

CHAPTER 7
TRAFFIC CODE

- 7.01 State Traffic Laws Adopted
- 7.02 Official Traffic Map and Control Devices; Prohibited Signs, Signals and Markers
- 7.03 Stop and Yield Signs
- 7.04 Parking Regulations
- 7.05 Temporary Street Closing For Community Events
- 7.06 Classification of and Weight Limitations on Town Highways
- 7.07 Removal of Illegally Parked Vehicles
- 7.08 Abandoned Vehicles
- 7.09 Display of Power Prohibited
- 7.10 Snowmobiles
- 7.11 All-Terrain Vehicles Regulated
- 7.12 Penalty
- 7.13 Enforcement

7.01 STATE TRAFFIC LAWS ADOPTED. Except as otherwise specifically provided in this chapter, the statutory provisions in Chs. 340 to 348, Wis. Stats., 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 hereby 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 State-wide regulation of traffic on the highways, streets and alleys of the State of Wisconsin.

7.02 OFFICIAL TRAFFIC MAP AND CONTROL DEVICES; PROHIBITED SIGNS, SIGNALS AND MARKERS. (1) **DUTY OF THE TOWN CHAIRPERSON TO ERECT AND INSTALL UNIFORM TRAFFIC CONTROL DEVICES.** Whenever traffic regulations created by this chapter, including a State traffic regulation, adopted by reference in sec. 7.01 of this chapter, require the erection of traffic control devices for enforcement, the Town Chairperson, shall cause the procurement, installation and maintenance of uniform traffic control devices conforming to the Uniform Traffic Control Device Manual promulgated by the Wisconsin Department of Transportation, giving notice of such traffic regulation to the users of the streets and highways on which such regulations apply. Whenever State law grants discretion to local authorities in erecting or placement of a uniform traffic control device, devices shall be erected in such locations and in such a manner as, in the judgment of the Town Chairperson will carry out the purposes of this chapter and give adequate warning to users of the streets and highways of the Town.

(2) **OFFICIAL TRAFFIC MAP.** (a) *Official Traffic Map Established.* There is hereby established for the Town an Official Traffic Map dated September 1 2003, on which is indicated as of said date all existing stop signs and speed zones. All such restrictions and limitations set forth on said Official Traffic Map are hereby adopted by reference.

(b) *Additions to Map.* The Town Board may, from time to time, make additions to or deletions from the Official Traffic Map and the Town Clerk shall keep such Official Traffic Map current. Every addition to said Official Traffic Map made after September 1, 2003 shall indicate the number of the authorizing ordinance and the date the appropriate official traffic control device was erected, and every deletion shall indicate the number of the authorizing ordinance.

(c) *Map to Be Maintained.* The Official Traffic Map shall be maintained and displayed in the office of the Town Clerk. The Clerk shall make appropriate authorized changes on said Map within 3 working days after the appropriate official traffic control device is erected or removed, as the case may be.

(d) *Violations Prohibited.* When official traffic control devices, giving notice of the restrictions, prohibitions and limitations shown on the Official Traffic Map, are erected and maintained in accordance with the provisions of this section, a violation of the restriction, prohibition or limitation shown on the Official Traffic Map shall be a violation of the provisions of this chapter.

(3) **PROHIBITED SIGNS AND MARKERS IN HIGHWAYS.** No person other than an officer authorized by this chapter to erect and maintain official traffic control devices, or his designee, shall place within the limits of any street or highway maintained by the Town any sign, signal, marker, mark or monument unless permission is first obtained from the Town Board. Any sign, signal, marker, mark or monument placed or maintained in violation of this subsection shall be subject to removal, as provided in sub. (4) below.

(4) **REMOVAL OF UNOFFICIAL SIGNS, SIGNALS, MARKERS AND TRAFFIC CONTROL DEVICES.** The Town Chairperson shall cause to be removed any sign, signal, marker or other device which is placed, maintained or displayed in violation of this chapter or State law. Any charge imposed against premises for removal of a prohibited or illegal sign, signal, marker or device shall be reported by the Town Chairperson to the Town Board for review and certification at its next regular meeting following the imposition of the charge. Any charge not paid on or before the next succeeding November 15 shall be placed upon the tax roll for collection as other special municipal taxes.

7.03 STOP AND YIELD SIGNS. In the interest of public safety, the Town Board, by ordinance, has designated the location of stop and yield signs within the Town and has ordered the installation of such signs. In addition, the location of such signs is designated on the Official Traffic Map of the Town pursuant to sec. 7.02 of this chapter.

7.04 PARKING REGULATIONS. (1) PARKING PROHIBITED AT ALL TIMES. Except temporarily for the purpose of and while actually engaged in loading or unloading or in receiving or discharging passengers or property and while the vehicle is attended by a licensed operator so that it may be moved promptly in case of an emergency or to avoid obstruction of traffic, no person shall at any time park or leave standing any vehicle upon any of the following highways or parts of highways:

(a) On both sides of Liberty Lane.

(b) On River Street, from the entrance to the Waubeka Volunteer Fire Department, Inc., driveway at W4119 River Street east a distance of 20 feet.

(2) **STREET MAINTENANCE.** Whenever it is necessary to clear or repair a Town roadway or any part thereof, the Town shall cause the posting of such highways or parts thereof with signs bearing the words "No Parking-Street Maintenance Work." Such signs shall be erected at least 2 hours prior to the time that street maintenance work is to be commenced. No person shall park a motor vehicle in violation of such signs.

(3) **PARKING IN DRIVEWAYS.** No person shall park or leave standing any motor vehicle on any private property or in any private driveway without the permission of the owner or lessee of the property upon which such property or driveway is located, whether or not such property or driveway is posted to limit or restrict parking.

(4) **PARKING VEHICLES WITH MOTOR RUNNING.** No person shall park or leave standing any motor vehicle with the motor or refrigerator unit running for more than 5 minutes within 300 feet of any residence within the Town between the hours of 10:00 P.M. and 7:00 A.M.

(5) **PARKING VEHICLES IN FIRE LANES, ETC.** No person shall park or leave standing any motor vehicle in any fire lane or public access to any lake, river or park in such a manner as to obstruct other vehicles on the public right of way.

7.05 TEMPORARY STREET CLOSING FOR COMMUNITY EVENTS. The Town Board may elect to close designated streets during designated hours for community events. When barricades are erected, no person shall operate a motor vehicle within the closed right of way.

7.06 CLASSIFICATION OF AND WEIGHT LIMITATIONS ON TOWN HIGHWAYS. (1) CLASS "B" HIGHWAYS DESIGNATED. Pursuant to §348.16, Wis. Stats., the highways maintained by the Town are designated Class "B" highways, pursuant to §349.15, Wis. Stats. No person shall operate any vehicle or combination of vehicles imposing wheel, axle,

group of axles or gross weight on any Town highway which exceeds the weight limitations for Class "A" highways as set forth in §348.15(3)(c), Wis. Stats.

(2) SPECIAL AND SEASONAL WEIGHT LIMITATIONS. (a) The Town Chairperson is empowered to exercise the authority granted by §349.16(1), Wis. Stats., to impose temporary seasonal special weight limitations on any Town road or portion thereof which, because of weakness of the roadbed due to deterioration or climatic conditions or other special or temporary condition, would likely be seriously damaged or destroyed in the absence of such special limitations.

(b) Imposition of the special weight limitations authorized by par. (a) above shall be done by erecting signs on or along the highway on which it is desired to impose the limitation sufficient to give reasonable notice that a special weight limit is in effect and the nature of that limitation.

(c) The Town Chairperson is further empowered to exercise the discretion authorized by §349.16(3), Wis. Stats., to exempt vehicles carrying certain commodities such as construction materials and fuel from the limitations imposed by par. (a) above or to set different weight limitations than those imposed by par. (a) above for vehicles carrying such commodities if, in the judgment of the Chairperson, the exemption or limitation is reasonable and necessary to promote the public health, safety and welfare.

(3) PENALTY. Any person violating this section may be penalized as follows:

(a) If the weight exceeds by 1,000 pounds or less the maximum set forth in sub. (1) above, a forfeiture of not less than \$50 nor more than \$100 upon the first conviction together with the costs of prosecution and, upon the second and each subsequent conviction within a 12 month period, a forfeiture of not less than \$100 nor more than \$200 plus the costs of prosecution.

(b) If the weight exceeds by more than 1,000 pounds, the maximum set forth in sub. (1) above, the forfeiture shall be computed according to the following schedule:

1. For the first conviction, a forfeiture of not less than \$50 nor more than \$200.

2. For the second and each subsequent conviction within a 12 month period, a forfeiture of not less that \$100 nor more than \$300.

7.07 REMOVAL OF ILLEGALLY PARKED VEHICLES. Any vehicle parked or left standing upon a highway, street or alley or other public or private grounds in violation of any of the provisions of this chapter is declared to be a hazard to traffic and public safety. Such vehicle shall be removed by the operator, upon request of any peace officer, to a position where parking, stopping or standing is not prohibited. The Town Code Enforcement Officer, after issuing a citation for illegal parking, stopping or standing of an unattended vehicle in violation of this chapter, is authorized to remove such vehicle to a position where parking is not prohibited. The Officer may order a motor carrier holding a permit to perform vehicle towing services, a licensed motor vehicle salvage dealer or a licensed motor vehicle dealer who performs vehicle towing services to remove and store such vehicle in any storage garage or rental parking grounds or any facility of the person providing the towing services. In addition to other penalties provided by sec. 7.12 of this chapter, the owner or operator of a vehicle so removed shall pay the cost of towing and storage.

7.08 ABANDONED VEHICLES. (1) **ABANDONMENT OF VEHICLES PROHIBITED.** No person shall abandon any vehicle unattended within the Town for such time and under such circumstances as to cause the vehicle to reasonably appear to be abandoned.

(2) **DEFINITION.** As used in this section, “vehicle” means a motor vehicle, trailer, semi-trailer or mobile home as defined in sec. 7.01 of this chapter, whether or not such vehicle is registered under Ch. 341, Wis. Stats.

(3) **PRESUMPTION OF ABANDONMENT.** Any vehicle left unattended for more than 72 hours, pursuant to §342.40, Wis. Stats., on any public street or grounds, or on private property where parking is prohibited, limited or restricted, without the permission of the owner or lessee, is deemed abandoned and constitutes a public nuisance; provided that the vehicle shall not be deemed abandoned under this section if left unattended on private property out of public view, by permission of the owner or lessee.

(4) **EXCEPTIONS.** This section shall not apply to a vehicle in an enclosed building or a vehicle in an appropriate storage place or depository maintained in a lawful place and manner authorized by the Town.

(5) **REMOVAL AND IMPOUNDMENT OR SALE.** Any vehicle found abandoned in violation of this chapter shall be impounded by the Town Code Enforcement Officer until lawfully claimed or disposed of as provided in this section. If the Officer determines that towing costs and storage charges for 10 days, as provided in sub. (6) below, would exceed the value of the vehicle, the vehicle may be junked or sold prior to the expiration of the impoundment period upon determination by the Officer that the vehicle is not wanted for evidence or any other reason; provided that vehicles in excess of 19 model years of age shall be sold or disposed of only by auction sale or sealed bid in accordance with sub. (8) below.

(6) **MINIMUM IMPOUNDMENT PERIOD.** The minimum period of impoundment or storage of a vehicle found in violation of this section shall be 10 days.

(7) **NOTICE TO OWNER.** The Town Code Enforcement Officer removing or causing the removal of any vehicle found in violation of this section shall immediately notify the Town Clerk of the abandonment and location of the impounded vehicle, and shall, within 10 days thereafter, notify the owner and lienholders of record, by certified mail, of the impoundment and of their right to reclaim the vehicle. The notice shall set forth the information contained in §342.40(3), Wis. Stats., and shall state that the failure of the owner or lienholder to exercise his right to reclaim the vehicle shall be deemed a waiver of all right, title and interest in the vehicle and a consent to sale of the vehicle.

(8) **SALE.** Each retained vehicle not reclaimed by the owner or lienholder may be disposed of by sealed bid or auction sale as provided in §342.40(3), Wis. Stats.

(9) **SALE TO BAR CLAIMS AGAINST VEHICLE.** The sale of a motor vehicle under the provisions of this section shall forever bar all prior claims thereto and interest therein except as hereinafter provided.

(10) **PURCHASER TO REMOVE VEHICLE.** The purchaser of any vehicle on sealed bid or auction sale under sub. (8) above shall have 10 days to remove the vehicle from the storage area upon payment of a storage fee of the actual cost of commercial storage for each day the vehicle has remained in storage after the second business day subsequent to the sale date. Ten days after the sale, the purchaser shall forfeit all interest in the vehicle and the vehicle shall be deemed to be abandoned and may be again sold.

(11) **REQUEST FOR LIST.** Any listing of vehicles to be sold pursuant to this section shall be made available by the Town Clerk to any interested person or organization who makes a request there for.

(12) **NOTICE TO DEPARTMENT.** Within 5 days after the sale or disposition of a vehicle under this section, the Town Clerk shall advise the Wisconsin Department of Transportation of such sale or disposition on a form supplied by the Department.

(13) **OWNER MAY FILE CLAIM.** At any time within 2 years after the sale of a motor vehicle, as provided herein, any person claiming ownership of such motor vehicle or a financial interest therein may present a claim to the Town Board setting forth such facts as are necessary to establish such ownership or interest, and that the failure of the claimant to reclaim the vehicle prior to the sale was not the result of the neglect or fault of claimant. If the Board is satisfied as to the justice of such claim, it may allow the same, but in no case shall the amount allowed exceed the sum paid into the Town Treasury as a result of the sale of such motor vehicle nor the amount of interest of the claimant therein.

(14) **EXEMPTION.** Any owner or person operating a registered vehicle which shall become disabled or inoperative for any reason and who shall be unable to cause removal of such vehicle from any alley, street, highway or public place not otherwise regulated as a restricted parking, stopping or standing zone shall, within 12 hours of such occurrence, notify the Town Clerk of the location of the vehicle and shall transfer and deliver clear title for said vehicle to the Town together with a fee for the cost of towing and junking charges and shall be exempt from the provisions of this section. When so requested by the owner or person in charge of a vehicle, the Town Clerk shall be authorized to order such vehicle removed and junked directly from the scene of disablement by the contractor engaged by the Town for towing of disabled vehicles. The provisions of sub. (11) above shall apply to any vehicle removed under this subsection.

7.09 DISPLAY OF POWER PROHIBITED. No person shall make unnecessary and annoying noises with a motor vehicle by squealing tires, excessive acceleration of engine, or by emitting unnecessary and loud exhaust system noises.

7.10 SNOWMOBILES. (1) **STATE SNOWMOBILE LAWS ADOPTED.** Except as otherwise specifically provided in this chapter, the statutory provisions describing and defining regulations with respect to snowmobiles in the following enumerated sections of the Wisconsin statutes 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, as follows:

- 350.01 Definitions
- 350.02 Operation of Snowmobiles on or in the Vicinity of a Highway
- 350.03 Right of Way
- 350.04 Snowmobile Races, Derbies and Routes
- 350.045 Public Utility Exemption
- 350.047 Local Ordinance to be Filed
- 350.05 Operation by Youthful Operators Restricted
- 350.055 Safety Certification Program Established
- 350.07 Driving Animals
- 350.08 Owner Permitting Operation
- 350.09 Head Lamps, Tail Lamps and Brakes
- 350.10 Miscellaneous Provisions for Snowmobile Operation
- 350.101 Operating a Snowmobile While Intoxicated Prohibited
- to
- 350.107

| | |
|--------|-----------------------------------|
| 350.12 | Registration of Snowmobiles |
| 350.13 | Uniform Trail Signs and Standards |
| 350.15 | Accidents and Accident Reports |
| 350.17 | Enforcement |
| 350.18 | Local Ordinances |
| 350.19 | Liability of Landowners |

(2) **APPLICABILITY OF RULES OF THE ROAD TO SNOWMOBILES.** The operator of a snowmobile upon a roadway shall, in addition to the provisions of Ch. 350, Wis. Stats., be subject to §§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(l)(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), (6), (6m) and (9), Wis. Stats.

(3) **OPERATION OF SNOWMOBILES IN TOWN RESTRICTED.** (a) *General.* It shall be unlawful to operate any snowmobile on the Town parks, parking lots, or on any public lands or parking lots held open to the public. The operator shall at all times have the consent of the owner before operation of a snowmobile on private lands unless the owner has agreed, in writing, to the establishment of a snowmobile trail. The Town Board may annually, with the cooperation of snowmobile clubs, establish such snowmobile routes.

(b) *Operation on Town Roads and Streets.* Pursuant to 350.18(3)(a), Wis. Stats., a person may operate a snowmobile on the shoulders of all Town highways and County and State trunk highways from a residence within the Town for the shortest distance from such residence to an established snowmobile route or trail.

(4) **RESIDENTIAL DISTRICT AREA SPEED LIMIT.** No person shall operate a snowmobile within the platted area of the Town at a speed in excess of 10 miles per hour.

(5) **PERMITTING OPERATION BY IMPROPER PERSONS PROHIBITED.** No owner or person having charge or control of a snowmobile shall authorize or permit any person to operate such snowmobile who is not permitted under State law to operate such snowmobile, or who is under the influence of an intoxicant or a dangerous or narcotic drug.

(6) **PENALTY.** Any person who shall violate any of the provisions of this section shall be subject to a forfeiture as provided in sec. 20.04 of this Code.

(7) **TOWN CLERK TO FILE SECTION.** Pursuant to §350.047, Wis. Stats., the Town Clerk is hereby authorized and directed to send a copy of this section to the Department of Natural Resources and the County Sheriff Department.

7.11 ALL-TERRAIN VEHICLES REGULATED. (1) Except as specifically provided for herein, the statutory provisions of §23.33, Wis. Stats., which defines and describes regulations with respect to ATV's, exclusive of the penalty provisions, is hereby adopted by reference and made a part of this section as though fully set forth.

(2) No person shall operate an ATV on any roadway within the Town unless the roadway is designated as an ATV route.

(3) No person shall operate an ATV at a speed in excess of 15 miles per hour on any designated ATV route.

7.12 PENALTY. The penalty for violation of any provision of this chapter shall be a forfeiture as hereafter provided, together with statutory court costs and penalty assessment, if applicable.

(1) **STATE FORFEITURE STATUTES.** Forfeitures for violation of §§340.01 to 348.28, Wis. Stats., shall conform to the forfeiture permitted to be imposed for violation of the statutes adopted by reference, including any variations or increases for subsequent offenses.

(2) **STATE FINE STATUTES.** The forfeiture for violation of any statute adopted by reference hereunder for which the penalty is a fine shall not exceed the maximum fine permitted under such statute.

(3) **LOCAL REGULATIONS.** The penalty for violations of secs. 7.02 through 7.12 of this chapter shall be as provided in sec. 20.04 of this Code.

7.13 ENFORCEMENT. (1) **ENFORCEMENT PROCEDURE.** This chapter shall be enforced in accordance with the provisions of §§345.20 to 345.53 and §66.0114, Wis. Stats.

(2) **TOWN BOARD TO ENFORCE.** The Town Board shall cause the enforcement of all the provisions of this chapter.

(3) **UNIFORM CITATIONS.** The uniform citation promulgated under §345.11, Wis. Stats., shall be used for all moving and non-moving traffic violations, except parking violations.

(4) **NOTICE OF DEMERIT POINTS AND RECEIPTS.** Every peace officer accepting a forfeited penalty or money deposit under this chapter shall receipt therefor in triplicate as provided in §345.26(3)(b), Wis. Stats. A police officer accepting a stipulation under the provisions of this chapter shall comply with the provisions of §§343.28, 345.26(1)(a) and 345.27(2), Wis. Stats.

(5) **PARKING CITATIONS.** Citations for all parking violations under this chapter may be issued by the Town Code Enforcement Officer and shall conform to §345.28, Wis. Stats., and shall permit direct mail payment of the applicable forfeiture to the Town Hall within 72 hours of the issuance of the citation in lieu of a court appearance. The citation shall specify thereon the amount of the applicable forfeiture as provided in this chapter.

(6) **REGISTRATION RECORD OF VEHICLE AS EVIDENCE.** When any vehicle is found upon a street, highway or other public right of way in violation of any provision of this Code regulating the stopping, standing or parking of vehicles and the identity of the operator cannot be determined, the owner, as shown by the ownership registration of the vehicle supplied by the Wisconsin Department of Transportation, or a comparable authority of any other state, shall be deemed to have committed the violation for purposes of the enforcement of this section and shall be subject to the applicable forfeiture penalty; provided, however, that the defenses defined and described in §346.485(5), Wis. Stats., shall be a defense for an owner charged with such violation.

(7) **DEPOSIT SCHEDULE.** Every peace officer and the Town Code Enforcement Officer issuing a citation for any violation of this chapter shall indicate on the citation the amount of the deposit that the alleged violator may make in lieu of court appearance. The amount of the deposit shall be determined in accordance with the Town Bond Schedule or the State Uniform Bond Schedule.

(8) DISPOSITION OF DEPOSITS; OFFICERS TO POST BOND, QUALIFY. Any peace officer accepting deposits or forfeited penalties under this chapter shall deliver them to the County Clerk of Courts within 20 days after receipt, except for parking forfeitures which shall be delivered to the Town Treasurer.