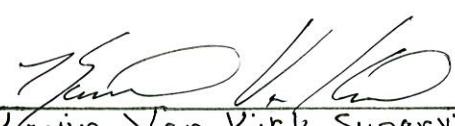
PATRICK STROEBEL, Supervisor

BY: 

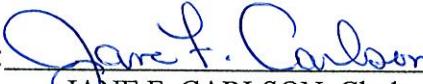
DAN SHEA, Supervisor

BY: 

JOHN R. SCHATZMAN, SR.
Supervisor

BY: 

Kevin Van Kirk, Supervisor

ATTEST: 

JANE F. CARLSON, Clerk