

7.01 STATE TRAFFIC LAWS ADOPTED.

(1) STATUTORY REGULATIONS. Except as otherwise specifically provided in this chapter, all provisions of Chs. 340 to 348, Wis. Stats., describing and defining regulations with respect to vehicles and traffic for which the penalty is a forfeiture only, including penalties to be imposed and procedures for prosecution, 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 further amendments, revisions or modifications of 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.

(2) ADOPTION OF ADDITIONAL STANDARDS. (Rep. & rec. #96-429) In addition to the sections of the Wisconsin Statutes previously adopted, there is also adopted in its entirety Chapter Trans. 305, Wis. Adm. Code, entitled "Standards for Motor Vehicle Equipment," and as it may be amended from time to time.

7.02 PARKING FOR ADVERTISING OR SALE PROHIBITED.

No person shall park a motor vehicle in any street for the primary purpose of advertising or for the sale of such vehicle.

7.03 PARKING RESTRICTIONS. (Rep. & rec. #95-383)

(1) No person shall stop or leave any vehicle standing upon any portion of a highway where and at the time when parking is prohibited, limited or restricted by official traffic signs.

(2) No person shall park, stop or leave standing any vehicle or any device by which persons or property are or may be transported or carried upon any street, road and highway in the Town under the Town's snowplowing jurisdiction during the months of November, December, January, February, March and from April 1 to April 15 of each year. (Rep. & rec. #95-418)

(3) No person shall park, stop or leave standing any vehicle or any device by which persons or property are or may be transported or carried, upon any traveled portion of a street, road, or highway in the Town. (Cr. #95-385)

7.04 (repealed in its entirety (06-006))

7.05 WEIGHT LIMITATIONS.

(1) CLASS B HIGHWAYS. All streets and alleys within the Town are designated as Class B Highways and shall be subject to the weight limitations imposed by §348.16(2), Wis. Stats.

(2) TRAFFIC PROHIBITED. No person shall operate a motor vehicle, except a motor bus, which is not equipped with pneumatic tires or has a combined vehicle load weight exceeding 6,000 lbs. on any street or alley within the Town not designated as a heavy traffic route, except for the purpose of obtaining orders for moving or delivering of supplies or commodities to or from a place of business or residence, provided the weight of the vehicle and load shall not exceed the weight limitations of §§348.15 or 348.16(3), Wis. Stats.

7.06 ONE WAY STREETS.

No person shall drive a vehicle on any one way street, one way alley, or in a Municipal Parking Lot, except in the direction designated, unless directed to do so by a Traffic Officer.

7.07 RIGHT OR LEFT TURNS.

No person operating a vehicle shall make any right or left turn at any intersection where the same is prohibited, unless directed to do so by a Traffic Officer.

7.08 U-TURNS.

No person operating a vehicle shall make any U-turn on any street where the same is prohibited, unless directed to do so by a Traffic Officer.

7.09 ERECTION OF SIGNS AND SIGNALS.

(1) The Highway Superintendent shall procure, erect and maintain appropriate standard traffic signs, signals and markings conforming to the Uniform Traffic Control Devices Manual, notifying drivers of the various driving or parking rules or restrictions at the various streets, alleys, intersections or other public places within the Town. Signs shall be erected in such locations and manner as authorized by the Board so as to give adequate warning to users of the streets, alleys or highways in question.

(2) No person shall be guilty of a violation of any restriction requiring a sign unless notice of the restriction was given at the time of the violation by a sign erected and in place and sufficiently legible to be seen and understood by a reasonably observant person.

(3) The Town Clerk shall maintain in his office at all times, a complete list of all traffic regulations at particular places adopted by the Board, whether herein by reference, the same as if fully set forth.

7.10 EMERGENCY TRAFFIC REGULATIONS. (am. 2002-04-010)

In case of an emergency, the Superintendent of Highways, in consultation with the Town Chairperson, may make and enforce temporary emergency traffic regulations to cover special conditions which shall be enforced by the Town's Law Enforcement Officer.

7.11 ACCELERATING VEHICLES.

No operator of any vehicle shall cause, by excessive and unnecessary acceleration, the tires of such vehicle to spin and emit loud noises or to unnecessarily throw stones or gravel; nor shall such operator cause to be made by excessive and unnecessary acceleration any loud noise such as would disturb the public peace.

7.12 REGULATION OF OFF-THE-ROAD VEHICLES. (repealed and recreated 2010-007)

(a) **Definitions.** As used in this section, the following terms shall the meaning indicated:

ALL-TERRAIN VEHICLE – Has the meaning specified under § 340.01(2g), Wis. Stats., as amended from time to time.

CONTIGUOUS – To be contiguous for purposes of this section, the real property must satisfy all of the following requirements:

- (1) The entire property must:
 - (a) either be a single parcel with a single tax identification number but only if the single parcel is at least 210 feet wide at each and every point; or
 - (b) be two or more parcels with separate tax identification numbers, only if all of the following are true:

- (1) each parcel must have a common boundary line of at least 210 feet with another parcel that makes up the entire property; and
- (2) all of the parcels that make up the entire property must be in identical ownership; and
- (3) the entire property must be treated and occupied by the property owner as a single unit for a use permitted by the applicable zoning district; and
- (4) there must be no gaps or obstructions between the parcels, whether by public right of way, body of water, physical construction or otherwise.
- (5) the entire property must be at least 210 feet wide at each and every point.

(2) If a public right of way, body of water, physical construction or other obstruction crosses a parcel of land, the parcel as a whole does not qualify as contiguous property. In that event, each severed portion shall constitute a separate parcel for purposes of this section.

OFF-THE-ROAD VEHICLE – Any two-wheeled self-propelled vehicle designed or adapted and used for riding over unpaved ground or gravel surfaces. Such vehicles may be equipped with rugged tires and flexible suspension and are called by various names: dirt bike, pit bike, chopper bike, sport bike, street bike, exercise bike, mini bike, and scrambler that are combustion engine operated. “Off-the-road vehicle”, as used in this section, does not include all-terrain-vehicles and snowmobiles, as defined in § 340.01 (2g) and (58a), respectively, Wis. Stats., as amended from time to time.

OPERATOR – A person who operates a vehicle herein regulated, who is responsible for the operation of a vehicle herein regulated or who is supervising the operation of a vehicle herein regulated.

TRACKS – Any real property within the Town where repetitive operation of any vehicle(s) regulated by this section has worn down a specific area on private property and/or where changes have been made to the original contour of the landscape for riding of any vehicle(s) regulated by this section.

(b) **All-Terrain Vehicles.** The restrictions and prohibitions concerning the operation of all-terrain vehicles found in Section 23.33 Wisconsin Statutes, as now or hereinafter amended, are hereby adopted by reference and made a part of this section with the same force and effect as if fully set forth herein.

(c) **Off-the-Road Vehicles.**

(1) No person may operate an off-the-road vehicle within the Town of any property less than ten contiguous acres in size.

(2) An off-the-road vehicle may be operated on the property that is ten or more contiguous acres in size with the consent of the adult property owner. Any adult property owner within the Town having not less than ten contiguous acres of property may operate and/or permit operation of an off-the-road vehicle on their property subject to the following restrictions:

(a) No operator shall operate any off the road vehicle within 100 feet from any property line.

(b) Only the property owner(s) and/or occupant(s) of the real estate may operate an off-the-road vehicle under this section.

- (c) No operator shall operate between the hours of 7 p.m. and 9 a.m. within 100' of a dwelling.
 - (d) No operator shall operate on the shoulders, in the drainage ditches or on public streets and highways.
 - (e) No operator shall operate in the excess of 25 mph.
 - (f) No operator shall operate with more than one passenger.
 - (g) No operator shall operate without protective headgear.
 - (h) No operator shall operate on a public or private 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.
 - (i) No operator shall operate who is under 12 years of age.
 - (j) No operator shall operate 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.
- (d) **Tracks Regulated.** No operator shall cause or permit the creation or establishment of a track for the operation of any vehicle regulated under this section without site plan and plan of operation review and approval pursuant to Section 17.03(1)(C) of this code and compliance with such other statutes, codes, ordinances and other laws as may apply.
- (e) **Parental Responsibility.** The parent or guardian having legal custody of an unemancipated minor child shall be liable for penalties and costs imposed for violations of this section, where such minor is unable to pay the same, including the jail sentence for nonpayment thereof.

7.13 MOTORCYCLES AND MOPEDS.

State motorcycle and moped laws, §§347.485 through 347.488, are hereby adopted by reference and made part of this section as if fully set forth herein.

7.14 SNOWMOBILES.

- (1) STATE SNOWMOBILE LAWS ADOPTED. Except as otherwise specifically provided in this section the statutory provisions describing and defining regulations with respect to snowmobiles in Ch. 350, Wis. Stats., 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.
- (2) OPERATION ON ROADS IN RESIDENTIAL AREAS PROHIBITED. No person shall operate a snowmobile upon any Town road or right-of-way in any area zoned residential, other than to drive directly across such road or right-of-way, and then only after stopping and yielding the right-of-way to all vehicles and pedestrians approaching on the road.
- (3) OPERATION IN PARKS AND ON PUBLIC LANDS PROHIBITED . No person shall operate a snowmobile in any park or on any public lands within the Town unless such park or public lands have been designated as a snowmobile route or trail by the Town Board.
- (4) OPERATION ON PRIVATE ROADS. No person shall drive a snowmobile on private property without first having received written permission from the property owner. Consent shall be dated and

limited to the year in which the consent is given. If the property is owned by more than one owner, the consent of all the property owners shall be necessary. Any person apprehended operating a snowmobile on property not owned by the operator or owner of the snowmobile, shall be presumed to be in violation of this section. This presumption shall be rebutted only upon written proof from the owner of the real estate of consent.

(5) **RESPONSIBILITY OF OWNER.** The owner of a snowmobile shall be held primarily responsible for all acts, violations, or damages caused by the operation of any snowmobile registered in his name.

(6) **INTOXICATING BEVERAGES AND DRUGS.** No person shall operate a snowmobile while under the influence of intoxicating beverages, narcotics or other drugs.

(7) **LITTERING PROHIBITED.** No person shall deposit, throw, or place any cans, paper, debris, refuse, bottles, garbage, solid or liquid waste on the ice or in the water of Pewaukee Lake.

(8) **ACCIDENTS AND ACCIDENT REPORTS.**

(a) If he can do so without serious danger to his snowmobile or to persons on board, the operator of a snowmobile involved in a snowmobile accident within the Town shall stop his snowmobile and render to other persons affected thereby such assistance as may be practicable and necessary to save them from or minimize any danger caused by the accident and shall give his name, address and identification of his snowmobile to any persons injured and to the owner of any property damaged in the accident.

(b) If the snowmobile accident results in death or injury to any person or total property damage in excess of \$100, every operator of a snowmobile involved in such accident shall, as soon as possible, notify the Waukesha County Sheriff's Department or the Town Law Enforcement Officer of the accident and shall, within 10 days after the accident, file a written report thereof within the Department on forms prescribed by it. (am. 2002-04-010)

(c) If the operator of a snowmobile is physically incapable of making the report required by this section and there was another occupant in the snowmobile at the time of the accident capable of making the report, he shall make the report.

(d) "Snowmobile accident" means a collision, accident or other casualty involving a snowmobile.

7.15 ABANDONED AND JUNK VEHICLES. (Rep. & recr. #00-506)

(1) **ABANDONMENT OF MOTOR VEHICLES.** No person shall abandon any motor vehicle within the Town and no person shall leave any motor vehicle within the Town for such time and under such circumstances as to cause such motor vehicle to reasonably appear to have been abandoned.

(2) **WRECKED AND NONOPERABLE MOTOR VEHICLES ON STREETS.** No person shall have any wrecked or nonoperable motor vehicles on any street within the Town.

(3) **SALE OR JUNKING OF ABANDONED VEHICLES.** Any member of the Town Law Enforcement Department or any person so designated by the Town Board is hereby authorized to remove or have removed any vehicle in violation of subsection (1) or (2) until lawfully claimed or disposed of as provided in subsection (4).

(4) **STORAGE AND SALE**

(a) Notice to owner. Any vehicle which is deemed abandoned shall be retained in a

convenient place of storage for a minimum of thirty (30) days after the Town Law Enforcement Officer notifies the owner and lienholders of record, by certified mail, that the vehicle can be reclaimed within thirty (30) days upon payment of towing and storage charges or the vehicle will be sold or junked. If the vehicle is not claimed within such 30 days, it shall be sold or junked.

(b) Disposal of such vehicle shall be by means of junking if it reasonably appears that such vehicles are of no value, except as junk, or by public auction if more than junk value can be received therefor. After payment of the reasonable and necessary expenses incident to the care and junking or sale of any motor vehicle, the balance of the proceeds shall be paid over to the Town Treasurer and retained in the general fund.

(c) At any time prior to the junking or sale of any motor vehicle as herein provided, any person establishing his ownership or right of possession to such vehicle may at the option of the Town reclaim and obtain possession of the same by paying to the Town a reasonable sum for the storage and towing thereof and other expenses incident to the care of the same.

(5) JUNK VEHICLES

(a) No person owning or having custody of any disassembled, unlicensed, unregistered, nonoperable, disabled, junked or wrecked motor vehicles shall allow such vehicles to be stored on any premises, except as provided in subsection (b).

(b) This subsection shall not apply to a motor vehicle in an enclosed building; a motor vehicle on the premises of a business enterprise operated in a lawful place and manner when necessary to the operation of such business; a motor vehicle in an appropriate storage place maintained in a lawful place and manner by the Town; or a motor vehicle on the premises of an authorized junk dealer.

(6) NOTICE TO OWNER OR CUSTODIAN. Whenever the Town Law Enforcement Officer shall find any vehicle which reasonably appears to violate a provision of subsection (5), they shall notify the owner or custodian thereof or the owner of the property upon which the vehicle is parked, placed or stored of the violation. The notification shall specify that the owner or custodian of the vehicle or the owner of the property upon which the vehicle is located shall have ten (10) days within which to remove the vehicle and that failure to comply with said notice shall result in daily issuance of fines until the vehicle is removed. Notification shall be given in the manner most likely to inform the owner or custodian of the vehicle or the owner of the property upon which the vehicle is located of the provisions of this section.

(7) PENALTIES. Penalties for violation of any provision of this section shall be provided as in section 25.04 of the General Ordinances.

7.16 FOLLOWING MUNICIPAL VEHICLES. (Cr. #92-318)

No person shall operate a motor vehicle within 50' of the rear of any municipal vehicle.

7.20 PENALTY. (Am. MSC `91)

The penalty for violation of any provision of this chapter shall be a forfeiture and penalty assessment if required by §165.87, Wis. Stats., a jail assessment if required by §53.46(1), Wis. Stats., plus any applicable fees prescribed in Ch. 814, Wis. Stats.

(1) **UNIFORM OFFENSE.** Except as provided in sub. (3) for nonmoving traffic offenses, forfeitures for violation of any provisions of Chs. 341 to 348, adopted by reference in §7.01 of this chapter, shall conform to forfeitures for violations of the comparable State offenses, including any variations or increases for second offenses.

(2) **SPECIAL LOCAL REGULATIONS.** The forfeiture for violation of any local regulation, except parking, shall be as provided in §25.04 of this General Code.

(3) **PARKING.** (Rep. and Rec. 2003-003) The forfeiture for violation of parking regulations in this chapter and for offenses described in §§346.50 to 346.55, Wis. Stats., adopted by reference in this chapter shall set from time to time by resolution of the Town Board.

7.21 ENFORCEMENT. (Am. MSC `91)

(1)(a) **ENFORCEMENT PROCEDURE.** This chapter shall be enforced according to §§23.33, 66.12, 345.11 to 345.61, 350.17 and Ch. 799, Wis. Stats. (am. 2002-04-010)

(1)(b) **ENFORCEMENT AUTHORITY.** The designated Town Law Enforcement Officer shall be responsible for enforcement of this chapter. (Cr. 2002-04-010)

(2) **CITATIONS.** (am. 2002-04-010)

(a) Citations may be issued by the Town's Law Enforcement Officer or peace officer with jurisdiction in the Town of Delafield.

(b) Citations for all nonmoving traffic violations, as defined at §345.28(1)(c), Wis. Stats., under this chapter shall conform to §345.28, Wis. Stats., and shall permit direct mail payment of the application minimum forfeiture to the Town Law Enforcement Officer within 10 days of the issuance of the citation in lieu of court appearance. The issuing officer shall specify thereon the amount of the applicable forfeiture as provided by this chapter. The forfeiture for violation of all nonmoving traffic violations under this chapter shall double if the applicable minimum forfeiture is not paid to the Town Law Enforcement Officer within 10 days of the issuance of the citation as set forth above.

(3) **PETITION TO REOPEN JUDGMENT.** Whenever a person has been convicted in this State on the basis of a forfeiture of deposit or a plea of guilty or no contest and the person was not informed as required under §345.27(1) and (2), Wis. Stats., the person may, within 60 days after being notified of the revocation or suspension of the operating privilege, petition the court to reopen the judgment and grant him an opportunity to defend on merits. If the court finds that the petitioner was not informed as required under §345.27(1) and (2), the court shall order the judgment reopened. The court order reopening the judgment automatically reinstates the revoked or suspended operating privilege.

(4) **DEPOSIT.**

(a) (am. 2002-04-010) Any person arrested for a violation of this chapter may make a deposit of money as directed by the arresting officer at the Town Hall or by mailing the deposit to the Town Hall. The arresting officer or the person receiving the deposit shall notify the arrested person, orally or in writing, that:

1. If the person makes a deposit for a violation of a traffic regulation, the person need not appear in court at the time fixed in the citation and the person will be deemed to have tendered plea of no contest and submitted to a forfeiture and penalty assessment if required by §165.87, Wis. Stats., a jail assessment if required by §53.46(1), Wis. Stats., plus any applicable fees prescribed in Ch. 814, Wis. Stats., not to exceed the amount of the deposit that the court may accept as provided in §345.37, Wis. Stats.

2. If the person fails to make a deposit for a violation of a traffic regulation or appear in court at the time fixed in the citation, the court may enter a default judgment finding the person guilty of the offense or issue a warrant for his arrest.

(b) The amount of the deposit shall be determined in accordance with the State of Wisconsin Revised Uniform State Traffic Deposit Schedule established by the Wisconsin Judicial Conference and shall include the penalty assessment established under §165.87, Wis. Stats., a jail assessment if required by §53.46(1), Wis. Stats., and court costs. If a deposit schedule has not been established, the arresting officer shall require the alleged offender to deposit forfeiture established by the Town Board, which shall include the penalty assessment established under §165.87, Wis. Stats. Deposits for nonmoving violations shall not include the penalty assessment.

(5) NOTICE OF DEMERIT POINTS AND RECEIPT. Every person accepting a forfeited penalty or money deposit under this chapter shall receipt therefor as provided in §345.26(3)(b), Wis. Stats., Every officer accepting a stipulation under the provisions of this chapter shall comply with the provisions of §§343.28 and 345.26(1)(a), Wis. Stats., and shall require the alleged violator to sign a statement of notice in substantially the form contained on the uniform traffic citation and complaint promulgated under §345.11, Wis. Stats.

(6) FORFEITURES IN TREASURY. Any officer accepting deposits or forfeited penalties under this chapter shall deliver them to the Town Treasurer within 7 days after receipt.