

Title 10

VEHICLES AND TRAFFIC

Chapters:

10.04 Traffic Laws Adopted

10.08 Administration and Enforcement

10.12 Bicycle

10.16 Snowmobiles and All-Terrain Vehicles

10.20 Miscellaneous Traffic Regulations

Chapter 10.04

TRAFFIC LAWS ADOPTED

Sections:

- 10.04.010 State traffic laws adopted.**
- 10.04.020 Speed limits.**
- 10.04.030 Authority to erect and maintain stop signs.**
- 10.04.040 Parking.**
- 10.04.045 Traffic regulation/signage.**
- 10.04.050 Nonmoving violation and registration program.**
- 10.04.060 Restricted parking zones at White Oak Park, beach and boat launch.**

10.04.010 State traffic laws adopted.

A. Except as otherwise specifically provided in this title, all provisions of Chapters 340 to 348, Wis. Stats., describing and defining regulations with respect to vehicles and traffic for which the penalty is a forfeiture only, including penalties to be imposed and procedures for prosecution, are adopted and by reference made a part of this title as if fully set forth in this chapter. Any act required to be performed or prohibited by any statute incorporated herein by reference is required or prohibited by this title. Any future amendments, revisions or modifications of statutes incorporated herein are intended to be made part of this title in order to secure uniform statewide regulation of traffic on the highways, streets and alleys.

B. In addition to the sections of the Wisconsin Statutes previously adopted, there is also adopted in its entirety WAC Chapter Trans. 305, entitled "Standards for Motor Vehicle Equipment," and as it may be amended from time to time. (Prior code § 7.01)

10.04.020 Speed limits.

A. State Speed Limits Adopted. The provisions of Sections 346.57 and 346.59, Wis. Stats., relating to the maximum and minimum speed of vehicles are adopted as part of this section as if fully set forth.

B. Speed limits for town streets and highways may be established by resolution of the town board.

C. Modified Speed Limits Adopted. Wherever, pursuant to powers specified in Section 349.11, Wis. Stats., the State Department of Transportation with respect to the State Trunk Highway system, and wherever pursuant to the powers specified in Section 349.11, Wis. Stats., the Racine County board with respect to the highways under its jurisdiction, shall determine, upon the basis of an engineering and traffic investigation, that the speed limits established by Section 349.11, Wis. Stats., are not reasonable or safe under the conditions found to exist at any intersection or other place or upon any part of a highway, and the State Department of Transportation or the Racine County board as the case may be, has determined and declared a different speed limit at such location and has posted such areas and has indicated by appropriate signs the speed limits, such speed limits thereby determined and established are declared to be the speed limits of such areas under this chapter, and such speed limits are adopted by reference as a part of this chapter. (Editorially amended during 2001 codification; prior code § 7.03(1) and (3))

10.04.030 Authority to erect and maintain stop signs.

The town highway department is authorized and directed to procure, erect and maintain official stop signs conforming to the

rules of the State Department of Transportation at such intersections. (Prior code § 7.04(2)(e))

10.04.040 Parking.

A. For the purpose of this section, a “residence district” is defined as a territory where the frontage on such highway for a distance of three hundred (300) feet or more is mainly occupied by dwellings or dwellings and buildings in use for business.

B. For the purpose of this section, a “business district” is defined as a territory contiguous to a highway where fifty (50) percent or more of the frontage thereon for a distance of three hundred (300) feet or more is occupied by buildings in use for business.

C. Whenever any traffic officer finds a motor vehicle standing upon any highway in violation of any provision of this section, he is authorized to require the operator in charge to remove such vehicle to a position where parking is not prohibited. If the motor vehicle is unattended and the traffic officer is unable with reasonable diligence to ascertain the whereabouts of the driver or owner, he may cause the removal of such vehicle to a position where parking is permitted, or to either private or public parking or storage premises. The cost of such removal and the cost of storage shall be charged to the owner of the vehicle and shall be in addition to any forfeiture imposed as a penalty.

D. No person shall park or leave standing any vehicle as defined in this chapter, upon any highway within the town between two a.m. and six a.m. of each day without the prior consent of the police department.

E. No person shall park or leave standing any vehicle as defined in this chapter, in any area surrounding the Town Hall that is clearly designated as a “no parking” area by

appropriate signs, which areas shall be designated, from time to time, as deemed appropriate by the police department.

F. Both the owner and operator of a vehicle shall be responsible for compliance with the provisions of this section, and the forfeitures and penalty provisions shall apply to the registered owner of a vehicle parked in violation of this section when, with reasonable diligence, it is impossible to ascertain the actual operator of the vehicle.

G. The town board is empowered to prescribe a bond schedule for the events as set forth in this section and the chief of police is empowered to accept the posting of such bond in compliance with the schedule in lieu of court appearance.

H. No vehicle defined by Wis. Stats. Chapter 340 as a truck or trailer having a gross weight of eight thousand (8,000) pounds or more, shall be parked at any time on any street or portion of any street situated in a zoned residential area in the town. (Ord. dated 1/12/06; Ord. dated 11/11/85; prior code § 7.02(1), (2) and (5)--(10))

10.04.045 Traffic regulation/signage.

The town of Burlington and the town of Burlington highway department are authorized and directed to erect and maintain all other signage including, without limitation, no u-turns, crossing signs, no passing signs, school signs, and any other signs deemed necessary for the health, safety and welfare of town citizens and the users of town roadways. Any such signage may be erected and maintained by resolution as to type of sign and location. (Ord. dated 10/27/05)

10.04.050 Nonmoving violation and registration program.

Pursuant to the provisions of Section 345.28(4) of the Wisconsin Statutes, the town elects to participate in a nonmoving traffic violation and registration program of the Wisconsin Department of Transportation and pay the costs established by the Department under Wisconsin Statute Section 85.13; such costs shall, in turn, be assessed against the persons charged with nonmoving traffic violations. The town clerk shall be responsible for complying with the requirements set forth in Wisconsin Statute Section 345.28(4). (Ord. dated 4/10/89: prior code § 7.02(11))

10.04.060 Restricted parking zones at White Oak Park, beach and boat launch.

The parking of motor vehicles along the designated parking area at the town's White Oak Park, beach and boat launch premises shall be subject to parking within the designated zones, as established by the restricted parking signs posted at said location. Vehicles with trailers shall park within the established "Vehicle with Trailer Parking Zone." Vehicles without trailers shall park within the established "Vehicle Without Trailer Parking Zone." The restricted and designated "Handicapped Parking Zone" shall be restricted for handicapped parking only. (Ord. dated 3/12/98: prior code § 7.02(12))

Chapter 10.08

ADMINISTRATION AND ENFORCEMENT

Sections:

10.08.010 Penalties--Forfeiture and cost.

10.08.020 State forfeiture statutes.

10.08.030 State fine statutes.

10.08.040 Local regulations.

10.08.050 Enforcement.

10.08.010 Penalties--Forfeiture and cost.

The penalty for violation of any provision of this title shall be a forfeiture as hereafter provided together with costs under Section 345.27, Wis. Stats. (Prior code §7.15 (part))

10.08.020 State forfeiture statutes.

Forfeitures for violation of Section 10.04.010 shall conform to the forfeiture permitted to be imposed for violation of the statutes adopted by reference, including any variations or increases for subsequent offenses. (Prior code § 7.15(1))

10.08.030 State fine statutes.

The forfeiture for violation of any statute adopted by reference hereunder for which the penalty is a fine shall not exceed the minimum fine permitted under such statute. (Prior code § 7.15(2))

10.08.040 Local regulations.

The penalty for violation of Chapters 10.12 through 10.28 shall be a forfeiture of not less than ten dollars (\$10.00) nor more than two hundred dollars (\$200.00), together with the costs of prosecution, and in default of payment of the forfeiture and costs of

prosecution, imprisonment in the county jail until payment of such forfeitures and cost, but not exceeding ninety (90) days. (Prior code § 7.15(3))

10.08.050 Enforcement.

A. Citations. Citations for all nonmoving traffic violations under this title shall conform to Section 345.28, Wis. Stats., and shall permit direct mail payment of the applicable minimum forfeiture to the town police department within ten (10) days of the issuance of the citation in lieu of court appearance. The issuing officer shall specify thereon the amount of the applicable forfeiture as provided by this title. The forfeiture for violation of all nonmoving traffic violations under this title shall double if the applicable minimum forfeiture is not paid to the town police department within ten (10) days of the issuance of the citation as set forth above.

B. Stipulation of Guilt or No Contest. Stipulations of guilt or no contest may be made by persons arrested for violations of this chapter in accordance with Section 345.27, Wis. Stats. Stipulations shall conform to the form contained in the uniform traffic citation and complaint under Section 345.11, Wis. Stats., and may be accepted within five days of the date of the alleged violation. Stipulations may be accepted by the police department.

C. Deposits. Any person stipulating guilt or no contest under subsection A of this section, must make the deposit required under Section 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 board. Deposits may be brought or mailed to the of-

office of the police department as directed by the arresting officer.

D. Notice of Demerit Points and Receipt. Every officer accepting a forfeited penalty or money deposit under this chapter shall receipt therefor in triplicate as provided in Section 345.26(3)(b), Wis. Stats. Every officer accepting a stipulation under the provisions of this title, shall comply with the provisions of Sections 343.27, 343.28, 345.26(1)(a) and Section 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 Section 345.11, Wis. Stats.

E. Forfeitures in Treasury. Any officer accepting deposits or forfeited penalties under this title shall deliver them to the town treasurer within seven days after receipt. (Prior code § 7.16)

Chapter 10.12

BICYCLES

Sections:

10.12.010 Registration required.

10.12.020 Procedure--Fee--Expiration.

10.12.030 Tag required.

10.12.040 Conditions of registration.

10.12.050 Transfer of ownership-- Dismantling.

10.12.010 Registration required.

No resident shall operate, propel or ride a bicycle upon any public street, highway or roadway in the town unless such bicycle is registered and has affixed to it a proper registration sticker as provided in this chapter. (Prior code § 7.06(1))

10.12.020 Procedure--Fee--Expiration.

Application for registration shall be made by filing with the police department the name and address of the owner, together with a complete description of the bicycle, on forms provided by the department. Such registration shall be free of charge and non-expiring. (Prior code § 7.06(2))

10.12.030 Tag required.

Upon such registration, the police department shall cause a registration sticker to be issued to the applicant. Such sticker shall be promptly affixed to the top of the vertical post below the seat. Such sticker shall bear the same registration as the number shown on the applicant's registration and number in the police department files. Such sticker shall remain affixed to the bicycle and shall not be willfully removed, defaced or destroyed by any person. In the event of theft or loss of the registration sticker, a new

sticker shall be issued. (Prior code § 7.06(3))

10.12.040 Conditions of registration.

Each registration sticker issued hereunder shall be deemed to be granted subject to the following conditions:

1. Traffic Rules. Every person operating, propelling or riding a bicycle on any public street, highway or roadway in the town shall observe any and all traffic rules and regulations applicable thereto.

2. Trick Riding Prohibited. No operator or rider of any bicycle shall remove both hands from the handlebars or both feet from the pedals or practice any stunt or acrobatic riding on any public street, highway or roadway.

3. Towing Prohibited. No operator of any bicycle shall tow or draw any coaster wagon, sled, person on roller skates, toy vehicles or any other similar vehicle on any public street, highway or roadway. (Prior code § 7.06(4))

10.12.050 Transfer of ownership-- Dismantling.

Within ten (10) days after any bicycle registered hereunder shall have changed ownership, the new owner shall notify the department and such registration shall be changed to reflect the new owner. (Prior code § 7.06(5))

Chapter 10.16

SNOWMOBILES AND ALL-TERRAIN VEHICLES

Sections:

10.16.010 Snowmobiles--State provisions adopted.

10.16.020 Snowmobile regulations generally.

10.16.030 Operation of snowmobiles and certain other vehicles.

10.16.040 All-terrain vehicles--State provisions adopted.

10.16.050 Operating through or upon open waters of ice-bound lakes or rivers prohibited.

10.16.010 Snowmobiles--State provisions adopted.

Except as otherwise specifically provided in this chapter, all provisions of Chapter 350, Wis. Stats., describing and defining regulations with respect to snowmobiles for which the penalty is a forfeiture only, including penalties to be imposed and procedures for prosecution, are adopted and by reference made a part of this chapter as if fully set forth. Any act required to be performed or prohibited by any statute incorporated into this chapter by reference is required or prohibited by this chapter. Any future amendments, revisions or modifications of statutes incorporated in this chapter are intended to be made a part of this chapter in order to secure uniform statewide regulation of snowmobiles. (Ord. dated 1/13/86: prior code § 7.01(3))

10.16.020 Snowmobile regulations generally.

A. No person shall operate or ride a snowmobile or all terrain vehicle on Brown Lake or Bohners Lake between ten-thirty p.m. of any day and seven a.m. of the subsequent day, except to cross a lake by direct route at a speed not in excess of ten miles per hour, provided, that the hours of limited operation shall be one a.m. to seven a.m. on Saturday and Sunday, on Christmas Eve and on New Year's Eve.

B. No person shall operate or ride a snowmobile on Browns Lake or Bohners Lake at any time when less than one inch of snow covers the ice. The town board may, by resolution, prohibit snowmobiling on Browns Lake and Bohners Lake whenever it deems such activity inappropriate for any other reason.

C. No person shall operate a snowmobile in the town in a contest of speed or maneuverability unless such contest is authorized by the town board.

D. No person shall leave a snowmobile running while unattended. Both the owner and operator of a vehicle shall be responsible for compliance with the provisions of this section, and the forfeiture and penalty provisions shall apply to the owner of the vehicle when, with reasonable diligence, it is impossible to ascertain the actual operator of the vehicle.

E. No person shall park or leave standing any snowmobile unless the key for such ignition is removed. Both the owner and the operator of a vehicle shall be responsible for compliance with the provisions of this section and the forfeiture and penalty provisions shall apply to the owner of the vehicle when, with reasonable diligence, it is im-

possible to ascertain the actual operator of the vehicle. (Prior code § 7.08)

10.16.030 Operation of snowmobiles and certain other vehicles.

A. Trespass to Private Property. No person shall enter upon the land of another, whether such land is posted, fenced or cultivated, for the purpose of hunting, fishing, snowmobiling, camping or for any other type of recreational activity, unless he has first secured permission from the land owner, lessee, person or entity legally entitled to possession thereof.

B. Obedience to Signs and Signals of Enforcement Officers--Fleeing from Officer.

1. No person, while operating a snow vehicle, trail bike, minibike, ATV or motorboat, after having received a visual or audible signal from an enforcement officer or marked enforcement vehicle, shall knowingly flee or attempt to elude any enforcement officer by wilful or wanton disregard of such signal so as to interfere with or endanger the operation of the enforcement vehicle or the enforcement officer or other vehicles, nor shall he increase the speed of his vehicle or extinguish the lights of his vehicle in an attempt to elude or flee. (Prior code § 9.18)

10.16.040 All-terrain vehicles--State provisions adopted.

A. Except as otherwise specifically provided in this chapter, all the provisions of Section 23.33, Wis. Stats., describing and defining regulations with respect to all-terrain vehicles for which the penalty is a forfeiture only, including penalties to be imposed and procedures for prosecution, are adopted and by reference made a part of this chapter as if fully set forth. Any act required to be performed or prohibited by any statute

incorporated into this chapter by reference is required or prohibited by this section. Any future amendments, revisions, or modifications of said section of the State Statutes incorporated into this chapter are intended to be made a part of this section with the same force and effect as if originally adopted, in order to secure uniform state wide regulation of all-terrain vehicles.

B. No person shall operate an all-terrain vehicle on any town shorelines, roadways, town parks, state property, state and county snowmobile trails, or on private property without the consent of the owner of such property.

C. The penalty provision for violation of this section shall be as provided in Chapter 1.20 of this code. (Ord. dated 1988: prior code § 7.17)

10.16.050 Operating through or upon open waters of ice-bound lakes or rivers prohibited.

A. Statement of Public Policy. It is a public policy of the town to prevent the operation of self-propelled vehicles, during the winter months of each year over, through, or upon open waters of an ice-bound lake or river. The town board has determined that it is a dangerous practice to operate any type of a vehicle from the ice-covered portion of such lake or river into or upon the non-frozen open waters of such lake or river. Such practice creates danger for the participant and danger to those who must rescue the participant from having entered into the open waters of the lake or river.

B. Prohibition. No person shall operate a snowmobile, all-terrain vehicle, or any other self-propelled vehicle through, upon, or into the open waters of an otherwise ice-bound lake or river situated within the town.

C. Penalty. Any person violating the terms and provisions of this section shall be subject to the penalties set forth in Chapter 1.20 of this code. (Ord. dated 1/89: prior code § 20.19)
10.16.050

Chapter 10.20

**MISCELLANEOUS TRAFFIC
REGULATIONS**

Sections:

10.20.010 Careless operation of motor vehicles prohibited.

10.20.020 Heavy traffic restricted.

10.20.030 Snow emergencies.

10.20.040 Operating motor vehicles on ice prohibited.

10.20.010 Careless operation of motor vehicles prohibited.

No person shall operate a motor vehicle within the town upon premises held out to the public for use of their motor vehicles whether such premises are publicly or privately owned, and whether or not a fee is charged for the use thereof, in a manner which demonstrates carelessness or indifference to the person or property of the operator or of others. (Prior code § 7.05)

10.20.020 Heavy traffic restricted.

A. All single-axle vehicles having a gross weight of more than six tons and all multi-axle vehicles having a gross weight in excess of ten (10) tons are prohibited from operating on any town roads except such town roads over which are routed state trunk highways. This restriction does not apply to the use of any town road for the purpose of obtaining orders for supplies or moving or delivering supplies or commodities to or from any place of business or residence which has an entrance on such town road.

B. Any person adversely affected by this ordinance may petition the town board for a permit. Based upon all of the circumstances, the town board may grant a permit or condi-

tional permit. The town board shall hear input from the town roads supervisor and town engineer, and further the requesting party shall also be expected to be in compliance with all applicable zoning and permitting requirements which may be applicable to the particular circumstances. Any person requesting a permit shall pay an annual fee of one hundred dollars (\$100.00), and shall reimburse the town for any actual, out-of-pocket expenses associated with reviewing the request. The permit shall be for a duration of one year. Further, the permit may be revoked by the board for good cause shown. Any permit granted shall be prominently displayed in the vehicle at all times, such that it can be seen from the exterior of the vehicle.

C. The town or highway supervisor may, from time to time, place additional weight restrictions on certain roadways by posting the weight limits at all points of public ingress to said roadway, which weight limits shall be binding on all traffic, except by special permit from the town.

D. The penalty provision for violation of this section shall be as provided as in Chapter 1.20 of this code. (Ord. dated 8/12/04: Ord. dated 11/14/88: prior code § 7.07)

10.20.030 Snow emergencies.

A. Whenever the accumulation of new snow within a twenty-four (24) hour period exceeds three inches as measured on the level at the Town Hall, the highway superintendent is authorized to declare a snow emergency.

B. He shall thereupon notify radio stations WMIR, WRJN and WTMJ with the request that those stations broadcast the declaration.

C. Within one hour after any of the radio stations above are notified, parking on any street or highway in the town is prohibited and the police department may cause to be removed any vehicle parked thereon that impedes the operation of the highway department in dealing with the snow emergency. However, at least one-half hour before removal of the vehicle, a reasonable effort shall be made to notify the owner or an adult member of his household, either by telephone or in person, that removal is required.

D. The forfeiture for any violation of this section shall be twenty-five dollars (\$25.00) plus the cost of towing and storage. (Prior code § 7.09)

10.20.040 Operating motor vehicles on ice prohibited.

No person shall operate a motor vehicle upon the ice cover of any lake within the boundaries of the town.

A. Definitions.

Vehicle, Motor. "Motor vehicle" means any self-propelled vehicle which is used or was designed to be used on public highways as a licensed motor vehicle, including those vehicles defined as "automobile," "farm trucks," "motor bus," "motor truck," "road tractor" and "station wagon" in Section 340.01, Wis. Stats.

Vehicles, Authorized Emergency. "Authorized emergency vehicles" defined as follows:

1. Police vehicles, whether publicly or privately owned;
2. Conservation wardens' vehicles or foresters' trucks, whether publicly or privately owned;
3. Vehicles of a fire department or fire patrol;

4. Privately owned motor vehicles being used by deputy state fire marshals or by personnel of a full-time or part-time fire department or by members of a volunteer fire department while enroute to a fire or on an emergency call pursuant to orders of their chief or other commanding officer;

5. Such emergency vehicles of municipal or county departments or public service corporations as are designated or authorized by the local authorities to be authorized emergency vehicles;

6. Such emergency vehicles of state departments as are designated or authorized by the heads of such departments to be authorized emergency vehicles;

7. Such ambulances, whether publicly or privately owned, as are designated or authorized by local authorities to be authorized emergency vehicles;

8. The county board of supervisors of any county can authorize the county coroners to use an emergency vehicle for the purpose of traveling enroute to the scene of a fatal accident or a death and on such other occasions as are authorized pursuant to subdivision 5 of this subsection.

B. Exemptions. This section shall not apply to:

1. The operator of any authorized emergency vehicle when responding to an emergency call or when in pursuit of an actual or suspected violator of the law;

2. The operator of any vehicle who has been issued a permit by the town board to operate a vehicle upon an ice covered lake at the times and places specified in such permit issued in accordance with subsection C of this section.

C. Permits.

1. Single Vehicle Permits. Any person desiring to operate a motor vehicle upon any

lake shall file an application therefor with the town clerk. Such application shall contain the following information:

a. The name and address of the proposed operator;

b. The identification of the motor vehicle, its license number and the name of the owner;

c. The date and hours thereof that such vehicle will be operated;

d. The lake upon the ice of which the proposed operation will take place.

2. Group Permits. Any group desiring to operate more than one vehicle, or to sponsor a rally or other sporting event involving the operation of motor vehicles on the ice of any lake shall file an application therefor with the town clerk. Such application shall contain the following information:

a. The name and address of the person or group sponsoring the rally or sporting event;

b. The name and address of the rally master or other person who shall be in charge of the event;

c. The number of motor vehicles to be operated;

d. The date and hours thereof that such vehicles will be operated;

e. The lake upon the ice of which the proposed operation will take place and the area upon the lake to be used.

3. Consideration of Application. The town board shall consider the application at the next meeting following receipt thereof, and the applicant or a personal representative shall be present at the time the application is considered.

4. Permit Specifications. If the board concludes that the issuance of a permit is not inimical to the best interest of the public, taking into consideration other potential

uses which may be made of the area for which a permit is sought, the board may issue such a permit to the applicant. Such permit shall be in writing and is limited to the vehicles, date or dates and hours indicated thereon. Such permit shall further be subject to such rules and regulations as may be imposed by the police department and shall contain a disclaimer of any liability on the part of the town with regard to any loss or damage sustained as the result of operating under the permit. Failure on the part of the operator or applicant to comply strictly with the terms of such permit shall cause the same to become null and void. (Prior code § 20.17)