

CHAPTER 7

TRAFFIC CODE

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TRAFFIC CODE 7.01

7.01 STATE TRAFFIC LAWS ADOPTED. Except as otherwise specifically provided in this chapter, the statutory provisions in Chs. 194, 340 to 347, and 351, Wis, Stats., describing and defining regulations with respect to vehicles and traffic, exclusive of any provisions therein relating to penalties to be imposed and exclusive of any regulations for which the statutory penalty is a fine or term of imprisonment are hereby adopted and, by reference, made a part of this chapter as if fully set forth herein. Any act required to be performed or prohibited by any statute incorporated herein by reference is required or prohibited by this chapter. Any future amendments, revisions or modifications of the statutes incorporated herein are intended to be made part of this chapter in order to secure uniform State-wide regulation of traffic on the highways, streets and alleys of the State.

**7.02 OFFICIAL TRAFFIC MAP AND CONTROL DEVICES;
PROHIBITED SIGNS, SIGNALS AND MARKERS.** (1) **DUTY OF THE DIRECTOR OF PUBLIC WORKS TO ERECT AND INSTALL UNIFORM TRAFFIC CONTROL DEVICES.** Whenever traffic regulations created by this chapter, including a State traffic regulation, adopted by reference in sec. 7.01 of enforcement, the Town Board, shall cause the procurement, installation and maintenance 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 Constable, will carry out the purposes of this chapter and give adequate warning to users of the streets and highways of the Town.

(2) **OFFICIAL TRAFFIC MAP.** (a) Official Traffic Map Established. There is hereby established for the Town of Newbold an Official Traffic Map dated August 1, 2001, on which is indicated as of said date all existing stop signs and speed zone signs. All such restrictions and limitations set forth on said Official Traffic Map are hereby adopted by reference.

(b) Additions to Map. The Town Board may, from time to time, make additions to or deletions from the Official Traffic Map and the Town Clerk shall keep such Official Traffic Map current. Every addition to said Official Traffic Map made after August 1, 2001, shall indicate the number of the authorizing resolution and the date the appropriate official traffic control device was erected, and every deletions shall indicate the number of the authorizing resolution.

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

TRAFFIC CODE 7.02 (2)

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

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

(4) **REMOVAL OF UNOFFICIAL SIGNS, SIGNALS, MARKERS AND TRAFFIC CONTROL DEVICES.** The Town Constable shall cause to be removed any sign, signal, marker or other device which is placed, maintained or displayed in violation of this chapter or State law. Any charge imposed against premises for removal of a prohibited or illegal sign, signal, marker or device shall be reported by the Town Constable 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.

(5) The Town Board is enabled under Chapter 81.01 (11) of the Wisconsin Statutes to assign names to private roads by which three or more site addresses are served. The Town Board can assign road names and site addresses on private roads by motions passed by a majority of Board members.

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

7.04 SPEED LIMITS DECREASED. The Town Board hereby determines that the statutory speed limits on certain Town streets and highways or portions thereof are unreasonable, unsafe and imprudent and decreases such speed limits as indicated on the Town of Newbold Official Traffic Map.

7.05 WINTER PARKING REGULATED. No person shall park, place or leave standing any automobile, truck or other vehicle on any Town road or highway between November 1 and April 1 of the next succeeding year.

7.06 CLASSIFICATION OF AND WEIGHT LIMITATIONS ON TOWN HIGHWAYS. (1) CLASS “B” HIGHWAYS DESIGNATED. Pursuant to §348.16, Wis. Stats., the highways maintained by the Town are designated Class “B” highways,

pursuant to §349.15, Wis. Stats. No person shall operate any vehicle or combination of vehicles imposing wheel, axle, group of axles or gross weight on any Town highway which exceeds 60% of the weight limitations for Class “A” highways as set forth in §348.15(3)(c), Wis. Stats.

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

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

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

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

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

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

1. For the first conviction, a forfeiture of not less than \$50 nor more than \$200 plus an amount equal to the following:

- a. 1¢ per pound of total excess load not over 2,000 pounds.
- b. 2¢ per pound of total excess load over 2,000 pounds and not over 3,000 pounds.

- c. 3¢ per pound of total excess load over 3,000 pounds and not over 4,000 pounds.
- d. 5¢ per pound of total excess load over 4,000 pounds and not over 5,000 pounds. TRAFFIC CODE 7.06 (3)
- e. 7¢ per pound of total excess load over 5,000 pounds.

2. For the second and each subsequent conviction with a 12 month period, a forfeiture of not less than \$100 nor more than \$300 plus an amount equal to the following:

- a. 2¢ per pound of total excess load not over 2,000 pounds.
- b. 4¢ per pound of total excess load over 2,000 pounds and not over 3,000 pounds.
- c. 6¢ per pound of total excess load over 3,000 pounds and not over 4,000 pounds.
- d. 8¢ per pound of total excess load over 4,000 pounds and not over 5,000 pounds.
- e. 10¢ per pound of total excess load over 5,000 pounds.

(c) In determining whether a second or subsequent conviction has occurred within a given 12 month period, either the original judgment of conviction in trial court or the affirmance of the judgment by an appellate court, if judgment has been affirmed, may be counted. This method of counting is authorized to effectively reach the repetitious violator and to prevent misuse of the right of appeal for the purpose of forestalling imposition of the penalties provided by this section. Forfeiture of deposit or payment of forfeiture is a conviction within the meaning of this section.

7.07 REMOVAL OF ILLEGALLY PARKED VEHICLES. Any vehicle parked or left standing upon a Town road or other public grounds in violation of any of the provisions of this chapter is declared to be a hazard to traffic and public safety. Such vehicle shall be removed by the operator, upon request of any peace officer, to a position where parking, stopping or standing is not prohibited. Town Board members or any peace officer, after issuing a citation for illegal parking stopping or standing of an unattended vehicle in violation of this chapter, is authorized to remove such vehicle to a position where parking is not prohibited. The officer may order a motor carrier holding a permit to perform vehicle towing services, a licensed motor vehicle salvage dealer or a licensed motor vehicle dealer who performs vehicle towing services to remove and store such vehicle in any storage garage or rental parking grounds or any facility of the person providing the towing services. In addition to other penalties provided by sec. 7.09 of this chapter, the owner or operator of a vehicle so removed shall pay the cost of towing and storage.

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

TRAFFIC CODE 7.09

7.09 SNOWMOBILES. (1) STATE SNOWMOBILE LAWS ADOPTED.

Except as otherwise specifically provided in this chapter, the statutory provisions describing and defining regulation with respect to snowmobiles in the following enumerated sections of the Wisconsin statutes are hereby adopted by reference and made part of this section as if fully set forth herein. Acts required to be performed or prohibited by such statutes are required or prohibited by this section, as follows:

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| 350.01 | Definitions |
| 350.02 | Operation of Snowmobiles on or in the Vicinity of a Highway |
| 350.03 | Right of Way |
| 350.04 | Snowmobile Races, Derbies and Routes |
| 350.045 | Public Utility Exemption |
| 350.047 | Local Ordinance to be Filed |
| 350.05 | Operation of Youthful Operators Restricted |
| 350.055 | Safety Certification Program Established |
| 350.06 | Firearms and Bows and Arrows |
| 350.07 | Driving Animals |
| 350.08 | Owner Permitting Operation |
| 350.09 | Head Lamps, Tail Lamps and Brakes |
| 350.10 | Miscellaneous Provisions for Snowmobile Operation |
| 350.11 | Operating a Snowmobile While Intoxicated is prohibited |
| 350.12 | Registration of Snowmobiles |
| 350.13 | Uniform Trail Signs and Standards |
| 350.15 | Accidents and Accident Reports |
| 350.17 | Enforcement |
| 350.18 | Local Ordinances |
| 350.19 | Liability of Landowners |

(2) APPLICABILITY OF RULES TO THE ROAD TO SNOWMOBILES.

The operator of a snowmobile upon a roadway shall, in addition to the provisions of Ch. 350, Wis. Stats., be subject to §§346.04, 346.06, 346.11, 346.14(1), 346.18, 346.19, 346.20, 346.21, 346.26, 346.27, 346.33, 346.35, 346.37, 346.39, 346.40, 346.44, 346.46, 346.47, 346.48, 346.50(1)(b), 346.51, 346.52, 346.53, 346.54, 346.55, 346.87, 346.88, 346.89, 346.90, 346.91, 346.92(1) and 346.94(1), (6), (6m) and (9), Wis. Stats.

(3) OPERATION OF SNOWMOBILES IN TOWN RESTRICTED.

(a) General. It shall be unlawful to operate any snowmobile on the Town parks, parking lots, or on any public lands or parking lots held open to the public unless designated as a snowmobile route. The operator shall at all times have the consent of the owner before operation of a snowmobile on private lands unless the owner has agreed, in writing, with a snowmobile club to establish a snowmobile trail.

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

(c) Pursuant to §350.18(1), the following Town Roads, or portions thereof, are designated as snowmobile routes only during such times as Oneida County declares public snowmobile routes to be open:

- (1) Bridge Road
- (2) Flowage Road
- (3) Pinewood Drive – the portion extending from County Highway J northward a distance of seventy-five feet.

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

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

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

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

- (1) **STATE FORFEITURE STATUTES.** Forfeitures for violation of §§340.01 to 348.28, Wis. Stats., shall conform to the forfeiture permitted to be imposed for violation of the statutes adopted by reference, including any variations or increases for subsequent offenses.
- (2) **STATE FINE STATUTES.** The forfeiture for violation of any statute adopted by reference hereunder for which the penalty is a fine shall not exceed the maximum fine permitted under such statute.
- (3) **LOCAL REGULATIONS.** The penalty for violations of secs. 7.02 through 7.09 of this chapter shall be as provided in sec. 20.04 of this Code.

7.161 ENFORCEMENT. (1) **ENFORCEMENT PROCEDURE.** This chapter shall be enforced in accordance with the provisions of §§345.20 to 345.53, Ch. 229 and §66.0114, Wis. Stats.

(2) **OFFICIALS TO ENFORCE.** Any Town Supervisor or peace officer may enforce sections of this chapter.

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

(4) **NOTICE OF DEMERIT POINTS AND RECEIPTS.** Every authorized peace officer accepting a forfeited penalty or money deposit under this chapter shall receipt therefore in triplicate as provided in §345.25(3)(b), Wis. Stats. Every Board member accepting a stipulation under the provisions of this chapter shall comply with the provisions of §§343.27, 343.28, 345.26(1)(a) and 345.27(2), Wis. Stats.

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

(6) **REGISTRATION RECORD OF VEHICLE AS EVIDENCE.** When any vehicle is found upon a street, highway or other public right of way in violation of any provision of this Code regulating the stopping, standing or parking of vehicles and the identity of the owner cannot be determined, the owner, as shown by the ownership registration of the vehicle supplied by the Wisconsin Department of Transportation, or a comparable authority of any other state, shall be deemed to have committed the violation for purposes of the enforcement of this section and shall be subject to the applicable forfeiture penalty; provided, however, that the defenses defined and described in S346.485(5), Wis. Stats., shall be a defense for an owner charged with such violation.

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

(8) **DISPOSITION OF DEPOSITS.** Any authorized peace officer accepting deposits or forfeited penalties under this chapter shall deliver them to the County Clerk of Courts within 20 days after receipt, except for parking forfeitures which shall be turned over to the Town Treasurer.