

## **TITLE 8**

### **Motor Vehicles and Traffic**

#### **Chapter 1 Traffic and Parking**

#### **CHAPTER 1**

##### Traffic and Parking

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**SEC. 8-1-1 STATE TRAFFIC LAWS ADOPTED.**

**(a) Statutes Adopted.** Except as otherwise specifically provided in this Code, the statutory provisions in Chapter 340 to 348 of the Wisconsin Statutes, describing and defining regulations with respect to vehicles and traffic, for which the penalty is a forfeiture only, excluding penalties to be imposed and procedures for prosecution, are hereby adopted and by reference made a part of this Chapter as 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 regulation incorporated herein by reference is required or prohibited by this Chapter. Any future amendments, revisions or modification of the statutory regulations in chapter 340 to 348 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 Marion, Wisconsin, violate any provisions of any Statute incorporated herein by reference shall be deemed guilty of an offense under this Section. The statutory section listed shall be designated as parts of this Code by adding the prefix "8" to each statute section number.

**(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 to 348 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
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of the Wisconsin Statutes, such references shall mean the Wisconsin Statutes of 1985-86 as from time to time amended, repealed or modified by the Wisconsin Legislature.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. 8-1-2 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 3	Reciprocity – Nonresident Motor Carriers [Penalties of Wis. Stats. Sec. 341.04 apply]
Wis. Adm. Code – MVD 4	Lettering on Vehicles, Display of Evidence of Registration and Dual Permit
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 17	Transportation of Explosives by Motor Vehicle
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 Marion 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 8-1-1 of this Chapter.

**(c) Owner's Liability.** Any owner of a vehicle not equipped as required by this Section who knowingly causes or permits such vehicle to be operated on a highway in violation of this Section is guilty of the violation the same as if he or she had operated the vehicle. The provisions of Sec. 347.04, Wis. Stats., relating to nonapplicability of demerit points shall apply to owners convicted of a violation of this Chapter.

### **(d) 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 of the Town 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 Sed. 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 with the time specified in the order.

(e) **Penalty.** 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 Subsection (c) of this Section, together with the costs of prosecution and applicable penalty assessment.

### **SEC. 8-1-3 OFFICIAL TRAFFIC SIGNS AND CONTROL DEVICES; PROHIBITED SIGNS, SIGNALS AND MARKERS.**

#### **(a) Duty of Town Board 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 8-1-1, require the erection of traffic control devices for enforcement, the Town Board 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 erection 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 Board or his designee, will carry out the purposes of this Chapter and give adequate warning to users of the streets and highways of the Town of Marion.

(b) **Code Numbers to be Affixed to Official Traffic Control Devices.** The Town Board or its designee 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 Board or its designee 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 to the Town Board for review and certification at its next regular meeting following the imposition of the charge. Any charge not paid on or before the next succeeding November 15 shall be placed upon the tax roll for collection as other special municipal taxes.

**State Law Reference:** Section 346.41 and 349.09, Wis. Stats.

#### **SEC. 8-1-4 REGISTRATION RECORD OF VEHICLE AS EVIDENCE.**

When any vehicle is found upon a street or highway in violation of any provision of this Chapter regulation the stopping, staking 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 8-1-1 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. 8-1-5 SCHOOL BUS WARNING LIGHTS.**

Notwithstanding the provisions of Sec. 346.48(2)(b)2., Wis. Stats., adopted by reference in Section 8-1-1 to the contrary, school bus operators shall use flashing red warning lights in residential and business areas when pupils or other authorized passengers are to be loaded or unloaded at locations at which there are no crosswalk or traffic signals so that pupils must cross the street or highway before being loaded or after being unloaded.

#### **SEC. 8-1-6 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 directions of such Official Traffic Control Device as required by the Wisconsin Statutes incorporated by reference in Section 8-1-1 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. 8-1-7 SPEED LIMITS.**

**(a) General Speed Limit.** 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 this Section pursuant to Section 349.11(3)(c), Wis. Stats., where the Town Board has determined that the statutory speed limits are unreasonable, unsafe and imprudent and has modified such limits.

**(b) Speed Limits in Hidden Springs, Lucerne Terrace and Lake Alpine Subdivision.**

- (1) Definition. "Roadway" means any traveled portion of the road or street that has been dedicated to the Town of Marion by virtue of the acceptance of the Plat by the Town of Marion for the subdivision known as Hidden Springs, Lucerne Terrace and Lake Alpine.
- (2) Fixed Limits. It shall be unlawful for any person or persons to drive a vehicle at a speed in excess of thirty-five (35) miles per hour on any of the Town roads located within the Hidden Springs, Lucerne Terrace or Lake Alpine Subdivisions, as accepted by the official plats of said subdivisions all located in the Town of Marion, Waushara County, Wisconsin.

**(c) Specific Speed Limits.** The Town Board of the Town of Marion determines that the statutory speed limits on the following streets and roads or portion thereof are unreasonable, unsafe or imprudent and modifies such speed limits under authority granted by Sec. 349.11, Wis. Stats., as follows:

- (1) Oak Haven Circle – County Trunk Highway S to County Truck Highway S (1.32 miles).
- (2) Lake Alpine Plat – All Streets.
- (3) Birch Street – Sherman Street to Dead End (.18 mile).
- (4) Chicago Point Road – State Highway 73 to State Highway 73 (.50 mile).
- (5) Silver Lake Road – State Highway 73 to State Highway 21 (1.84 miles).
- (6) Silver Oak Lane – Silver Lake Road to County Trunk F (.10 mile).
- (7) Twentieth Drive – Silver Lake Road to State Highway 21 (.43 mile).
- (8) Silver Lake Road – State Highway 21 to State Highway 21 (.23 mile).
- (9) Twentieth Drive – Silver Lake Road to County Trunk Highway F (.16 mile).

- (10) Cree Ave. – Silver Lake Road to Twenty First Court and State Highway 21 (.81 mile).
- (11) Deer Ridge Road – Cree Avenue to Dead End (.13 mile).
- (12) Twenty First Court and State Highway 21 – State Highway 21 to Cree Avenue (1.55 miles).
- (13) Jannette Circle – County Trunk Highway F to County Trunk Highway F (.25 mile).
- (14) Cottonville Drive – County Trunk Highway F to Chicago Drive (.67 mile).
- (15) Indian Mounds Circle – Cottonville Drive to Chicago Drive (.49 mile).
- (16) Town Road No. 00064 – Indian Mound Circle to Dead End (.10 mile).
- (17) Slater Lane – Cypress Road to Dead End (.38 mile).
- (18) Happ Road – Marion Warren Town Line to Dead End (.52 mile).
- (19) Cedar Springs Plat – All streets.
- (20) Hidden Springs Plat and Hidden Springs Addition No. 1 – All Streets.
- (21) Oakwood Circle – Nineteenth Road to Nineteenth Road (.60 mile).
- (22) Oakwood Circle – Oakwood Circle to Oakwood Circle (.85).
- (23) White River Lane – Czech Lane to Dead End (.23 mile).
- (24) Lucerne Terrace Drive – County Trunk Highway YY to Dead End (.52 mile).
- (25) Lucerne – Lakewood Road – County Trunk Highway YY to County Trunk Highway YY (.97 mile).
- (26) Lucerne Ridge Drive – Lucerne-Lakewood Road to Dead End (.20 mile).
- (27) Lucerne Road – Lucerne Lakewood road to Dead End (.10 mile).
- (28) Forest Hills Parkway – Czech Avenue to Czech Avenue (1.10 miles).
- (29) Spring Lake Estates Road – County Trunk Highway F to County Trunk Highway Z (1.25 miles).
- (30) Holiday Hills Plat – All Streets.
- (31) Spring Hills Subdivision – All Streets.
- (32) Cumberland Lane – County Trunk Highway F to County Trunk Highway F (.27 mile).
- (33) Pike Road – County Trunk Highway S to Dead End (.36 mile).
- (34) Cottonville Drive – County Trunk Highway Z to State Highway 21 (.23 mile).

## **SEC. 8-1-8 WEIGHT LIMITS**

- (a) Definition.** For purposes of this Section, heavy traffic shall be defined as;
- (1) All vehicles not operating completely on pneumatic tires; and
  - (2) 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 fifteen thousand (15,000) pounds.

- (b) Special and Seasonal Weight Limitations.** The Town Board shall have the authority to impose special or seasonal weight limits on any highway, bridge or culvert and maintained by the Town to prevent injury to the roadway or for the safety of the users of such bridge or culvert and shall be responsible for erecting Uniform Traffic Control Devices giving notice thereof in accordance with the providing of Section 8-1-3.
- (c) Class B Highways.** All streets and alleys within the Town of Marion are designated Class “B” highways subject to the weight limitations of Sec. 346.16, Wis. Stats.  
State Law Reference: Sec. 346.16, Wis. Stats.

## **SEC. 8-1-9 RESTRICTIONS ON PARKING; POSTED LIMITATIONS.**

- (a)** The Town Board may designate certain streets or portion of streets as no parking or no stopping or standing 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. 349.43, Wis. Stats.
- (b)** Except when necessary to avoid conflict with other traffic or in compliance with the directions of a police 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. 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.
- (c)** The Town Board is hereby granted the authority, within the reasonable exercise of police power to prohibit, limit the time or otherwise restrict the stopping, standing or parking of vehicles beyond the provisions of Chapter 346. 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.
- (d)** 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.
- (e)** After the parking limitation on any given street have expired, any change of location of not more than one (1) stall following expiration of the parking period allowed shall be and constitute a violation of this Chapter.



## **SEC. 8-1-10 PARKING RESTRICTIONS DURING TEMPORARY SNOW REMOVAL OR STREET MAINTENANCE.**

- (a) Street Maintenance.** Whenever it is necessary to clear or repair a Town roadway or any part thereof, the Town Board may post such highways or parts thereof with signs bearing the words “No Parking –Street Maintenance Work.” Such signs shall be erected at least two (2) hours prior to the time that street maintenance work is to be commenced. No person shall park a motor vehicle in violation of such signs.
- (b) Temporary Parking Restrictions for Special Events.** Pursuant to the provisions of Subsections 349.13, Wis. Stats., the Town Board is authorized to direct that temporary “No Parking” signs be erected during parades, festivals and other authorized events that require the regulating of vehicle stopping, standing or parking on Town roadways. The temporary regulation shall be limited to the time the event exists or is likely to exist.
- (c) Parking During Snow Removal.** No person shall park, place or leave standing any automobile, truck or other vehicle on any street or public way after one (1) hour from the time such area has been designated and marked with signs or barriers by the Town Board indicating no parking due to snow removal.

## **SEC. 8-1-11 STOPPING OR PARKING PROHIBITED IN CERTAIN SPECIFIED PLACES**

- (a) 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, except when parking in such place is clearly indicated by official traffic signs or markers.
  - (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 twenty (20) feet of the driveway entrance to a fire station.
  - (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 or within a highway tunnel.
  - (12) Upon any street or highway within the Town limits any vehicle which faces a direction different from the direction of normal traffic flow for the lane of traffic in which said vehicle is stopped or standing.
  - (13) In a Loading zoning.
  - (14) Within four (4) feet of the entrance to an alley, private road or driveway.
  - (15) In any Town park when said park is closed to the public.
- (b) 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 or the property which such driveway is located, whether or not such driveway is posted to limit or restrict parking.
- (c) 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 police 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.
- (d) Parking Vehicle for Repair or to Display for Sale Prohibited.** No person shall stand or park a vehicle on any street, alley, public right-of-way or municipal parking lot in the Town for the purpose of repairing said vehicle or to display such vehicle for sale.
- (e) Seasonal Prohibited Parking.** It shall be unlawful for any person or persons in the Town of Marion to park or leave on the roadways or streets located within the Town of Marion any vehicle of any nature between the hours of 12:00 o'clock midnight and 8:00 a.m. during the period from November 15<sup>th</sup> until April 15<sup>th</sup>.

### **SEC. 8-1-12 PARKING RESERVED FOR VEHICLES OF DISABLED.**

When official traffic signs indicating such restriction have been erected in accordance with Section 8-1-3 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. 8-1-13 UNLAWFUL REMOVAL OF PARKING CITATIONS.**

No person other than the owner or operator thereof shall remove a Town parking ticket from a motor vehicle.

### **SEC. 8-1-14 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 traffic officer, to a position where parking is permitted or to a private or public parking or storage premises.
- (c) Removal by Law Enforcement 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. 8-1-15 SNOW EMERGENCIES.**

#### **(a) Snow Emergency Declarations.**

- (1) The Town Board hereby declares that a snow emergency exists in the Town whenever a snowfall during any period of twenty-four (24) hours or less reaches a depth of three (3) inches or more. Such emergency is declared to be a serious public hazard impairing transportation and public health, safety and welfare for a period of

forth-eight (48) hours or until such time as snow removal operations have been declared completed by the Chairperson or his designee.

- (2) The Chairperson or his designee is hereby authorized to declare a snow emergency watch in advance of the conditions established in Subsection (a)(1) by reason of forecasted heavy snow or blizzard, and all provisions of a snow emergency are to become effective immediately upon the declaration of a snow emergency watch or at such time as the conditions of the now emergency established above exist, or as otherwise proclaimed in the snow emergency watch declaration.

**(b) Parking Restrictions.**

- (1) When signs have been erected at or reasonably near the corporate limits, as provided in Sec. 349.13, Wis. Stats., no owner or operator of any motor vehicle shall park upon any public road or alley during a snow emergency which has been declared by the Town in accordance with Subsection (a) until the snow removal operations have completely cleared the street or alley. Such snow emergency parking restrictions shall be applicable between November 15<sup>th</sup> and April 1<sup>st</sup>.
- (2) Any vehicle parked in violation of any provision of this Section shall be ticketed by law enforcement officers as an illegally parked vehicle and is subject to the provisions of Section 8-1-14 (Removal of Illegally Parked Vehicles) of the Code.

**SEC. 8-1-16 INOPERABLE, WRECKED OR DISCARDED VEHICLES.**

**(a) Storage Prohibited.** No person owning or having custody of any partially dismantled, nonoperable, wrecked, junked or discarded motor vehicle shall allow such vehicle to remain on any public highway, parking lot or ramp longer than twenty-four (24) hours after notification thereof by a law enforcement officer. Notification shall be accomplished by placement in a conspicuous place on the vehicle and by mailing or serving upon the owner or occupant in charge of the premises a written notice setting forth briefly the applicable provisions of this Section and the date of the notice. Any vehicle so tagged which is not removed within twenty-four (24) hours after notice is declared to be a public nuisance and may be removed as provided in Section 8-1-14.

**(b) Exemptions.** This Section shall not apply to a motor vehicle in an appropriate storage place or depository maintained in a lawful place and manner authorized by the Town.

**SEC. 8-1-17 DISTURBANCE OF THE PEACE WITH A MOTOR VEHICLE.**

The following acts are declared to be loud, disturbing and unnecessary noises in violation of this Section but this enumeration shall not be deemed to be exclusive:

- (1) **Exhausts.** The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine or motor boat except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.

It is also declared a violation of this subsection for any person operating a motor equipped with an engine compression brake, commonly referred to as a "Jake Brake" to utilize said brake upon the following roads:

- (a) On State Highway 21 between the Town of Marion's West boundary and the intersection with 21<sup>st</sup> Court; and
- (b) On State Highway 73 between the Town of Marion's west boundary and the intersection with Chicago Road.

- (2) **Motor Vehicles.** No person shall make unnecessary noises with a motor vehicle by squealing tires, excessive acceleration of the engine, by emitting unnecessary and loud muffler noises or by making the brakes to screech or make excessive noise.

## **SEC. 8-1-18 UNAUTHORIZED OPERATION OF MOTOR VEHICLES ON PUBLIC OR PRIVATE PORERTY.**

### **(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 vehicle 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 creekbed, riverbed or lake provided, however, that this Subsection shall not apply to snowmobiles or other vehicles being operated on the ice covering such as 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) 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 Town streets, alleys, parks, sidewalks, bikeways, parking lots or on any public lands or private lands or parking lots held open to the public, except on those Town streets designated by resolution of the Town Board. The operator shall at all times have the consent of the owner before operation of such craft or vehicle on private lands.
- (d) Prohibited Use of Snowmobile Trails.** Except as provided in Subsection (b)(4) above, no person shall operate any motor vehicle other than a snowmobile on a snowmobile trail.
- (e) Operation of Snowmobiles, Motorcycles, Mopeds, Minibikes or All-Terrain Vehicles Within Any Parks is Prohibited.** No person shall operate a snowmobile, motorcycle, moped, minibike or all-terrain vehicle (ATV) within any parks or athletic fields within the Town except in designated areas.

**SEC. 8-1-19 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 the Town. 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 Regulations.** Forfeitures for violations of any moving traffic regulation set forth in the Wisconsin Statutes adopted by reference in Section 8-1-1 shall conform to the forfeiture penalty permitted to be imposed for violations on the comparable Wisconsin Statute, including any variation 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 Chapter 341 to 348, 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 8-1-1 as described in chapters 341 to 348, Wis. Stats., shall be as found in the current edition of the Revised Uniform State Traffic Deposit Schedule.

(2) Penalty for Other Parking Violations. The penalty for all other parking violations not included under Subsection (1) above shall be a forfeiture of not less than Fifteen

Dollars (\$15.00) nor more than Fifty Dollars (\$50.00) nor more than Three Hundred Dollars (\$300.00) for the second offense within a year.

- (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 Fifteen Dollars (\$15.00) nor more than Three Hundred Dollars (\$300.00).

## **SEC. 8-1-20 ENFORCEMENT.**

- (a) Enforcement Procedures.** This Chapter shall be enforced in accordance with the applicable provisions of the Wisconsin Statutes and this Section.

**(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 364.73, Wis. Stats. Violations of Sections 346.71 through 346.73, Wis. Stats., shall be reported to the District Attorney and the Uniform Traffic Citation shall not be used in such cases except upon written request of the District Attorney.
- (2) Parking Citations. The Town Constable shall recommend 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 violation of non-moving traffic regulations defined and described in the Wisconsin Statutes, adopted by reference in Section 8-1-1, and all provisions regarding non-moving traffic violations shall contain a notice that the person cited may discharge the forfeiture for violation of non-moving traffic regulation and penalty thereof by complying with Subsection (c)(2) of this Section.

**(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) of Wisconsin Statutes whenever the provisions of Sec. 345.27 of the Wisconsin Statutes are inapplicable to such violations. Stipulations shall conform to the form contained in the uniform traffic citation and complaint under Sec. 345.11 of the Wisconsin Statutes and may be accepted



within five (5) days of the date of the alleged violation. Stipulation may be accepted by the Town Constable or Clerk of Circuit Court.

- b. Delivery or Mailing of Deposit and Stipulation. Any person stipulating guilt or no contest under the proceeding Subsection must make the deposit required under Sec. 345.26 of the Wisconsin Statutes 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 approve by the Town Board. Deposits may be brought or mailed within five (5) days of the issuance of the citation in lieu of court appearance.
- c. Receipt Required. Every officer accepting a stipulation under the provisions of this Chapter shall comply with the provision of Sections 343.27, 343.28, 343.26(1)(a) and 345.27(2) of the Wisconsin Statutes 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 of the Wisconsin Statutes. The official or person receiving the deposit shall furnish and deliver or mail an original receipt for such deposit to the alleged violator and shall deliver the deposit and stipulation, and a copy of the receipt within seven (7) days to the County Clerk of Courts.

(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 Town the minimum forfeiture specified for the violation. If not forwarded, the penalty may be discharged by forwarding within ten (10) days of the date of citation to the above named office the amount of Fifteen Dollars (\$15.00). 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 ten (10) 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 non-moving 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. Deposits Returned to Town Treasurer. Officers receiving deposits for non-moving traffic violation under this Subsection shall pay over such deposits to the Town Treasurer within seven (7) days of receipt. Such payment shall be accompanied by an itemized statement for each deposit of the offense charged and the name of the depositor.
  - e. Bond. Any officer 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 is 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 In addition to all applicable fines and court cost, the cost of using the Wisconsin Department of Transportation Traffic Violation and Registration Program shall be assess 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.
- d. This Subsection shall not be interpreted as requiring that all unpaid citation 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.