

## TITLE 10

### Motor Vehicles and Traffic

Chapter 1	Traffic and Parking
Chapter 2	All-Terrain Vehicles and Off-Road Motor Vehicle Operation
Chapter 3	Abandoned and Junked Vehicles

## CHAPTER 1

### Traffic and Parking

<u>Article A</u>	<u>General Provisions</u>
10-1-1	State Traffic Laws Adopted
10-1-2	State Administrative Code Provisions Adopted
10-1-3	Official Traffic Signs and Control Devices; Prohibited Signs, Signals and Markers
10-1-4	Registration Record of Vehicle as Evidence
10-1-5 through 10-1-9	Reserved for Future Use
<u>Article B</u>	<u>Street Traffic Regulations</u>
10-1-10	Operators to Obey Traffic Control Devices
10-1-11	Vehicle Weight and Size Limitations
10-1-12	Local Speed Limits
10-1-13	Stop Signs
10-1-14	Yield Sign Locations
10-1-15	Stop Lights
10-1-16 through 10-1-19	Reserved for Future Use
<u>Article C</u>	<u>Parking Regulations</u>
10-1-20	Restrictions on Parking; Posted Limitations
10-1-21	Stopping or Parking Prohibited in Certain Specified Places
10-1-22	Parking Reserved for Vehicles of Disabled
10-1-23	Miscellaneous No Parking Zones
10-1-24	Parking of Vehicles Over 15,000 Pounds or 22 Feet Restricted
10-1-25	Snow Emergencies
10-1-26	Removal of Illegally Parked Vehicles
10-1-27 through 10-1-39	Reserved for Future Use
<u>Article D</u>	<u>Miscellaneous Provisions</u>
10-1-40	Disturbance of the Peace With a Motor Vehicle
10-1-41 through 10-1-49	Reserved for Future Use
<u>Article E</u>	<u>Enforcement and Penalties</u>
10-1-50	Penalties
10-1-51	Enforcement

**ARTICLE A**

General Provisions

**SEC. 10-1-1 STATE TRAFFIC LAWS ADOPTED.**

- (a) **Statutes Adopted.** Except as otherwise specifically provided in this Code, the statutory provisions in Chapters 110, 194, and 340 through 349 of the Wisconsin Statutes, describing and defining regulations with respect to vehicles and traffic, for which the penalty is a forfeiture only, exclusive of any regulations for which the statutory penalty is a fine or term of imprisonment or exclusively state charges, are hereby adopted and by reference made a part of this Chapter as if fully set forth herein. The statutory sections listed shall be designated as part of this Code by adding the prefix "10-1-" to each statute section number. Any act required to be performed or prohibited by any regulation incorporated herein by reference is required or prohibited by this Chapter. Any future amendments, revisions or modifications of the statutory regulations in Chapters 340 through 349 incorporated herein are intended to be made part of this Chapter in order to secure to the extent legally practicable uniform statewide regulation of vehicle traffic on the highways, streets and alleys of the State of Wisconsin. Any person who shall, within the Town of Waukesha, Waukesha County, Wisconsin, violate any provisions of any Statute incorporated herein by reference shall be deemed guilty of an offense under this Section.
- (b) **Other State Laws Adopted.** There are also hereby adopted by reference the following sections of the Wisconsin Statutes, but the prosecution of such offenses under this Chapter shall be as provided in Chapters 340 through 349 of the Wisconsin Statutes and the penalty for violation thereof shall be limited to a forfeiture as hereinafter provided in this Chapter:
  - 941.01 Negligent Operation of Vehicle Off Highway
  - 941.03 Highway Obstruction
  - 943.11 Entry into Locked Vehicle
  - 943.23 Operating Motor Vehicles Without Owners Consent
  - 947.045 Drinking in Motor Vehicle on Highway
- (c) **Statutes Specifically Incorporated by Reference.** Whenever this Chapter incorporates by reference specific sections of the Wisconsin Statutes, such references shall mean the Wisconsin Statutes of 1993-94 as from time to time amended, repealed or modified by the Wisconsin Legislature.
- (d) **General References.** General references in this Chapter to Wisconsin statutory sections or chapters describing or defining procedures or authority for enactment or enforcement of local traffic regulations shall be deemed to refer to the most recent enactments of the Wisconsin Legislature describing or defining such procedures or authorities.

**SEC. 10-1-2 STATE ADMINISTRATIVE CODE PROVISIONS ADOPTED.**

- (a) **Administrative Regulations Adopted.** The following administrative rules and regulations adopted by the Secretary of the Wisconsin Department of Transportation and published in the Wisconsin Administrative Code, exclusive of any provisions therein relating to the penalties to be imposed, are hereby adopted by reference and made part of this Chapter as if fully set forth herein.

Wis. Adm. Code - MVD 5	Standards for Motor Vehicle Equipment
Wis. Adm. Code - MVD 6	Transportation of Explosives by Motor Vehicle
Wis. Adm. Code - MVD 12	Leasing of Vehicles by Private Carriers
Wis. Adm. Code - MVD 18	Protective Headgear Standards and Specifications
Wis. Adm. Code - MVD 22	Standards and Specifications - Design and Mounting SMV Emblem

- (b) **Non-Compliance Prohibited.** No person shall operate or allow to be operated on any highway, street or alley within the Town of Waukesha a vehicle that is not in conformity with the requirements of Subsection (a) or the provisions of Sec. 110.075 and Chapter 347, Wis. Stats., incorporated by reference in Section 10-1-1 of this Chapter
- (c) **Safety Checks.**
- (1) Operators to Submit to Inspection. When directed to do so by any law enforcement officer, the operator of any motor vehicle shall stop and submit such vehicle to an inspection and such tests as are necessary to determine whether the vehicle meets the requirements of this Section or that the vehicle's equipment is in proper adjustment or repair. No person, when operating a motor vehicle, shall fail to stop and submit such vehicle to inspection when directed to do so by any law enforcement officer as herein provided.
  - (2) Authority of Officer. Any law enforcement officer is hereby empowered whenever he or she shall have reason to believe that any provision of this Section is being violated to order the operator of the vehicle to stop and to submit such vehicle to an inspection with respect to brakes, lights, turn signals, steering, horns and warning devices, glass, mirrors, exhaust systems, windshield wipers, tires and other items of equipment.
  - (3) Vehicle to be Removed From Highway. Whenever, after inspection as provided by this Section, a law enforcement officer determines that a vehicle is unsafe for operation, he or she may order it removed from the highway and not operated, except for purposes of removal and repair until the vehicle has been repaired as directed in a repair order. Repair orders may be in the form prescribed by the secretary of the Department of Transportation under Sec. 110.075(5), Wis. Stats., and shall require the vehicle owner or operator to cause the repairs to be made and return evidence of compliance with the repair order to the department of the issuing officer within the time specified in the order.
- (d) **Penalty.**
- (1) Penalty for violation of any provision of this Section, including the provisions of the Wisconsin Administrative Code, incorporated herein by reference, shall be as provided in Section 10-1-50, together with the costs of prosecution and applicable penalty assessment.
  - (2) The Administrative Code sections adopted by reference in Subsection (a) above shall be designated as part of this Code by adding the prefix "10-1-" to each statute or Administrative Code section number.

**SEC. 10-1-3 OFFICIAL TRAFFIC SIGNS AND CONTROL DEVICES; PROHIBITED SIGNS, SIGNALS AND MARKERS.**

- (a) **Duty to Erect and Install Uniform Traffic Control Devices.** It shall be the duty of the Town Highway Department to erect and install uniform traffic control devices. Whenever traffic regulations created by this Chapter, including a State of Wisconsin traffic regulation adopted by reference in Section 10-1-1, require the erection of traffic control devices for enforcement, the Town Highway Department shall procure, erect and maintain 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 Highway Department, will carry out the purposes of this Chapter and give adequate warning to users of the streets and highways of the Town of Waukesha.

- (b) **Code Numbers to be Affixed to Official Traffic Control Devices.** The Town Highway Department shall cause to be placed on each official traffic control sign a guide board, mile post, signal or marker erected under Subsection (a), a code number assigned by the Wisconsin Department of Transportation, and shall also place or direct the placing of code numbers on all existing official traffic control devices as required by the laws of the State of Wisconsin.
- (c) **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 or her 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 or, where applicable, the State Highway Commission. Any sign, signal, marker, mark or monument placed or maintained in violation of this Subsection shall be subject to removal as provided in Subsection (d).
- (d) **Removal of Unofficial Signs, Markers, Signals and Traffic Control Devices.** The Town Highway Department may remove any sign, signal, marking 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, marking or device shall be reported by the Town Highway Department 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 1 shall be placed upon the tax roll for collection as other special municipal taxes.

State Law Reference: Sections 346.41 and 349.09, Wis. Stats.

#### **SEC. 10-1-4 REGISTRATION RECORD OF VEHICLE AS EVIDENCE.**

When any vehicle is found upon a street or highway in violation of any provision of this Chapter 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 enforcement of this Chapter and specifically Section 10-1-1 and shall be subject to the applicable forfeiture penalty; provided the defenses defined and described in Sec. 346.485(5)(b), Wis. Stats., shall be a defense for an owner charged with such violation.

#### **SEC. 10-1-5 THROUGH SEC. 10-1-9 RESERVED FOR FUTURE USE.**

## ARTICLE B

### Street Traffic Regulations

#### SEC. 10-1-10 OPERATORS TO OBEY TRAFFIC CONTROL DEVICES.

Every operator of a vehicle approaching an intersection at which an Official Traffic Control Device is erected in accordance with this Chapter shall obey the direction of such Official Traffic Control Device as required by the Wisconsin Statutes incorporated by reference in Section 10-1-1 of this Chapter. Operators of vehicles approaching a stop sign shall stop before entering a highway as required by Sec. 346.46, Wis. Stats. Operators approaching intersections at which a yield sign has been installed shall yield the right-of-way to other vehicles as required by Sec. 346.18(6), Wis. Stats.

#### SEC. 10-1-11 VEHICLE WEIGHT AND SIZE LIMITATIONS.

- (a) **Definitions.** "Heavy traffic", as used in this Section, means all vehicles not operating completely on pneumatic tires and all vehicles or combination of vehicles, other than motor buses, designed or used for transporting property of any nature and having a gross weight of more than eight thousand (8,000) pounds.
- (b) **Heavy Traffic Prohibited.** No person shall operate or permit the operation of any motor vehicle constituting heavy traffic within the Town on:
- (1) Prairie Avenue,
  - (2) Kensington Drive,
  - (3) Quinn Road
  - (4) Cambridge Avenue,
  - (5) Center Road between Burr Oak and State Highway 59,
  - (6) Green Country Lane,
  - (7) Oak Grove Lane,
  - (8) Morningside Drive,
  - (9) Merrihill Parkway,
  - (10) Merrimac Trail,
  - (11) Sun Valley Trail,
  - (12) Pheasant Run.
  - (13) Green Lane, beginning one-tenth (1/10<sup>th</sup>) of a mile west of the intersection with Merrill Hills Road (County Trunk Highway TT), and proceeding westerly to Sunset Drive ( County Trunk Highway D).
- (c) **Exceptions.** This Section shall not apply to heavy traffic using the streets designated in Subsection (b) for the purpose of obtaining orders for supplies or moving or delivering supplies or commodities to or from any place of business or residence fronting on a street designated in Subsection (b).
- (d) **Signage.** Signs indicating the restrictions as established by this Section shall be erected as the Town Board deems necessary to give adequate warning to the users of such streets of the existence of this Section. Said signs so erected shall conform to the rules of the State Highway Commission.
- (e) **Additional Weight Limitations.** The Town Board may, from time to time, direct that official traffic signs be erected on Town roads limiting the type and weight of vehicles that may use the road where such limitations are required because of weather conditions, or because the condition of the road requires that the weight of vehicles using the road be limited for safety considerations.
- (f) **No Thru Trucking.**
- (1) No trucking on Wesley Drive beginning at the intersection of Wesley Drive and Center Road, proceeding in a westerly direction for a distance of 300 feet along Wesley Drive.

**SEC. 10-1-12 LOCAL SPEED LIMITS.**

- (a) **State Speed Limits Adopted.** The provisions of Sections 346.57, 346.58 and 346.59, Wis. Stats., relating to the maximum and minimum speed of vehicles are hereby adopted as part of this Section as if fully set forth herein, except as specified by Subsection (b) hereof pursuant to Sec. 349.11 (3)(c), Wis. Stats.
- (b) **Particular Speed Limits Designated.** No person shall operate any motor vehicle at speeds in excess of the specific speed limits on Town roads in the Town of Waukesha, Waukesha County, Wisconsin, designated in this Section.
- (c) **25 Miles Per Hour Speed Zones.**
  - (1) Beeheim Road; all that lies west of Guthrie Road.
  - (2) Black Oak Lane.
  - (3) Brookhill Drive.
  - (4) Cambridge Avenue.
  - (5) Center Road; that part between Sunset Drive and State Trunk Highway 59 within the Town of Waukesha.
  - (6) Concord Court.
  - (7) Dale Drive.
  - (8) Honey Acres Court.
  - (9) Industrial Lane.
  - (10) Meadow View Drive.
  - (11) Oak Grove Lane.
  - (12) Oak View Drive.
  - (13) Overlook Lane.
  - (14) Patricia Lane.
  - (15) Prairie Avenue from Soo Line spur crossing south to one hundred (100) feet south of Green Valley Lane.
  - (16) Red Oak Drive.
  - (17) River Road from Saylesville Road to Oak Grove Lane.
  - (18) Stonegate Road.
  - (19) Timber Trail.
  - (20) Weber Drive.
  - (21) Sunset Drive from Racine Avenue to the city of Waukesha limits.
  - (22) Green Country Road.
  - (23) Partridge Lane from Big Bend Road to Guthrie Road.
  - (24) All streets of Kame Terraces subdivision.
  - (25) Burnell Drive from Sunset Drive to Pheasant Run.
  - (26) Holiday Hill Road.
  - (27) Merrimac Trail.
  - (28) Sun Valley Trail.
  - (29) Merrihills Parkway.
  - (30) Merriwood Court.
  - (31) Country Club Court.
  - (32) Pheasant Run.
  - (33) Robin Hill Circle.
  - (34) Wind Song Ridge.
  - (35) Whispering Hills Court.
  - (36) Quinn Road.
  - (37) Shadow Ridge Drive.
  - (38) Wood Lilly Lane.
  - (39) Hazelhurst Lane and WoodLilly Lane South.
  - (40) Poppy Fields Road.
  - (41) Sage Road.
  - (42) Periwinkle Drive.
  - (43) Hillside Drive.
  - (44) Harris Highland from St. Paul Avenue to Town limits.

- (45) Poppy Fields Road.
- (46) Periwinkle Drive.
- (47) Sage Road.
- (48) Cider Hills Drive.
- (49) Riverview Drive at Lawrence Lane to City limits.
- (d) **30 Miles Per Hour Speed Zone.**
  - (1) Racine Avenue; that part within the area of Salter Drive in the Town of Waukesha.
- (e) **35 Miles Per Hour Speed Zones.**
  - (1) Arcadian Avenue within the Town.
  - (2) Center Road from State Trunk Hwy. 59 to Lawnsdale Road (County Trunk Hwy. "I").
  - (3) Green Country Road.
  - (4) Merrill Hills Road from State Trunk Highway 59 to Sunset Drive.
  - (5) Spring Dale Road.
  - (6) Sunset Drive from Center Road west to the city of Waukesha limits.
  - (7) Sunset Drive from Big Bend Road east to the city of Waukesha limits--within Town limits.
  - (8) Glendale Road from County Trunk Highway XX to Big Bend Road.
  - (9) Big Bend Road from Glendale Road to Maplewood Terrace.
  - (10) Green Lane from Merrill Hills Road to Sunset Drive.
  - (11) MacArthur Road from the city of Waukesha limits to Merrill Hills Road.
  - (12) Glengarry Road from Big Bend Road to the city of New Berlin limits.
  - (13) South Townline Road from State Trunk Highway 164 to Guthrie Road.
  - (14) Townline Road beginning at a point one thousand two hundred (1,200) feet east of County Trunk Highway XX and continuing east to Elder Ayre Drive.
  - (15) Milky Way Road within the Town.
  - (16) Big Bend Road from State Trunk Highway 59 south to South Townline Road.

**SEC. 10-1-13 STOP SIGNS.**

- (a) **Vehicles Must Stop.** It shall be unlawful in the Town of Waukesha for the operator of any vehicle, and every device in, upon or by which any person or property is or may be transported or drawn upon any public highway, to fail to come to a full and complete stop within thirty (30) feet of the main limits of the intersection, at which has been erected an official stop sign or traffic signal, designating an artery for such traffic.
- (b) **Arterial Stops Designated.** The following street intersections are hereby ordained as arterial stops within the Town of Waukesha.
  - (1) Big Bend Road at Glendale Road, westbound.
  - (2) Green Valley Road at Center Road (2-way).
  - (3) Industrial Drive at Sunset Drive.
  - (4) Oak Knoll at Merrill Hills Road.
  - (5) Molla Drive at Glengarry Road.
  - (6) Glengarry Road eastbound at Molla Drive.
  - (7) Sunset View at Sunset Drive.
  - (8) Center Road at Sunset Drive.
  - (9) Morningside Drive at Oriole Drive (2-way).
  - (10) Downing Drive at Racine Avenue.
  - (11) Milky Way Drive at Sunset Drive.
  - (12) Green Lane at Merrill Hills Road.
  - (13) Comanche Lane at MacArthur Road.
  - (14) Hawthorn Hollow at Merrill Hills Road.
  - (15) Morningside Drive at Broadway.
  - (16) Overlook Lane at Oakgrove Lane (4-way).
  - (17) Merrimac Trail at west Townline Road.
  - (18) Glendale Road at Soo Line Railroad (2-way).

- (19) Anoka Avenue at Springdale Road.
- (20) Stonegate Road at Brookhill Drive (3-way).
- (21) Oakgrove Road at Green Country Road. [Also see (83)]
- (22) Canterbury Lane at Cambridge Avenue.
- (23) Wesley Drive at Center Road.
- (24) Oakview Drive at Center Road.
- (25) Oriole Drive at Broadway.
- (26) Pheasant Run at west Townline Road.
- (27) Brookhill Drive at Green Country Road (3-way).
- (28) Elder Aire Drive at South Townline Road.
- (29) Orchard Lane at Broadway.
- (30) Black Oak Lane at Center Road.
- (31) South Townline Road at Big Bend Road (2-way).
- (32) Oriole Drive at Hinsdale Road (2-way).
- (33) Repealed.
- (34) Red Oak at Oakview Drive.
- (35) Charles Drive at south Townline Road.
- (36) Goetz Drive at Springdale Road.
- (37) Sunset Circle at Sunset Drive.
- (38) Beeheim Road at Guthrie Road.
- (39) Sun Ridge Drive at Guthrie Road.
- (40) Partridge Lane at Guthrie Road.
- (41) Arrow Ridge Road at Glengarry Road.
- (42) Partridge Lane at Big Bend Road.
- (43) Glendale Road at Big Bend Road east bound.
- (44) Hickory Ridge Drive at Big Bend Road.
- (45) Maplewood Terrace at Big Bend Road.
- (46) Mill Creek Trail at Lawnsdale Road.
- (47) Red Wing Drive at State Trunk Highway 164.
- (48) Elder Aire at Red Wing Drive.
- (49) Maryanna Drive at Oakdale Road.
- (50) Red Oak Drive at Oakdale Road.
- (51) Kame Terrace at Fenway (4-way stop).
- (52) Kame Terrace at Merrill Hills Road.
- (53) Shananagi Lane at Merrill Hills Road.
- (54) Mac Arthur Road at Merrill Hills Road.
- (55) Merrill Hills Road at Sunset Drive (2-way).
- (56) Ledward Court at Town Line Road.
- (57) Marlene Lane at Pheasant Run.
- (58) Burnell Drive at Pheasant Run.
- (59) Merrill Hills Road at State Trunk Highway 59.
- (60) Brookhill Drive at State Trunk Highway 59.
- (61) Timber Trail at Brookhill Drive.
- (62) Timber Trail at Oak Grove Lane.
- (63) Country Lane at Saylesville Road.
- (64) Turners Pike at Big Bend Road (2-way stop).
- (65) Kensington at Mac Arthur Road.
- (66) Sommers Hills Drive at Milky Way Road.
- (67) Merrimac Trail at Sun Valley Trail (4-way).



- (68) Big Bend Road at Glengarry Road, both north and south.
  - (69) Partridge Lane at Hunters Hollow (3-way).
  - (70) Merrill Hills Road at Hawthorne Hollow - both directions.
  - (71) Merlin Lane at Big Bend Road – eastbound.
  - (72) Shadow Ridge Drive at Red Oak.
  - (73) Shadow Ridge Drive at Wood Lilly Lane.
  - (74) Seftar Road at Glengarry Road.
  - (75) Glengarry Road at Marcelle Drive (4-way).
  - (76) Shadow Ridge Drive at Maryanna Drive (3-way).
  - (77) Rickert Drive at Wesley Drive.
  - (78) Cartwright Circle at Glendale Road.
  - (79) Gruettner Drive at Glendale Road.
  - (80) Cambridge Avenue at Canterbury Lane.
  - (81) Hawthorne Hollow at Partridge Lane (4-way).
  - (82) Green Country Road at Oak Grove Lane (3-way).
  - (83) Poppy Fields Road at Glendale Road.
  - (84) Periwinkle Drive at Glendale Road.
  - (85) Poppy Fields Road at Periwinkle Drive (both directions).
  - (86) Brookhill Drive at Green Country Road (3-way).
  - (87) Lawrence Lane at River City Ridge Drive (2-way).
  - (88) Merrill Hills Road at Oak Knoll Drive (both directions).
  - (89) Meadowview Drive at Red Oak Drive (2-way).
  - (90) Heather Drive at Cider Hills Drive.
  - (91) Cider Hills Drive at Brookhill Drive.
- (c) **Violations.** Any failure to stop at a stop sign provided at the above locations shall constitute a violation of this Section.

**SEC. 10-1-14 YIELD SIGN LOCATIONS.**

The following intersections of highways within the Town of Waukesha shall be subject to the control of yield signs:

1. Trinity Lane at Oak Park.
2. Dustin Court at Amy James Drive.
3. Amy James Drive at Whispering Hills Court.
4. Amber Court at Amy James Drive.
5. Big Bend at Glendale Road (west side)
6. Stonegate and Overlook
7. Oriole Drive at Morningside Drive
8. Merlin Lane cul-de-sac at Mill Creek Trail
9. Creek Drive at Apache Pass (north and south)

**SEC. 10-1-15 STOP LIGHTS.**

1. Prairie Avenue at Sunset Drive.

**SEC. 10-1-16 THROUGH SEC. 10-1-19 RESERVED FOR FUTURE USE.**

**ARTICLE C**

## Parking Regulations

**SEC. 10-1-20 RESTRICTIONS ON PARKING; POSTED LIMITATIONS.**

- (a) **Twenty-four (24) Hour Limitation.** No person, firm or corporation shall park or leave standing any automobile, truck, tractor, trailer or vehicle of any description on any public streets or public parking lots in the Town of Waukesha for a period of twenty-four (24) or more consecutive hours in the same location at any time, except that where more restrictive parking limits have been established, the more restrictive limits shall apply. Once a vehicle or construction trailer is moved it cannot be parked again for a 12 hour time period . When any law enforcement officer shall find a vehicle standing upon a public street or parking lot in violation of the provisions of this Section, he is authorized to move such a vehicle or to require the operator in charge thereof to move such vehicle to a position permitted under this Chapter. The law enforcement officer may cause said vehicle to be removed to a proper impoundment and storage area where storage space is available and in such case the owner shall pay the costs of removing said vehicle and the storage fees on said vehicle before he/she may recover the possession thereof.
- (b) **Posted Limitations.**
- (1) The Town Board may designate certain streets or portions of streets as no parking or no stopping or standing zones or as zones for parking by physically handicapped persons and may limit the hours in which the restrictions apply. The Town shall mark, by appropriate signs, each zone so designated in accordance with the provisions of Sec. 349.13, Wis. Stats.
  - (2) Except when necessary to avoid conflict with other traffic or in compliance with the directions of a law enforcement officer or traffic control device, no person shall stop or park a vehicle in an established no stopping or standing zone when stopping or standing is prohibited. No vehicle shall be parked in a no parking zone during hours when parking is prohibited except physicians on emergency calls or as permitted by state law or elsewhere by this Code of Ordinances.
  - (3) The Town Board shall have the authority to restrict the turning or movement of heavy traffic and to impose special weight limitations on any highway or portions thereof which, because of the weakness of the roadbed due to deterioration or climatic conditions or other special or temporary conditions, would likely be seriously damaged or destroyed in the absence of any restrictions on heavy traffic movement or special weight limitations.
  - (4) No prohibition, restriction or limitation on parking or restriction on movement or turning of heavy traffic and imposition of special weight limits is effective unless official traffic control devices have been placed or erected indicating the particular prohibition, restriction or limitation.

**SEC. 10-1-21 STOPPING OR PARKING PROHIBITED IN CERTAIN SPECIFIED PLACES.**

- (a) **Statutory Parking Restrictions.** The restrictions on stopping and parking vehicles found in Sections 346.50 through Sec. 346.55, Wis. Stats., are hereby adopted by reference and made a part of this Chapter with the same force and effect as if fully set forth herein. For the purpose of this Chapter. The definitions of words and phrases contained in Chapter 346, Wis. Stats., are

hereby adopted and by reference made a part hereof with the same force and effect as if fully set forth herein. In addition, in any area marked temporarily by the Town of Waukesha with no parking and/or tow away signs shall be included in the areas where parking is prohibited as described in the above adopted references.

- (b) **No Parking Zones May Be Established.** It shall be unlawful in the Town of Waukesha for the owner or operator of any vehicle and every device in, upon, or by which any vehicle or property is or may be transported or drawn upon any public highway to park, stop or leave standing any such vehicle or device at the curb, shoulder, or roadway or fire lane in the Town of Waukesha upon which or upon a portion of which has been erected a "No Parking" sign designating the limits or area within which there is to be no such parking.
- (c) **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:
- (1) Within an intersection.
  - (2) On a crosswalk.
  - (3) On a sidewalk or terrace area, except when parking in such place is clearly indicated by official traffic signs or markers or parking meters. "Terrace or Sidewalk Area" means that area between the sidewalk and the nearest curb line running parallel or generally parallel thereto or in the absence of a sidewalk ten (10) feet beyond the curb line.
  - (4) Alongside or opposite any highway excavation or obstruction when such stopping or standing would obstruct traffic or when pedestrian traffic would be required to travel in the roadway.
  - (5) On the roadway side of any parked vehicle unless double parking is clearly indicated by official traffic signs or markers.
  - (6) Within a fire lane consisting of either the driveway between the front doors of a Fire Station and the public street or in such places properly designated and marked as fire lanes ordered by the Fire Chief.
  - (7) Upon any portion of a highway where and at the time when stopping or standing is prohibited by official traffic signs indicating the prohibition of any stopping or standing.
  - (8) In any place or manner so as to obstruct, block or impede traffic.
  - (9) Within ten (10) feet of a fire hydrant, unless a greater distance is indicated by an official traffic sign.
  - (10) Upon any portion of a highway where and at the time when parking is prohibited, limited or restricted by official traffic signs.
  - (11) Upon any bridge.
  - (12) Upon any street or highway within the Town any vehicle which takes a direction different from the direction of normal traffic flow for the lane of traffic in which said vehicle is stopped or standing.
  - (13) Upon any terrace or sidewalk in the Town at any time.
  - (14) In a loading zoning.
  - (15) Within four (4) feet of the entrance to an alley, private road or driveway.
  - (16) In any municipal park when said park is closed to the public.
  - (17) On the paved portion of any street or road annually, between November 15 and the next following April 15 of each year.
  - (18) No parking of vehicles for sale on any portion of the Town right-of-way.
  - (19) On the paved portion of any street or road, during the hours beginning at 11:00 p.m. and continuing through 6:00 a.m., between April 16 and November 14.
- (d) **Parking in Driveways.** No person shall park or leave standing any motor vehicle in any private driveway without the permission of the owner or lessee of the property which such driveway is located, whether or not such driveway is posted to limit or restrict parking.

- (e) **Vehicles Not to Block Private Drive, Alley or Fire Lane.** No vehicle shall, at any time, be parked so as to unreasonably restrict the normal access to any private drive, alley or fire lane. Said access shall be deemed to be unreasonably restricted if any vehicle is parked within four (4) feet of either side of said access. Upon discovery by a law enforcement officer or upon complaint by the owner of any such blocked drive, alley or fire lane, the law enforcement officer may order said vehicle towed from such position at the risk and expense of the owner of said vehicle.

#### **SEC. 10-1-22 PARKING RESERVED FOR VEHICLES OF DISABLED.**

When official traffic signs indicating such restriction have been erected in accordance with Section 10-1-3 of this Chapter, no person shall park, stop or leave standing any vehicle upon any portion of a street, highway or public or private parking facility reserved for vehicles displaying special registration plates or identification cards or emblems issued by the Wisconsin Department of Transportation or, for vehicles registered in another jurisdiction, by such other jurisdiction designating the vehicle as one used by a physically disabled person.

#### **SEC. 10-1-23 MISCELLANEOUS NO PARKING ZONES.**

No owner or operator of any vehicle and every device in, upon, or by which any person or property is or may be transported or drawn upon any public highway shall park, stop or leave standing any such vehicle or device at the curb, shoulder, or edge of the following streets located in the Town of Waukesha;

- (a) Sunset Drive on both sides from Racine Avenue to Waukesha city limits.
- (b) Sunset Drive from Wisconsin Central Railroad right-of-way to Industrial Lane for trucks.
- (c) Center Road both sides from the south line of the Town Hall property north to the Waukesha city limits.
- (d) Antioch Street both sides for its entire length.
- (e) Lawrence Lane both sides for its entire length.

#### **SEC. 10-1-24 PARKING OF VEHICLES OVER 15,000 POUNDS OR 22 FEET RESTRICTED.**

- (a) **Street Parking.** No person owning or having control of any truck, trailer, truck power unit, tractor, bus or recreation. vehicle or combination of vehicles weighing in excess of fifteen thousand (15,000) pounds gross weight, or over twenty-two (22) feet in length (including accessories, racks, or other physical extensions), or having a height of more than eight (8) feet from the roadway, shall park the same upon any street, avenue, or public way in the Town of Waukesha in areas zoned residential or primarily residential in nature. The provisions of this Subsection shall not be deemed to prohibit the lawful temporary parking of such equipment upon any street, avenue or public way in the Town for the actual loading or unloading of goods, wares or merchandise, providing, however, the "loading" and "unloading," as used in this Section, shall be limited to the actual time consumed in such operation. The Town Board may, however, designate specific truck parking zones.
- (b) **Removal.** Any vehicle unlawfully parked under Subsection (a) and (b) above, may be removed from the street by order of a law enforcement officer, pursuant to Section 10-1-31, and the expense of so moving and storing such vehicle shall be paid by the operator or owner of said vehicle as a forfeiture in addition to the penalties hereafter prescribed.

**SEC. 10-1-25 SNOW EMERGENCIES.**

- (a) **Snow Emergency Parking Restrictions.** Whenever the Town Chairperson shall, by reason of heavy snowstorm or blizzard, proclaim a snow emergency pursuant to Sec. 66.325, Wis. Stats., in the Town of Waukesha, no persons shall park, stop, or leave standing any vehicle upon any streets in the Town of Waukesha during the hours set forth in said proclamation.
- (b) **Declaration of Emergency.** The Town Chairperson, or in his/her absence, any member of the Town Board or the Town Constable, shall declare a snow emergency during the period of a severe snowstorm, or immediately thereafter, whenever traffic becomes congested by reason of said snowfall, and the operation of emergency vehicles including snow removal equipment and machinery, is impeded.
- (c) **Duration of Emergency.** Such emergency shall exist until such emergency has been terminated by the Town Chairperson, or in his/her absence, any member of the Town Board, the Town Constable and shall continue so long as traffic remains congested, and the operation of emergency vehicles is impeded, or likely to be impeded, by the falling of snow and the congestion of traffic upon the streets, alleys or public parking lots of the Town.
- (d) **Notice of Emergency.** The Town Chairperson or any member of the Town Board or the Town Constable may proclaim the state of emergency through the press, radio, or other public means of communication, and may designate and authorize the Town Constable and snow removal personnel to inform the citizenry of the existence of the emergency.
- (e) **Parking Prohibited Injuring Emergency** No person shall park or leave standing any vehicle on any uncleared street, alley or public parking lot during the period of a snow emergency so as to interfere with the operation of snow removal, police, fire or ambulance equipment unless it is physically impossible to move such vehicle.
- (f) **Removal of Vehicles.** The Town Chairperson, any member of the Town Board or the Town Constable, or any employees under their supervision and direction, may remove any vehicle which might interfere with the operation of any snow removal equipment or any emergency vehicle. The Town Chairperson, any member of the Town Board or the Town Constable may charge the cost of removing such vehicle to the owner or the operator thereof, which charges, plus any storage charges, shall be paid before the owner or operator shall be entitled to repossession of his/her vehicle. Said Town Chairperson, any member of the Town Board or the Town Constable may cause removal to be made either with Town help or may contract for such removal with any garage man, service man, person, firm or corporation.

**SEC. 10-1-26 REMOVAL OF ILLEGALLY PARKED VEHICLES.**

- (a) **Hazard to Public Safety.** Any vehicle parked, stopped or standing upon a highway or public parking lot or ramp in violation of any of the provisions of this Chapter is declared to be a hazard to traffic and public safety.
- (b) **Removal by Operator.** Such vehicle shall be removed by the operator in charge, upon request of any law enforcement officer, to a position where parking is permitted or to a private or public parking or storage premises.
- (c) **Removal by Traffic Officer.** Any law 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 permitted.

- (d) **Removal by Private Service.** 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 public storage garage or rental parking grounds or any facility of the person providing the towing services.
- (e) **Towing and Storage Charges.** In addition to other penalties provided in this Chapter, the owner or operator of a vehicle so removed shall pay the actual cost of moving, towing and storage. If the vehicle is towed or stored by a private motor carrier, motor vehicle salvage dealer or licensed motor vehicle dealer, actual charges regularly paid for such services shall be paid. If the vehicle is stored in a public storage garage or rental facility, customary, charges for such storage shall be paid. Upon payment, a receipt shall be issued to the owner of the vehicle for the towing or storage charge.

**SEC. 10-1-27 THROUGH SEC. 10-1-39 RESERVED FOR FUTURE USE.**

## ARTICLE D

### Miscellaneous Provisions

#### SEC. 10-1-40 DISTURBANCE OF THE PEACE WITH A MOTOR VEHICLE.

- (a) **Unnecessary Noise Prohibited.** It shall be unlawful for any person to operate a motor vehicle in such a manner which shall make or cause to be made any loud, disturbing, or unnecessary sounds or noises such as may tend to annoy or disturb another in or about any public or private area in the Town of Waukesha.
- (b) **Unnecessary Smoke Prohibited.** It shall be unlawful for any person to operate a motor vehicle in such a manner which shall make or cause to be made any smoke, gases, or odors which are disagreeable, foul, or otherwise offensive which may tend to annoy or disturb another in or about any public or private area in the Town.
- (c) **Unnecessary Acceleration and Display of Power Prohibited.** It shall be unlawful for any person to operate any vehicle, including motorcycles, all-terrain vehicles and bicycles, in such a manner as to cause, by excessive and unnecessary acceleration, the tires of such vehicle or cycle to spin or emit loud noises or to unnecessarily throw stones or gravel; nor shall such driver cause to be made by excessive and unnecessary acceleration any loud noise as would disturb the peace.
- (d) **Disorderly Conduct with a Motor Vehicle.**
  - (1) Conduct Prohibited. No person shall, within the Town of Waukesha, by or through the use of any motor vehicle, including but not limited to, an automobile, truck, motorcycle, minibike or snowmobile, cause or provoke disorderly conduct with a motor vehicle, cause a disturbance or annoy one or more persons, or disturb or endanger the property or the safety of another's person or property.
  - (2) Definition. "Disorderly conduct with a motor vehicle" shall mean the engaging in violent, abusive, unreasonably loud conduct, or disturbing or endangering the property or the safety of another's person or property, or otherwise disorderly conduct, including but not limited to, unnecessary, deliberate or intentional spinning of wheels, squealing of tires, revving of engine, blowing the horn, causing the engine to backfire or causing the vehicle, while commencing to move or in motion, to raise one or more wheels off the ground.
- (e) **Avoidance of Traffic Control Device Prohibited.** It shall be unlawful for any person to operate a motor vehicle in such a manner as to leave the roadway and travel across private property to avoid an official traffic control device, sign, or signal.
- (f) **Operation in Restricted Area Prohibited.** It shall be unlawful for any person to operate a motor vehicle in such a manner as to leave the roadway and park, stop, or travel upon or across any public or private property, parking lot, driveway, or business service area for any purpose except the official conduct of business located on said property without the consent of the owner or lessee of the property. This Section shall specifically include, but not be limited to:
  - (1) Public park property;
  - (2) Cemetery properties;
  - (3) School District property;
  - (4) Medical facilities;
  - (5) Funeral homes;



- (6) Service stations;
  - (7) Grocery stores;
  - (8) Restaurants;
  - (9) Financial institutions; and
  - (10) Other similar-type businesses with service driveways or drive-up or drive-through facilities.
- (g) **Stopping and Parking Prohibited.** It shall be unlawful for any person to stop or park a motor vehicle in any manner on any public or private property or parking lot contrary to a regulatory sign posted thereon which may permit parking by certain persons and limits, restricts, or prohibits parking as to other persons without the consent of the owner or lessee of the property. Any vehicle parked in violation of this Section may be removed or towed by the property owner at the vehicle owner's expense.

**SEC. 10-1-41 THROUGH SEC. 10-1-49 RESERVED FOR FUTURE USE.**

**ARTICLE E**

## Enforcement and Penalties

**SEC. 10-1-50 PENALTIES.**

- (a) **Forfeiture Penalty.** The penalty for violation of any provision of this Chapter shall be a forfeiture as hereafter provided, together with court costs and fees prescribed by Sections 814.63(1) and (2) or 814.65(1), Wis. Stats., the penalty assessment for moving traffic violations and the driver improvement surcharge imposed by Sections 165.87 and 346.655, Wis. Stats., where applicable. Payment of the judgment and applicable court costs, fees, assessments and surcharges may be suspended by the sentencing court for not more than sixty (60) days. Any person eighteen (18) years of age or older who shall fail to pay the amount of the forfeiture, court costs, any penalty assessment or driver surcharge or other penalty imposed for violation of any provision of this Chapter may, upon order of the court entering judgment therefor and having jurisdiction of the case, be imprisoned until such forfeiture, costs and assessment are paid, but not exceeding ninety (90) days.
- (b) **Other Sanctions.**
- (1) By Court. Nothing herein shall preclude or affect the power of the sentencing court to exercise additional authorities granted by the Wisconsin Statutes to suspend or revoke the operating privileges of the defendant, order the defendant to submit to assessment and rehabilitation programs or to attend traffic safety school in addition to payment of a monetary penalty or in lieu of imprisonment.
- (2) By Municipality. No person who has been convicted of a violation of any provision of this Chapter shall be issued a license or permit by the Town, except a dog license, until the forfeiture imposed for such violation and any penalty assessment, court costs and fees or surcharge is paid.
- (c) **Forfeitures for Violation of Uniform Moving Traffic Regulators.** Forfeitures for violations of any moving traffic regulation set forth in the Wisconsin Statutes adopted by reference in Section 10-1-1 shall conform to the forfeiture penalty permitted to be imposed for violations of the comparable Wisconsin Statute including any variations or increases for subsequent offenses; provided, however, that this Subsection shall not be construed to permit prosecution under this Chapter for any offense described in Chapters 341 to 349, Wis. Stats., for which an imprisonment penalty or fine may be imposed upon the defendant.
- (d) **Forfeitures for Parking Violations.**
- (1) Forfeitures for Uniform Statewide Parking Stopping and Standing Offenses. Minimum and maximum forfeiture for violation of non-moving traffic violations adopted by reference in Section 10-1-1 as described in Chapter 341 to 349, Wis. Stats., shall be as found in the current edition of the Revised Uniform State Traffic Deposit Schedule.
- (2) Parking Ticket. A parking ticket may be issued in lieu of issuance of a citation as otherwise provided in this Ordinance, for any parking violation. A ticket issued for a parking violation shall be paid within seven (7) days of issuance, and if not paid within (7) days, the amount of the ticket shall be increased from \$20.00 to \$40.00. If a ticket remains unpaid for fourteen (14) days or more, the Town may refer the matter to the Wisconsin Department of Motor Vehicles at which point \$19.50 shall be added to the amount of the ticket to cover administrative costs incurred.
- (e) **Other Violations.** Any person who shall violate any provision of this Chapter for which a penalty is not otherwise established by this Section shall be subject to a forfeiture of not less than Twenty Dollars (\$20.00) nor more than One Hundred Dollars (\$100.00).

**SEC. 10-1-51 ENFORCEMENT.**

(a) **Enforcement Procedures.**

- (1) How Enforced. This Chapter shall be enforced in accordance with the applicable provisions of the Wisconsin Statutes and this Section.
- (2) Applicable Court Procedures. Except where otherwise specifically provided by the laws of the State of Wisconsin or this Code, the traffic regulations in this Code shall be enforced in accordance with the provisions of Sec 345.20(2)(b) and Chapter 799, Wis. Stats.

(b) **Citations.**

- (1) Uniform Citation and Complaint. The Wisconsin Uniform Traffic Citation and Complaint described and defined in the Wisconsin Statutes shall be used for enforcement of all provisions of this Chapter except those provisions which describe or define non-moving traffic violations and violations of Sections 346.71 through 346.73, Wis. Stats. Violations of Sections 346.71 through 346.73, Wis. Stats., shall be reported to the District Attorney and the Wisconsin Uniform Traffic Citation shall not be used in such cases except upon written request of the District Attorney.
- (2) Parking Citations. The Town Attorney and Town Constable shall recommend to the Town Board a citation for use in enforcing the non-moving traffic offenses in this Chapter. Such citation shall be used for enforcement of non-moving traffic regulations created or adopted by this Chapter, including violations of non-moving traffic regulations defined and described in the Wisconsin Statutes, adopted by reference in Section 10-1-1, and all provisions regarding non-moving traffic violations in this Chapter. The citation for non-moving traffic violations shall contain a notice that the person cited may discharge the forfeiture for violation of a non-moving traffic regulation and penalty thereof by complying with Subsection (c)(2) of this Section. Non-moving traffic citations may be issued by law enforcement officers or by designated civilian employees of the Town of Waukesha.

(c) **Deposits and Stipulations.**

(1) Uniform Traffic Offenses.

- a. Who May Make. Persons arrested or cited for violation of moving traffic offenses created by this Chapter shall be permitted to make deposits and stipulations of no contest or released by the arresting officer in accordance with the applicable provisions of the Wisconsin Statutes. Stipulations of guilt or no contest may be made by persons arrested for violations of this Chapter in accordance with Sec. 66.12(1)(b), Wis. Stats., are in applicable to such violations. Stipulations shall conform to the form contained in the uniform traffic citation and complaint under Sec. 345.11, Wis. Stats.
- b. Delivery or Mailing of Deposit and Stipulation. Any person stipulating guilt or no contest under the preceding Subsection must make the deposit required under Sec. 345.26, Wis. Stats., or, if the deposit is not established under such Statute, shall deposit a forfeited penalty as provided in the schedule established by the Town Constable and approved by the Town Board. Deposits may be brought or mailed to the County Clerk of Courts within five (5) days of the issuance of the citation in lieu of court appearance.

(2) Non-moving Traffic Offenses.

- a. Direct Payment of Penalty Permitted. Persons cited (summons not issued) for violation of non-moving traffic offenses described and defined in this Chapter may

discharge the penalty thereof and avoid court prosecution by mailing or forwarding within five (5) days of the issuance of the citation to the Waukesha Town Clerk the minimum forfeiture specified for the violation. When payment is made as provided in this paragraph, no court costs shall be charged.

- b. Court Prosecution. If the alleged violator does not deliver or mail a deposit as provided in Subsection a. within fifteen (15) days of the date of the citation, the Town Constable shall forward a copy of the citation to the Town Attorney for prosecution
  - c. Registration Suspension. If the alleged violator does not pay the forfeiture or appear in court in response to the citation for a nonmoving traffic violation on the date specified in the citation or, if no date is specified on the citation, within twenty-eight (28) days after the citation is issued, the Town may ask the Wisconsin Department of Transportation to suspend the registration of the vehicle involved or refuse registration of any vehicle owned by the person pursuant to the provisions of Sec. 345.28(4), Wis. Stats., and Subsection (c)(3) below.
  - d. Bond. Any official authorized to accept deposits under Sec. 345.26, Wis. Stats., or this Section, shall qualify by taking the oath prescribed by Sec. 19.01, Wis. Stats.
- (3) Notice of Demerit Points and Receipt. Every officer accepting a forfeited penalty or money deposit under this Section shall receipt therefor in triplicate as provided in Sec. 345.26(3)(b), Wis. Stats. Every officer accepting a stipulation under the provisions of this Section shall comply with the provisions of Sections 343.27, 343.28, 345.26(1)(a) and 345.27(2), 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 Sec. 345.11, Wis. Stats.
- (4) Registration Suspension Program.
- a. The Town shall participate in the Wisconsin Department of Transportation Traffic Violation and Registration Program as set forth in Sec. 345.28, Wis. Stats., and Wis. Adm. Code Trans. 128 and all amendments or changes thereto.
  - b. The Town Constable is hereby designated as a delegated authority for purposes of Sections 85.13 and 345.28, Wis. Stats., and Wis. Adm. Code Trans. 128. The Town Constable and/or Town Attorney are authorized to perform, on behalf of the Town, all functions required of a local authority under said Statutes and Code including, but not limited to:
    - 1. Preparing and completing all forms and notices, notifying the Wisconsin Department of Transportation of unpaid citations for non-moving traffic violations;
    - 2. Specifying whether the registration of vehicles involved in unpaid citations for non-moving traffic violations should be suspended and/or whether registration should be refused for any vehicle owned by persons with unpaid citations for non-moving traffic violations;
    - 3. Determining the method by which the Town will pay the Wisconsin Department of Transportation for administration of the program; establishing the effective date for participation;
    - 4. And taking such other action as is necessary to institute and continue participation in the Wisconsin Department of Transportation Traffic Violation and Registration Program.
  - c. The Town Constable may recommend to the Town Board assigning a member of Town government to perform such acts as are necessary to effectuate this Subsection.

- d. In addition to all applicable fines and court costs, the cost of using the Wisconsin Department of Transportation Traffic Violation and Registration Program shall be assessed as permitted by Sec. 345.28(4)(d), Wis. Stats. The Town Constable may refuse to notify the Wisconsin Department of Transportation of payment on a citation until all applicable fines and costs, including costs assessed under the preceding sentence, are paid.
- e. This Subsection shall not be interpreted as requiring that all unpaid citations for non-moving traffic violations be processed through the Wisconsin Department of Transportation Traffic Violation and Registration Program. The Town's participation in such program shall be in addition to any and all other means legally available to enforce such citations.

State Law Reference: Sec. 345.28, Wis. Stats.; Chapter Trans. 128, Wis. Adm. Code.

## CHAPTER 2

### All-Terrain Vehicles and Off-Road Motor Vehicle Operation

- 10-2-1 Restrictions on Use of All-Terrain Vehicles
- 10-2-2 Unauthorized Operation of Motor Vehicles on Public or Private Property

#### SEC. 10-2-1 RESTRICTIONS ON USE OF ALL-TERRAIN VEHICLES.

- (a) **State Law Adopted.** The provisions relating to the use of all-terrain vehicles, as set forth in Wis. Stat. Section 23.33 (2003-2004), are hereby adopted and incorporated by reference.
- (b) **Unnecessary Noise Prohibited.** It shall be unlawful for any person to operate an all-terrain vehicle in such a manner which shall make, or cause to be made, any loud, disturbing, or unnecessary sounds or noises such as may tend to annoy or disturb another in or about any public or private area in the Town of Waukesha.
- (c) **Restrictions in Residential Areas.** No all-terrain vehicle may be operated on private property which is zoned or intended to be used for residential purposes unless the parcel of property is ten (10) acres or greater. The Town Board finds that the operation of all-terrain vehicles on parcels zoned or used for residential purposes, but consisting of less than (10) acres, interferes with the use and enjoyment of adjoining properties used or zoned for residential purposes and, accordingly, must be restricted.

#### SEC. 10-2-2 UNAUTHORIZED OPERATION OF MOTOR VEHICLES ON PUBLIC OR PRIVATE PROPERTY.

- (a) **Purpose.**
  - (1) The unauthorized off-road operation of motor vehicles has resulted in serious damage to public and private lands including damage or destruction of vegetation, animal life and improvement to the lands; and
  - (2) The unauthorized off-road operation of motor vehicles has resulted in the permanent scarring of land and an increase in both erosion and air pollution; and
  - (3) The unauthorized off-road operation of motor vehicles has resulted in collisions and near collisions threatening the life and safety of the operators of such vehicles as well as of other persons; and
  - (4) The unauthorized off-road operation of motor vehicles has resulted in a loss of the privacy, quietude and serenity to which the owners and users of land are rightfully entitled.
- (b) **Definitions.** For purposes of this Section, the terms below shall be defined as follows:
  - (1) Unauthorized shall mean without the express prior consent of the owner, lessee, manager or other person authorized to give consent by the owner or lessee of land. Authorization shall not be implied from a failure to post private or public land.
  - (2) Off-Road shall mean any location which:
    - a. Is not a paved or maintained public street or alley; or
    - b. Is not used or maintained by the owner or lessee of land as a driveway, parking lot or other way for motor vehicles; or

- c. Is a private trail for use only by the owner or his permittees for recreational or other vehicular use. Off-road shall not include any creek bed, riverbed or lake provided, however, that this Subsection shall not apply to snowmobiles or other vehicles being operated on the ice covering such creekbed, riverbed or lake.
- (3) Operation shall mean the physical manipulation or activation of any of the controls of a motor vehicle necessary to put it in motion.
- (4) Motor Vehicle shall mean, for purposes of this Section, any vehicle which is self-propelled and shall include but not be limited to automobiles, trucks, jeeps, vans, motorcycles, motorbikes, go-karts, motorized three-wheeled vehicles, all-terrain vehicles, mopeds, snowmobiles, dune buggies and tractors. Motor vehicle shall not mean any airplane, railroad train, boat, wheelchair or bicycle. A vehicle which would otherwise be defined as a motor vehicle under this Section shall not be so defined while:
  - a. It is being operated solely for the purpose of construction or maintenance of an improvement to land or solely for access to construction or maintenance sites provided such operation is by persons having legitimate business on such lands or sites;
  - b. It is being operated by or at the direction of public employees or utility company employees as part of their employment duties.
  - c. It is being operated by the holder of an easement or right of access on or over the land on which operation is occurring or the holder's employees or agents.
- (c) **Unauthorized Off-Road Operation Prohibited.**
  - (1) The unauthorized off-road operation of a motor vehicle is prohibited.
  - (2) Except for authorized maintenance vehicles and snowmobiles or all-terrain vehicles operating in areas authorized by the Town Board, it shall be unlawful to operate any minibike, go-kart, all-terrain vehicle or any other motor-driven craft or vehicle principally manufactured for off-highway use on the Town streets, alleys, parks, sidewalks, bikeways, parking lots or on any public lands or private lands or parking lots held open to the public. The operator shall at all times have the written consent of the owner before operation of such craft or vehicle on private lands.

## CHAPTER 3

### Abandoned and Junked Vehicles

10-3-1	Abandoned Vehicles; Definitions
10-3-2	Removal and Impoundment of Vehicles
10-3-3	Removal, Storage, Notice or Reclaimer of Abandoned Vehicles
10-3-4	Disposal of Abandoned Vehicles
10-3-5	Report of Sale or Disposal
10-3-6	Owner Responsible for Impoundment and Disposal Costs
10-3-7	Conflict with Other Code Provisions
10-3-8	Junked Vehicles and Appliances on Private Property

#### SEC. 10-3-1 ABANDONED VEHICLES; DEFINITIONS.

- (a) **Abandonment of Vehicles Prohibited.** No person shall leave unattended any motor vehicle, trailer, semitrailer or mobile home on any public street or highway or private or public property in the Town of Waukesha for such time and under such circumstances as to cause the vehicle to reasonably appear to have been abandoned. Whenever any such vehicle has been left unattended on any street or highway in the Town of Waukesha or upon private or public property without the permission of the property owner or other person charged with the lawful jurisdiction thereof for more than seventy-two (72) hours, the vehicle shall be deemed abandoned and constitutes a public nuisance.
- (b) **Definitions.** For purposes of this Chapter, the following definitions shall be applicable:
- (1) Vehicle shall mean a motor vehicle, trailer, semitrailer or mobile home, whether or not such vehicle is registered under Wisconsin Law.
  - (2) Unattended shall mean unmoved from its location with no obvious sign of continuous human use.
  - (3) Street shall mean any public highway or alley and shall mean the entire width between the boundary lines of any public way where any part thereof is open to the public for purposes of vehicular traffic.
- (c) **Presumptions.** For purposes of this Section, the following irrefutable presumptions shall apply:
- (1) A vehicle shall be presumed unattended if it is found in the same position seventy-two (72) hours after issuance of a traffic ticket or citation and if such traffic ticket or citation remains placed upon the windshield during said seventy-two (72) hours.
  - (2) Any vehicle left unattended for more than seventy-two (72) hours on any public street or public ground or left unattended for more than seventy-two (72) hours on private property without the consent of the property owner is deemed abandoned and constitutes a nuisance; provided, that the vehicle shall not be deemed abandoned under this Subsection if left unattended on private property outside of public view and is enclosed within a building, or if designated as not abandoned by the Town Constable.
- (d) **Exceptions.** This Section shall not apply to a vehicle in an enclosed building or a vehicle stored on a premises licensed for storage of junk or junked vehicles and fully in compliance with Town zoning regulations, or to a vehicle parked in a paid parking lot or space where the required fee has been paid.



**SEC. 10-3-2 REMOVAL AND IMPOUNDMENT OF VEHICLES.**

Any vehicle in violation of this Chapter shall be removed and impounded until lawfully claimed or disposed of under the provisions of Section 10-3-3.

**SEC. 10-3-3 REMOVAL, STORAGE, NOTICE OR RECLAIMER OF ABANDONED VEHICLES.**

- (a) **Applicability.** The provisions of this Section shall apply to the removal, storage, notice, reclaimer or disposal of abandoned vehicles as defined in Section 10-3-1.
- (b) **Removal.**
  - (1) Any law enforcement who discovers any motor vehicle, trailer, semitrailer or mobile home on any public street or highway or private or public property in the Town of Waukesha which has been abandoned shall cause the vehicle to be removed to a suitable place of impoundment.
  - (2) Upon removal of the vehicle, the police officer shall notify the Town Constable or his designee of the abandonment and of the location of the impounded vehicle.
- (c) **Storage and Reclaimer.** Any abandoned vehicle which is determined by the Town Constable or his/her designee to be abandoned shall be retained in storage for a period of fourteen (14) days after certified mail notice, as hereinafter provided, has been sent to the Wisconsin titled owner and/or secured party of record with the Wisconsin Motor Vehicle Division, except that if the Town Constable or his/her designee determines an abandoned vehicle to have a value of less than One Hundred Dollars (\$100.00), or that the cost of towing and storage charges for impoundment will exceed the value of the vehicle, it may be junked or sold by direct sale to a licensed salvage dealer after having been retained in storage for a period of seven (7) days and after certified mail notice, as hereinafter provided, has been sent to the Wisconsin titled owner or secured party of record with the Wisconsin Motor Vehicle Division, provided that it is first determined that the vehicle is not reported stolen or wanted for evidence or other reason. All substantially complete vehicles in excess of nineteen (19) model years of age shall be deemed as a having value in excess of One Hundred Dollars (\$100.00). Any such vehicle which may be lawfully reclaimed may be released upon the payment of all accrued charges, including towing, storage and notice charges and upon presentation of the vehicle title or other satisfactory evidence to the Town Constable or his/her designee to prove an ownership or secured party interest in said vehicle.
- (d) **Notice to Owner or Secured Party.** Certified mail notice, as referred to herein, shall notify the Wisconsin titled owner of the abandoned vehicle, if any, and/or the secured party of record with the Wisconsin Motor Vehicle Division, if any, of the following:
  - (1) That the vehicle has been deemed abandoned and impounded by the Town of Waukesha;
  - (2) The “determined value” of the abandoned vehicle;
  - (3) If the cost of towing and storage costs will exceed the determined value of the vehicle;
  - (4) That if the vehicle is not wanted for evidence or other reason, the vehicle may be reclaimed upon the payment of all accrued charges, including towing, storage and notice charges, within fourteen (14) days of the date of notice, unless the vehicle has been determined to have a value less than One Hundred Dollars (\$100.00) or that the cost of towing and storage charges for impoundment will exceed the value of the vehicle, in which case the vehicle may be reclaimed within seven (7) days upon the payment of the aforesaid charges; and
  - (5) That the owner or aforesaid secured party may, upon request, be granted a hearing relating to the determinations made with respect to said vehicle within the period that such vehicles may be reclaimed.

**SEC. 10-3-4 DISPOSAL OF ABANDONED VEHICLES.**

Any abandoned vehicle impounded by the Town which has not been reclaimed or junked or sold by direct sale to a licensed salvage dealer pursuant to the provisions of this Chapter may be sold by public auction sale or public sale calling for the receipt of sealed bids. A Class I Notice, including the description of the vehicles, the name(s) and address(es) of the Wisconsin titled owner and secured party of record, if known, and the time of sale shall be published before the sale.

**SEC. 10-3-5 REPORT OF SALE OR DISPOSAL.**

Within five (5) days after the direct sale or disposal of a vehicle as provided for herein, the Town Constable or his/her designee shall advise the State of Wisconsin Department of Transportation, Division of Motor Vehicles, of such sale or disposal on a form supplied by said Division. A copy of the form shall be given to the purchaser of the vehicle enabling the purchaser to obtain a regular certificate of title for the vehicle. The purchaser shall have ten (10) days to remove the vehicle from the storage area but shall pay a reasonable storage fee established by the Town Board for each day the vehicle remains in storage after the second business day subsequent to the sale date (see Section 16-1-4 Fees). Ten (10) 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 sold again. Any listing of vehicles to be sold by the Town shall be made available to any interested person or organization which makes a written request for such list to the Town Constable.

**SEC. 10-3-6 OWNER RESPONSIBLE FOR IMPOUNDMENT AND DISPOSAL COSTS.**

- (a) The owner of any abandoned vehicle, except a stolen vehicle, is responsible for the abandonment and all costs of impounding and disposing of the vehicle. Costs not covered from the sale of the vehicle may be recovered in a civil action by the Town against the owner.
- (b) Payment of removal and impoundment costs is not required when the vehicle has been impounded for purposes of law enforcement investigation.

**SEC. 10-3-7 CONFLICT WITH OTHER CODE PROVISIONS.**

In the event of any conflict between this Section and any other provisions of this Code of Ordinances, this Chapter shall control.

**SEC. 10-3-8 JUNKED VEHICLES AND APPLIANCES ON PRIVATE PROPERTY.**

- (a) **Storage of Automobiles Restricted.** No disassembled, inoperable, unlicensed, junked or wrecked motor vehicles, truck bodies, tractors, trailers, farm machinery, vehicle parts or tires, or appliances shall be stored upon private residential property or unenclosed within the yard upon nonresidential property within the Town of Waukesha for a period exceeding ten (10) days unless it is in connection with an authorized business enterprise located in a properly zoned area maintained in such a manner as to not constitute a public nuisance.
- (b) **Definitions.**
  - (1) The term “disassembled, inoperable, junked or wrecked motor vehicles, truck bodies, tractors, trailers” as used in this Section is defined as follows: motor vehicles, recreational vehicles, truck bodies, tractors, farm machinery or trailers in such state of physical or

mechanical ruin as to be incapable of propulsion, being operated upon the public streets or highways or which is otherwise not in safe or legal condition for operation on public streets or highways due to missing or inoperative parts, flat or removed tires, expired or missing license plates or other defects.

- (2) The term “unlicensed - motor vehicles, truck bodies, tractors or trailers” as used in this Chapter is defined as follows: motor vehicles, truck bodies, tractors, recreational vehicles or trailers which do not bear lawful current license plates.
  - (3) The term “motor vehicle” is defined in Sec. 340.01(35), Wis. Stats.
  - (4) The term “inoperable appliance” is defined as any stove, washer, refrigerator or other appliance which is no longer operable in the sense for which it was manufactured.
- (c) **Exceptions.** This Section shall not apply to any motor vehicle or motor vehicle accessories stored within an enclosed building or on the premises of a business enterprise operated in a lawful place and in a non-nuisance manner in a properly zoned area when necessary to the operation of such business enterprise, in a storage place or depository maintained in a lawful place and manner, or seasonal use vehicles such as snowmobiles, motorcycles, motor scooters and nonmotorized campers, provided such vehicles are stored in compliance with the ordinances of the Town. Also excepted are motor vehicles registered pursuant to Sections 341.265 and 341.266, Wis. Stats.
- (d) **Enforcement.**
- (1) Whenever the Town Constable shall find any vehicles, vehicle parts or tires, or appliances, as described herein, placed or stored in the open upon private property within the Town, he/she shall notify the owner of said property on which said vehicle or appliance is stored of the violation of this Section. If said vehicles, part thereof or appliance is not removed within five (5) days, the Town Constable shall cause to be issued a citation to the property owner or tenant of the property upon which said vehicle or appliance is stored.
  - (2) If such vehicle or appliance is not removed within twenty (20) days after issuance of a citation, the Town Constable shall cause the vehicle or appliance to be removed and impounded, and it shall thereafter be disposed of as prescribed in Sections 10-5-3 through 10-5-6 by the Town Constable or his/her duly authorized representative. Any cost incurred in the removal and sale of said vehicle or appliance shall be recovered from the owner. However, if the owner of the vehicle or appliance cannot readily be found, the cost of such removal shall be charged to the property from which it is removed, which charges shall be entered as a special charge on the tax roll.
- (e) **Penalty.** Any person who shall interfere with the enforcement of any of the provisions of this Section and shall be found guilty thereof shall be subject to a penalty as provided in Section 1-1-6. Each motor vehicle or appliance involved shall constitute a separate offense.

State Law Reference: Sec. 342.40, Wis. Stats.