

## Chapter 4

### Traffic Code

- 4.01 State Traffic Laws Adopted
- 4.02 Speed Limits
- 4.03 Parking Limitations
- 4.04 Parking Fines
- 4.05 Penalty
- 4.06 Enforcement
- 4.07 Motor Boats
- 4.08 Regulation of Snowmobiles
- 4.09 Abandoned Junked Vehicles
- 4.10 Stopping of Vehicles at Stop Signs

#### **4.01 State Traffic Laws Adopted.**

The statutory provisions describing and defining regulations with respect to vehicles and traffic in the following enumerated Sections and Chapters of the Wisconsin Statutes, 1985-86 and as amended from time to time, exclusive of any provisions therein relating to the penalties to be imposed or the punishment for violation of said Statutes, 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:

##### Chapters:

- 340 Vehicles - General Provisions
- 341 Registration of Vehicles
- 342 Vehicles Title and Anti-theft Law
- 343 Operators' Licenses
- 344 Vehicles – Financial Responsibility
- 345 Civil and Criminal Liability
- 346 Rules of the Road
- 347 Equipment of Vehicles
- 348 Vehicles – Size, Weight and Load

##### Sections:

- 941.01 (1) Negligent driving off highways

#### **4.02 Speed Limit**

The Town Board of the Town of Hustisford hereby determines that the statutory speed limits on the following streets or portions thereof are unreasonable, unsafe or imprudent and modifies such speed limits under authority granted by **Section 349.11 of the** Statutes as follows:

- (1) Speed Limits Decreased. With the approval of the State Highway Commission, the speed limits set forth in **Section 346.57, Wis. Stats.**, are decreased as hereafter set forth upon the following streets or portions thereof: 25 miles per hour on the town roads named Robin Lane, Hazelwood

Road, Hickory Road, Maple Road, Marty Road, Oak Lawn Estates, Scenic Drive, Wren Road, Lake Drive, Daley Road and German Road, and 45 miles per hour on Arrowhead Trail, from Birch road on Hwy County E to State Hwy 60, and Arrowhead Trail East within the limits of the Town of Hustisford.

#### **4.03 Parking Limitations.**

- (1) All Night Parking Regulated. When signs have been erected at or reasonably near the corporate limits of the Town as provided in Section 349.13 Wis. States., no person shall park any vehicle for a period of time longer than thirty (30) minutes between the hours of 1:00 AM and 6:00 AM, of any day from November 1 to April 1, except physicians on emergency calls on any of the Town streets or roads within the Township of Hustisford.
- (2) Special and Season Weight Limitations. The Town Board shall have the authority to impose special or seasonal weight limits to prevent injury to the roadway of any highway, bridge or culvert within the jurisdiction of the Town or for the safety of the users of such highway, bridge or culver and shall be responsible for erecting signs giving note thereof in accordance with 349.16, Wis. Stats. Saint Helena Road shall be subject to Class B Hwy weight restrictions.
- (3) Vehicle Abandonment Prohibited. No person shall leave unattended any motor vehicle, trailer, semi-trailer or mobile home on any public street or highway or public or private drive way, or property for such time and under such circumstances as to cause the vehicle to reasonably appear to have been abandoned. When any such vehicle has been left unattended on any town street or highway or on any public or private property within the Town without the permission of the owner for more than seventy two (72) hours, the vehicle is deemed abandoned and constitutes a public nuisance.
- (4) Removal and Impoundment of Abandoned Vehicles. Any vehicle in violation of this ordinance shall be impounded until lawfully claimed or disposed of under Section (5), except that if the Town Chairman or his designated officer determines that the cost of towing and storage charges for the impoundment would exceed the value of the vehicle, the vehicle may be junked by the Town prior to the expiration of the impoundment period upon determination by the Town Chairman, or his designated officer, that the vehicle is not wanted for evidence or other reason.
- (5) Disposal of Abandoned Vehicles.
  - a) If the Town Chairman or his designee determines that the value of the abandoned vehicle exceeds \$100.00 he shall notify the owner and lien holders of record by certified mail that the vehicle has been deemed abandoned and impounded by the Town and may be reclaimed within fifteen (15) days upon payment of accrued towing, storage and notice charges, and if not so reclaimed shall be sold.
  - b) In the event an abandoned vehicle determined to exceed \$100.00 in value is not reclaimed within the period and under the conditions as provided above, it may be sold at private sale. The description of the vehicle and the terms of sale shall be posted three (3) days before the sale.
  - c) After deducting the expense of impoundment and sales, the balance of the proceeds, if any, should be paid into the Town Treasury.

- d) Any abandoned vehicle which is determined by the Town Chairman, or his designated officer, to have a value of less than \$100.00 may be disposed of by direct sale to a licensed salvage dealer upon determination that the vehicle is not reported stolen.
- (6) Owner Responsible for Impoundment and Sale Costs. The owner of any abandoned vehicle, except a stolen vehicle, is responsible for the abandonment and all costs of impounding and disposing of the vehicle. Costs not recovered for the sale of the vehicle may be recovered in a civil action by the Town against the owner.
- (7) Notice of Sale or Disposition. Within five (5) days after the sale or disposal of a vehicle as provided in Sections (5)(a) or (b), the Town Chairman, or his designated officer shall advise the Wisconsin Department of Transportation, Division of Motor Vehicles, of such sale or disposition on a form supplied by the Division. A copy of such form shall also be given to the purchaser of the vehicle. (A copy shall also be retained on file in the Town.)
- (8) Penalty. Any person who shall abandon a vehicle in violation of this ordinance shall, upon conviction thereof, forfeit not less than \$10.00 nor more than \$100.00 together with the costs of prosecution shall be imprisoned in the county jail until said forfeiture and costs are paid, but not to exceed three (3) days.

#### **4.04 Parking Fines.**

Any person violating the provisions of chapter 4.03 of these ordinances shall be subject to a forfeiture of \$5.00 if paid within 72 hours of the issuance of the citation. After 72 hours and before 144 hours an overdue fee of \$5.00 will be assessed. Thereafter legal process shall be issued and the forfeiture shall be \$20.00 plus the costs of the action. The failure of any owner or operator to pay the above forfeiture shall render such owner or operator liable to the penalty provisions of Section 15.06 of this code.

- (1) In addition to any penalty provided herein, and not in substitution thereof, any vehicle parked or left standing in violation of the ordinance may be removed by or under the direction of the Town of Hustisford Police Department and the risk and expense of such removal shall be charged to the owner or operator of such vehicles. The removal of such vehicle by or under the direction of the Town of Hustisford Police Department shall not prevent prosecution under this ordinance.

#### **4.05 Penalty.**

The penalty for violation of any provision of this chapter shall be forfeiture as hereafter provided in Section 15.06 together with costs under Section 345.47 Wis. States.

- (1) State Forfeiture Statutes. Any forfeiture for violation of the State Statutes adopted by reference in Section 4.01 of this chapter shall conform to the forfeiture permitted to be imposed for violation of such Statutes as set forth in the Uniform Deposit and Misdemeanor Bail Schedule of the Wisconsin judicial Conference, including any variations or increases for subsequent offenses, which schedule is adopted by reference.
- (2) State Fine Statutes. The forfeiture for violations of any statute adopted by reference hereunder for which the penalty is a fine shall not exceed the maximum fine permitted under such statutes.

#### **4.06 Enforcement.**

This ordinance shall be enforced in accordance with the provisions of Section 345.20 to 345.53, Ch. 799 and Section 66.12, of the Wisconsin Statutes.

- (1) Stipulation of Guilt or No Contest. Stipulations of guilt or no contest may be made by persons arrested for violations of this ordinance in accordance with Sec. 66.12 (1) (b) , Wis. Stats., whenever the provisions of Sec. 345.27 are inapplicable to such violations. Stipulations shall conform to the form contained on the uniform traffic citation and complaint under Sec. 345.11, Wis. Stats., and may be accepted within five (5) days of the date of the alleged violation. Stipulations may be accepted by the Clerk of the County Court or to the Police Department for the Town of Hustisford.
- (2) Deposits. Any person stipulating guilty or no contest under subsection (1) of this section must make the deposit required under Sec. 345.26. Wis. State., or, if the deposit is not established under such Statute, such person shall deposit a forfeited penalty as provided in the schedule established by the Town Chairman, and approved by the Town board. Deposits may be brought or mailed to the office of the Town Treasurer or clerk of the county Court, as directed by the arresting officer. Deposits for parking or non-moving violations shall be mailed or brought to the Town Treasurer or Clerk of the County Court.
- (3) Notice of Demerit Points and Receipt. Every officer accepting a forfeited penalty or money deposit under this ordinance shall receipt thereof in triplicate as provided in Sec. 345.26 (3) (b), Wis. Stats. Every officer accepting a stipulation under the provisions of this ordinance shall comply with the provisions of Sections 345.27, 345.28, 345.26 (1) (a) and 345.27 (1), 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) Forfeitures in Treasury: Officer to Post Bond, Qualify. Any officer accepting deposits or forfeiture penalties under this ordinance shall deliver them to the Town Treasurer within twenty (20) days after receipt. Any officer authorized to accept deposit under 345.26 Wis. Stats., or this ordinance shall qualify by taking the oath prescribed by Sec. 19.01. Wis. Stats., and filing an official bond as described by Sec. 19.01.

#### **4.07 Motor Boats.**

- (1) Definition. The word “motor boat” as used in this ordinance shall include all types of watercraft propelled in whole or in part by steam, gas, gasoline, naphtha or any other combustible chemical element regardless of whether such craft is propelled directly or indirectly by electricity, engine, atomic reactor jet or whether it is air driven.  
This ordinance shall apply only to the waters of the Rock River and Lake Sinnissippi which exist within the Town.
- (2) Rules and Regulations.
  - (a) No person shall drive, operate or cause to be operated any motor or jet propelled boat in such manner as to unreasonably any, unnecessarily molest, frighten or endanger the occupants of other boats, swimmers or shore fishermen using the same waters.

- (b) It shall be unlawful to operate any motor boat while under the influence of liquor or while intoxicated; or in any careless, negligent or reckless manner which endangers the lives of others or which endangers or destroys the riparian or personal property of others; or which disregards the safety and peaceful enjoyment of all others in the area and those using said waters.
- (c) No person shall operate any motor boat or jet propelled boat which does not have a muffler in use and said muffler which is not capable of preventing excessive and unusual noise.
- (d) No boat, other than an authorized police or patrol boat shall use any horn, siren or whistle.
- (e) No person shall operate a motor boat within 200 feet of any shore or fishermen's lines except for the purpose of directly launching or docking a boat.
- (f) Rowboats, skiffs, and canoes propelled by means of paddles, and sailboats propelled by sail or paddles shall have the right of way over all other boats. Vessels leaving a dock or pier shall have the right of way over all other vessels.
- (g) All rafts and stationary platforms, buoys or markers of any kind shall be painted white and marked by a reflective marker between the hours of sunset and sunrise. All markers shall be removed before freeze up. This section does not apply to docks or piers extending less than 50 feet from shore and attached thereto.
- (h) All motor boats shall be equipped with the following lights and shall use them continuously while propelled by motor and traveling on the waters from 1 ½ hours after sunset to 1 ½ hours before sunrise:

Stern: White light visible from all points

Bow: Green light visible only from directly ahead to about 20 degrees abaft the beam on the starboard side.

Bow: Red light visible only from directly ahead to about 20 degrees abaft the beam on the port side.

All rowboats, canoes and sailboats propelled manually shall use a clearly visible white light while anchored or moving during the hours indicated. Search lights may be used only for landing or in emergencies.

- (i) Any person who shall violate any of the provisions of the ordinance shall, upon conviction, be subject to a forfeiture of not less than \$25.00 nor more than \$300.00.

#### **4.08 Regulation of Snowmobiles.**

- (1) No person shall operate a snowmobile upon any streets or sidewalks within the Town of Hustisford other than to drive directly across a street or sidewalk and then only after stopping and yielding the right of way to all pedestrians and vehicles approaching on said street or sidewalk.
- (2) No person shall drive or operate a snowmobile on private property or Town property within the Town of Hustisford without consent or permission of the Property owner.
- (3) Person who violates any provisions of this ordinance may be fined not less than \$5.00 nor more than \$250.00 for the second or subsequent offenses within a year.

- (4) The statutory provisions describing and defining regulations with respect to snowmobiles in the enumerated sections of chapter 350 of the Wisconsin Statutes are hereby adopted by reference and made a part of this ordinance as if fully set forth herein.

**4.09 Storing and Parking of Abandoned, Dismantled, Inoperable, Unlicensed, Junked or Wrecked Motor Vehicles**

- (1) No abandoned, dismantled, inoperable, unlicensed, junked or wrecked motor vehicle shall be stored, parked, or allowed to remain in the open on public or private property within the Town of Hustisford for longer than fifteen (15) days unless in connection with automotive sales or repair business located in a properly zoned area.
- (2) Whenever the Police Department shall find any motor vehicle parked or stored on public property it shall be removed to a designated area and thereby retained for thirty (30) days, at the end of which time the town of Hustisford may dispose of such vehicle unless previously claimed by the owner.
- (3) Whenever the Police Department shall find any motor vehicle parked or stored in the open on private property they shall notify the owner of the private property to have said vehicle removed within fifteen (15) days after notice. If notice for removal is not complied with within the fifteen (15) day period, the Police Department shall cause said vehicle to be disposed of. The cost for the administration of this section shall be borne by the property owner through special billing and if such bill remains unpaid for forty-five (45) days, through special charge against the property tax roll.

**4.10 Stopping of Vehicles at Stop Signs.**

- (1) Every operator of a vehicle approaching an official stop sign at an intersection shall cause such vehicle to stop before entering the intersection except when directed to proceed by a traffic officer or traffic control signal.
- (2) Stops required by (1) shall be made in the following manner.
  - a) If there is a clearly marked stop line, the operator shall stop his vehicle immediately before crossing such line.
  - b) If there is a clearly marked stop line, the operator shall stop his vehicle immediately before entering the crosswalk on the near side of the intersection.
  - c) If there is neither a clearly marked stop line nor a marked or unmarked crosswalk at the intersection or if the operator cannot efficiently observe traffic on the intersecting roadway from the stop made at the stop line or crosswalk, he shall, before entering the intersection, stop his vehicle at such point as will enable him to efficiently observe the traffic on the intersecting roadway.
- (3) Every operator of a vehicle approaching an official stop sign at a railroad crossing shall, before proceeding on or over such crossing, stop his vehicle not less than 10 feet nor more than 30 feet from the nearest rail.
- (4) The operator of a vehicle emerging from an alley or about to cross or enter a highway from any point of across other than another highway shall stop such vehicle immediately prior to moving on the sidewalk or on to the sidewalk area extending across the path of such vehicle and shall

yield the right of way to any pedestrian and upon crossing or entering the roadway shall yield the right of way to all vehicles approaching on such roadway.

- (5) The operator of a vehicle on an alley shall stop such vehicle immediately before crossing or entering an intersecting alley, whether or not such intersecting alley crosses the alley on which the vehicle is being operated.
- (6) All ordinances or parts of ordinances inconsistent with or contrary hereto are hereby repealed, except, nothing in this ordinance shall be interpreted so as to conflict with state laws or orders regulating stopping of vehicles at stop signs or any of the requirements of any ordinances of the Town of Hustisford not mentioned or made inapplicable by the express terms of this ordinance.
- (7) Any person violating any provision of this ordinance shall, upon conviction thereof, forfeit not less than \$10.00 nor more than \$20.00 for the first offense, and not less than \$25.00 within a year, and the costs of prosecution, and in default of payment of such forfeiture and the costs shall be imprisoned in the county jail until payment of such forfeiture and the costs of prosecution, but not exceeding sixty (60) days for each violation.