

TITLE 10

MOTOR VEHICLES AND TRAFFIC

Chapter 1	Traffic and Parking
Chapter 2	All-Terrain Vehicles and Off-Road Motor Vehicle Operation
Chapter 3	Establishing Category B Implements of Husbandry Weight Limits

CHAPTER 1

Traffic and Parking

Article A General Provisions

10-1-1	State Traffic Laws Adopted
10-1-2	State Administrative Code Provisions Adopted
10-1-3	Official Traffic Signs and Control Devices; Prohibited Signs, Signals and Markers
10-1-4	Registration Record of Vehicle as Evidence
10-1-5	
through	Reserved for Future Use
10-1-9	

Article B Street Traffic Regulations

10-1-10	Operators to Obey Traffic Control Devices
10-1-11	Vehicle Weight and Size Limitations
10-1-12	
through	Reserved for Future Use
10-1-19	

Article C Parking Regulations

10-1-20	Restrictions on Parking; Posted Limitations
10-1-21	Stopping or Parking Prohibited in Certain Specified Places
10-1-22	Parking Reserved for Vehicles of Disabled
10-1-23	Winter Parking Restrictions
10-1-24	Stopping and Parking of Fire and Police Vehicles
10-1-25	Parking Restrictions on Meadow Creek Lane, Mariearl Lane, and Duley Court
10-1-26	
through	Reserved for Future Use
10-1-39	

Article D Miscellaneous Provisions

10-1-40 Disturbance of the Peace With a Motor Vehicle
10-1-41
through Reserved for Future Use
10-1-49

Article E Enforcement and Penalties

10-1-50 Penalties

ARTICLE A

General Provisions

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

a) **Statutes Adopted.** Except as otherwise specifically provided in this Code, the statutory provisions in Chapters 110, 194, and 340 through 349 of the Wisconsin Statutes, describing and defining regulations with respect to vehicles and traffic, for which the penalty is a forfeiture only, exclusive of any regulations for which the statutory penalty is a fine or term of imprisonment or exclusively state charges, are hereby adopted and by reference made a part of this Chapter as if fully set forth herein. The statutory sections listed shall be designated as part of this Code by adding the prefix “10-1-” to each statute section number. Any act required to be performed or prohibited by any regulation incorporated herein by reference is required or prohibited by this Chapter. Any future amendments, revisions or modifications of the statutory regulations in Chapters 340 through 349 incorporated herein are intended to be made part of this Chapter in order to secure to the extent legally practicable uniform statewide regulation of vehicle traffic on the highways, streets and alleys of the State of Wisconsin. Any person who shall, within the Town of Fond du Lac, Fond du Lac County, Wisconsin, violate any provisions of any Statute incorporated herein by reference shall be deemed guilty of an offense under this Section.

b) **Other State Laws Adopted.** There are also hereby adopted by reference the following sections of the Wisconsin Statutes, but the prosecution of such offenses under this Chapter shall be as provided in Chapters 340 through 349 of the Wisconsin Statutes and the penalty for violation thereof shall be limited to a forfeiture as hereinafter provided in this Chapter:

941.01	Negligent Operation of Vehicle Off Highway
943.11	Entry into Locked Vehicle
943.23	Operating Motor Vehicles Without Owners Consent
346.935.1	Intoxicants in Motor Vehicles

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 1995-96 as from time to time amended, repealed or modified by the Wisconsin Legislature.

d) **General References.** General references in this Chapter to Wisconsin statutory sections or chapters describing or defining procedures or authority for enactment or enforcement of local traffic regulations shall be deemed to refer to the most recent enactments of the Wisconsin Legislature describing or defining such procedures or authorities.

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

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

Wis. Adm. Code- TRANS 305 Standards for Vehicle Equipment

Wis. Adm. Code- TRANS 150 Leasing of Vehicles by Private Carriers

Wis. Adm. Code- TRANS 304 Slow Moving Vehicle Emblem

b) **Non-Compliance Prohibited.** No person shall operate or allow to be operated on any highway, street or alley within the Tow a vehicle that is not in conformity with the requirements of Subsection (a) or the provisions of Sec. 110.075 and Chapter 347, Wis. Stats., incorporated by reference in Section 10-1-1 of this Chapter.

c) **Safety Checks.**

- 1) Operators to Submit to Inspection. When directed to do so by any law enforcement officer, the operator of any motor vehicle shall stop and submit such vehicle to an inspection and such tests as are necessary to determine whether the vehicle meets the requirements of this Section or that the vehicle's equipment is in proper adjustment or repair. No person, when operating a motor vehicle, shall fail to stop and submit such vehicle to inspection when directed to do so by any law enforcement officer as herein provided.
- 2) Authority of Officer. Any law enforcement officer is hereby empowered whenever he or she shall have reason to believe that any provision of this Section is being violated to order the operator of the vehicle to stop and to submit such vehicle to an inspection with respect to brakes, lights, turn signals, steering, horns and warning devices, glass, mirrors, exhaust systems, windshield wipers, tires and other items of equipment.
- 3) Vehicle to be Removed From Highway. Whenever, after inspection as provided by this Section, a law enforcement officer determines that a vehicle is unsafe for operation, he or she may order it removed from the highway and not operated, except for purposes of removal and repair until the vehicle has been repaired as directed in a repair order. Repair orders may be in the form prescribed by the secretary of the Department of Transportation under Sec. 110.075(5), Wis. Stats., and shall require the vehicle owner or operator to cause the repairs to be made and return evidence of compliance with the repair order to the department of the issuing officer within the time specified in the order.

d) **Penalty.**

- 1) Penalty for violation of any provision of this Section, including the provisions of the Wisconsin Administrative Code, incorporated herein by reference, shall be as provided in Section 10-1-50, together with the costs of prosecution and applicable penalty assessment.
- 2) The Administrative Code sections adopted by reference in Subsection (a) above shall be designated as part of this Code by adding the prefix "10-1-" to each statute or Administrative Code section number.

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

- a) **Duty to Erect and Install Uniform Traffic Control Devices.** Whenever traffic regulations created by this Chapter, including a State of Wisconsin traffic regulation adopted by reference in Section 10-1-1, require the erection of traffic control devices for enforcement, the Town 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 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 Board, will carry out the purposes of this Chapter and give adequate warning to users of the streets and highways of the Town.
- b) **Code Numbers to be Affixed to Official Traffic Control Devices.** The Town Board 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 the Town Board or an official 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 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 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.

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

When any vehicle is found upon a street or highway in violation of any provision of this Chapter regulating the stopping, standing or parking of vehicles and the identity of the operator cannot be determined, the owner, as shown by the ownership registration of the vehicle supplied by the Wisconsin Department of Transportation, or a comparable authority of any other state, shall be deemed to have committed the violation for purposes of enforcement of this Chapter and specifically Section 10-1-1 and shall be subject to the applicable forfeiture penalty; provided the defenses defined and described in Ch.346, Subchapter VII, Wis. Stats., shall be a defense for an owner charged with any violations thereunder.

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

ARTICLE B

Street Traffic Regulations

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

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

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

- a) **Designation — Roads and Highways.** All roads and highways maintained by the Town are hereby designated as Class “B” highways for the purpose of putting into effect the weight limitations and other authorized controls set forth in Chapter 348, Wis. Stats.
- b) **Vehicles — Size, Weight and Load.**
 - 1) The Town hereby adopts the descriptions and phrases set forth in Chapter 348.01, Wis. Stats., as amended.
 - 2) The provisions of this Section restricting the size and weight of vehicles apply to the vehicles and any load which it is carrying, except as otherwise provided herein, and also vehicles owned or operated by or for a governmental agency, subject to exceptions set forth elsewhere herein.
 - 3) The owner of a vehicle who causes or permits such vehicle to be operated on a highway within the Town in violation of this Section is guilty of the violations the same as if he actually operated the vehicle himself/herself.
 - 4) Limitations on size, weight or load imposed by this Section do not apply to road machinery actually engaged in construction, repair, or maintenance of a highway within the limits of the project.
 - 5) The limitations on weight, length and number of vehicles and combination imposed by this Section shall not apply to a combination of vehicles in an emergency towing operation in which the towing vehicle is being used to remove a stalled or disabled vehicle or combination of vehicles from the highway to the nearest adequate place for repairs, or in which the towing vehicle is an emergency truck tractor temporarily substituted for a stalled or disabled truck tractor, provided that the limitation and the number of vehicles in combination imposed by this Section may be exceeded only if the vehicles comprising the towed combination of vehicles cannot reasonably be separated as to be transported singly. The vehicle’s owner or the owner’s agent shall designate the nearest adequate place for repairs for vehicles or combination of vehicles exceeding the length limits or limits on the number of vehicles and combination.
- c) **Width of Vehicles.** No person shall cause or permit a vehicle to be operated on any Town road which exceeds the size and load provisions set forth in Chapter 348.05,

Wis. Stats., as amended (which is hereby incorporated herein by reference.)

- d) **Height of Vehicles.** No person, without a permit therefor, shall cause or permit a vehicle to be operated on Town roads, which exceeds the height requirements set forth in Chapter 348.06, Wis. Stats., as amended (which is incorporated herein by reference.)
- e) **Length of Vehicles.** No person, without a permit therefor, shall cause or permit a vehicle to be operated on Town roads with an overall length of that set forth in Chapter 348.07, Wis. Stats., as amended (which Chapter is incorporated herein by reference.)
- f) **Vehicle Trains.** No person, without a permit therefor, shall cause or permit a vehicle to be operated on Town roads any motor vehicle which is prohibited to be operated on highway as set forth in Chapter 348.08, Wis. Stats., as amended (which Chapter is incorporated herein by reference.)
- g) **Projecting Loads on Side of Vehicles.** No person, without a permit therefor, shall cause or permit a vehicle to be operated on Town roads any motor vehicle, trailer or semitrailer carrying any load extending beyond the fender line as set forth in Chapter 348.09, Wis. Stats., as amended (which Chapter is incorporated herein by reference.)
- h) **Special limitations on Load.** No person, without a permit therefor, shall cause or permit to be operated on Town roads any motor vehicle or combination of vehicles with any load thereon extending more than three (3) feet beyond the front of the foremost vehicle as set forth in Chapter 348.10, Wis. Stats., as amended (which is incorporated herein by reference.)
- i) **Penalty for Violating Size and Load limitations.**
 - 1) Any person violating this Section in conformity with Sec. 348.09 or 348.10, Wis. Stats., may be required to forfeit not less than Ten Dollars (\$10.00) nor more than Two Hundred Dollars (\$200.00).
 - 2) Any person violating this Section where it is in substantial conformity with Sections 348.05 through 348.08, Wis. Stats. may be required to forfeit not less than Fifty Dollars (\$50.00) nor more than One Hundred Dollars (\$100.00) for the first offense and may be required to forfeit not less than One Hundred Dollars (\$100.00) nor more than Two Hundred Dollars (\$200.00) for the second and each subsequent conviction within one (1) year.
- j) **Weight limitations.**
 - 1) The Town hereby adopts the weight limitations set forth in Chapter 348.15 and 348.16, Wis. Stats., as amended, as those weight limits affect the permissible limits on Class B highways within the Town.
 - 2) No person without a permit shall operate or cause a vehicle to be operated on any Class B highway within the Town, any vehicle or combination of vehicles unless the vehicle or combination of vehicles comply with the weight limitation as set forth in Chapter 348.15 and 348.16, Wis. Stats., as amended.
- k) **Exceptions.**
 - 1) No person shall operate, whether operating under a permit or otherwise, shall operate a vehicle in violation of any special weight limitations imposed by the Town Board on particular highways, highway structures, or portions of highways, if signs have been

erected as required by Chapter 349.16(2), Wis. Stats., as amended, except when the vehicle is being operated under a permit expressly authorizing such weight limitations to be exceeded.

- 2) Whenever the operator of a vehicle is ordered by the officer or agency in charge of maintenance or by a traffic officer to suspend operation of such vehicle because of the damage such vehicle is causing or is likely to cause to the highway or the public investment herein, he/she shall forthwith comply with said order.
 - 3) Certain vehicles may operate in excess of the gross limitations above specified if said operation is in full compliance with Chapter 348.175 and 348.18, Wis. Stats., (which are hereby incorporated herein by reference.)
- l) **Weight Indication.** No person shall operate upon any Town road any motor truck, truck tractor, road tractor or motor bus, or a trailer or semitrailer used in connection therewith, unless there is attached to or lettered upon the left side thereof a sign giving its empty weight. A sign in conformity with any regulation or alternate rule which has been designated by the Wisconsin Department of Motor Vehicles would be deemed to be in conformity with this Section.
 - m) **Forfeitures.** If convicted, violations of this Section shall be subjected to the same forfeitures as set forth in the corresponding sections of Chapter 348 and/or 349, Wis. Stats. Each day of violation shall be deemed to be a separate and distinct violation, and if an owner or operator operates more than own truck on Town roads in violation in each occurrence shall be a separate and distinct violation.
 - n) **Compliance With State Statutes.** Nothing in this Section shall be construed, or is intended to be contrary to, or inconsistent with, Chapter 341 to 348, Wis. Stats., and any provision of this Section which may appear in conflict with said statutes, and which is not expressly authorized by Section 349.06 to 349.236, Wis. Stats., shall be, and hereby is modified and interpreted to conform to said statutes and the authority permitted therein for creation of this Section and each section thereof, and authorizing penalties for violation hereof.
 - o) **Permits.** Applications for permits shall be made through the Town Clerk and the designated local official, now being the Town Chairperson, countersign, and all permits may be signed by the Town Chairperson or his designee and certified by the Town Clerk. Permits shall be generally subject to the provisions set forth for issuance of such permits as set forth in Chapter 348.25, Wis. Stats.

SEC. 10-1-12 THROUGH 10-1-19

RESERVED FOR FUTURE USE.

ARTICLE C

Parking Regulations

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

- a) **Forty-eight (48) Hour Limitation.** No person, firm or corporation shall park or leave standing any automobile, truck, tractor, trailer or vehicle of any description on any public streets or public parking lots in the Town of Fond du Lac for a period of forty-eight (48) or more consecutive hours in the same location at any time, except that where more restrictive parking limits have been established, the more restrictive limits shall apply. When any law enforcement officer shall find a vehicle standing upon a public street or parking lot in violation of the provisions of this Section, he/she is authorized to move such a vehicle or to require the operator in charge thereof to move such vehicle to a position permitted under this Chapter. The law enforcement officer may cause said vehicle to be removed to a proper impoundment and storage area where storage space is available and in such case the owner shall pay the costs of removing said vehicle and the storage fees on said vehicle before he/she may recover the possession thereof.
- b) **Posted Limitations.**
 - 1) The Town Board may designate certain streets or portions of streets as no parking or no stopping or standing zones or as zones for parking by physically handicapped persons and may limit the hours in which the restrictions apply. The Town shall mark, by appropriate signs, each zone so designated in accordance with the provisions of Sec. 349.13, Wis. Stats.
 - 2) Except when necessary to avoid conflict with other traffic or in compliance with the directions of a law enforcement officer or traffic control device, no person shall stop or park a vehicle in an established no stopping or standing zone when stopping or standing is prohibited. No vehicle shall be parked in a no parking zone during hours when parking is prohibited except physicians on emergency calls or as permitted by state law or elsewhere by this Code of Ordinances.
 - 3) The Town Board shall have the authority to restrict the turning or movement of heavy traffic and to impose special weight limitations on any highway or portions thereof which, because of the weakness of the roadbed due to deterioration or climatic conditions or other special or temporary conditions, would likely be seriously damaged or destroyed in the absence of any restrictions on heavy traffic movement or special weight limitations.
 - 4) No prohibition, restriction or limitation on parking or restriction on movement or turning of heavy traffic and imposition of special weight limits is effective unless official traffic control devices have been placed or erected indicating the particular prohibition, restriction or limitation.

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

- a) **Parking Prohibited at All Times.** Except temporarily for the purpose of and while actually engaged in loading or unloading or in receiving or discharging passengers or property and while the vehicle is attended by a licensed operator so that it may be moved promptly in case of an emergency or to avoid obstruction of traffic, no person shall at any time park or leave standing any vehicle:
- 1) Within an intersection.
 - 2) On a crosswalk.
 - 3) On a sidewalk or terrace area, except when parking in such place is clearly indicated by official traffic signs or markers or parking meters. "Terrace or Sidewalk Area" means that area between the sidewalk and the nearest curb line running parallel or generally parallel thereto or in the absence of a sidewalk ten (10) feet beyond the paved surface.
 - 4) Alongside or opposite any highway excavation or obstruction when such stopping or standing would obstruct traffic or when pedestrian traffic would be required to travel in the roadway.
 - 5) On the roadway side of any parked vehicle unless double parking is clearly indicated by official traffic signs or markers.
 - 6) Within a fire lane consisting of either the driveway between the front doors of a Fire Station and the public street or in such places properly designated and marked as fire lanes ordered by the Fire Chief.
 - 7) Upon any portion of a highway where and at the time when stopping or standing is prohibited by official traffic signs indicating the prohibition of any stopping or standing.
 - 8) In any place or manner so as to obstruct, block or impede traffic.
 - 9) Within twenty (20) feet of a fire hydrant, unless a greater distance is indicated by an official traffic sign.
 - 10) Upon any portion of a highway where and at the time when parking is prohibited, limited or restricted by official traffic signs.
 - 11) Upon any bridge.
 - 12) Upon any street or highway within the Town any vehicle which 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) Upon any terrace or sidewalk in the Town at any time.
 - 14) In a loading zoning.
 - 15) Within six (6) feet of the entrance to an alley, private road or driveway.
 - 16) In any municipal park when said park is closed to the public.

- a) **Parking in Driveways.** No person shall park or leave standing any motor vehicle in any private driveway without the permission of the owner or lessee of the property which such driveway is located, whether or not such driveway is posted to limit or restrict parking.
- b) **Vehicles Not to Block Private Drive, Alley or Fire Lane.** No vehicle shall, at any time, be parked so as to unreasonably restrict the normal access to any private drive, alley or fire lane. Said access shall be deemed to be unreasonably restricted if any vehicle is parked within four (4) feet of either side of said access. Upon discovery by a law enforcement officer or upon complaint by the owner of any such blocked drive, alley or fire lane, the law enforcement officer may order said vehicle towed from such position at the risk and expense of the owner of said vehicle.

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

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

SEC. 10-1-23 WINTER PARKING RESTRICTIONS.

No parking is permitted on any Town roadway, including but not limited to subdivision streets and cul-de-sacs, between November 1 and April 1 between the hours of 11:00 p.m. and 8:00 a.m. No one may deposit, pile, distribute or push snow cleared from driveways, parking lots, sidewalks or other areas into any Town roadway or street, or within the right-of-way area of Town roadways or streets or ditches within road or street rights-of-way.

SEC. 10-1-24 STOPPING AND PARKING OF FIRE AND POLICE VEHICLES.

Stopping and parking of fire and police vehicles during an emergency or while training is permitted. Fire and police vehicles shall have proper emergency lights operating. This Section also allows fire fighter's private vehicles at an emergency scene.

SEC. 10-1-25 PARKING ON MEADOW CREEK LANE, MARIEARL LANE, AND DULEY COURT

- a) The stopping, standing or parking of vehicles on Meadow Creek Lane, Mariearl Lane, and Duley Court is subject to the following restrictions and limitations:
 - 1) No person may park a vehicle on Meadow Creek Lane, Mariearl Lane, or Duley Court at any time.

- 2) The restriction provided in subsection (a) (1) does not apply to parking by persons whose residences abut Meadow Creek Lane, Mariearl Lane or Duley Court, provided that their vehicle is parked on the Town road that their property abuts.
 - 3) The restriction provided in subsection (a) (1) does not apply to guests of persons whose residences abut Meadow Creek Lane, Mariearl Lane or Duley Court, provided the guest's vehicle is parked on the Town road that their host's property abuts.
 - 4) The restriction provided in subsection (a)(1) does not apply to commercial enterprises providing services to persons whose residences abut Meadow Creek Lane, Mariearl Lane or Duley Court, provided that the commercial enterprise's vehicle is parked on the Town road that their customer's property abuts.
- b) No person shall park any vehicle in violation of this Section. Violations are subject to forfeitures in the amount of \$200.00. Each time a vehicle is parked in violation of this Section constitutes a separate offense for purposes of calculating forfeitures.
 - c) The Town Chairperson, or his designee, shall place appropriate traffic signs on the above-described highways before this ordinance may be enforced.

SEC. 10-1-26 THROUGH SEC. 10-1-39

RESERVED FOR FUTURE USE.

ARTICLE D

Miscellaneous Provisions

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

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

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

SEC. 10-1-41 THROUGH SEC. 10-1-49

RESERVED FOR FUTURE USE

ARTICLE E

Enforcement and Penalties

SEC. 10- 1-50 PENALTIES.

- a) **Forfeiture Penalty.** The penalty for violation of any provision of this Chapter shall be a forfeiture as hereafter provided, together with court costs and fees prescribed by Sections 814.63(1) and (2) or 814.65(1), Wis. Stats., the penalty assessment for moving traffic violations and the driver improvement surcharge imposed by Section 346.655, Wis. Stats., where applicable. Payment of the judgment and applicable court costs, fees, assessments and surcharges may be suspended by the sentencing court for not more than sixty (60) days. Any person eighteen (18) years of age or older who shall fail to pay the amount of the forfeiture, court costs, any penalty assessment or driver surcharge or other penalty imposed for violation of any provision of this Chapter may, upon order of the court entering judgment therefor and having jurisdiction of the case, be imprisoned until such forfeiture, costs and assessment are paid, but not exceeding ninety (90) days.
- b) **Other Sanctions.**
 - 1) By Court. Nothing herein shall preclude or affect the power of the sentencing court to exercise additional authorities granted by the Wisconsin Statutes to suspend or revoke the operating privileges of the defendant, order the defendant to submit to assessment and rehabilitation programs or to attend traffic safety school in addition to payment of a monetary penalty or in lieu of imprisonment.
 - 2) By Municipality. No person who has been convicted of a violation of any provision of this Chapter shall be issued a license or permit by the Town, except a dog license, until the forfeiture imposed for such violation and any penalty assessment, court costs and fees or surcharge is paid.
- c) **Forfeitures for Violation of Uniform Moving Traffic Regulations.** Forfeitures for violations of any moving traffic regulation set forth in the Wisconsin Statutes adopted by reference in Section 10-1-1 shall conform to the forfeiture penalty permitted to be imposed for violations of the comparable Wisconsin Statute, including any variations or increases for subsequent offenses; provided, however, that this Subsection shall not be construed to permit prosecution under this Chapter for any offense described in Chapters 341 to 349, Wis. Stats., for which an imprisonment penalty or fine may be imposed upon the defendant.
- d) **Forfeitures for Parking Violations.**
 - 1) Forfeitures for Uniform Statewide Parking. Stopping and Standing Offenses. Minimum and maximum forfeiture for violation of non-moving traffic violations adopted by reference in Section 10-1-1 as described in Chapter 341 to 349, Wis. Stats., shall be as found in the current edition of the Revised Uniform State Traffic Deposit Schedule.
 - 2) Penalty for Other Parking Violations. The forfeiture for violation of local parking regulations shall be Ten Dollars (\$10.00) to Two Hundred Dollars (\$200.00).

- e) **Other Violations.** Any person who shall violate any provision of this Chapter for which a penalty is not otherwise established by this Section shall be subject to a forfeiture of not less than Twenty Dollars (\$20.00) nor more than One Hundred Dollars (\$100.00).

CHAPTER 2

All-Terrain Vehicles and Off-Road Motor Vehicle Operation

- 10-2-1 State All-Terrain Vehicle Laws Adopted
- 10-2-2 Unauthorized Operation of Motor Vehicles on Public or Private Property

SEC. 10-2-1 STATE ALL-TERRAIN VEHICLE LAWS ADOPTED.

The provisions describing and defining regulations with respect to all-terrain vehicles in the following-enumerated Subsections of Sec. 23.33, Wis. Stats., and any future amendments or revisions, are hereby adopted by reference and made part of this Section as if fully set forth herein. The statutory sections adopted by reference herein shall be designated as part of this Code by adding the prefix “10-2-1-” to each statute section number. Any acts required to be performed by the following Statutory Subsections or which are prohibited by such Statutory Subsections are required to be performed by this Section or are prohibited by this Section:

- 23.33(2) Registration
- 23.33(3) Rules of operation
- 23.33(3g) Use of Headgear
- 23.33(4) Operation on or near highway
- 23.33(5) Age Restrictions; Safety Certification Program
- 23.33(6) Equipment requirements
- 23.33(7) Accidents
- 23.33(1) Definitions

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

a) **Purpose.**

- 1) The unauthorized off-road operation of motor vehicles has resulted in serious damage to public and private lands including damage or destruction of vegetation, animal life and improvement to the lands; and
- 2) The unauthorized off-road operation of motor vehicles has resulted in the permanent scarring of land and an increase in both erosion and air pollution; and
- 3) The unauthorized off-road operation of motor vehicles has resulted in collisions and near collisions threatening the life and safety of the operators of such vehicles as well as of other persons; and
- 4) The unauthorized off-road operation of motor vehicles has resulted in a loss of the privacy, quietude and serenity to which the owners and users of land are rightfully entitled.

b) **Definitions.** For purposes of this Section, the terms below shall be defined as follows:

- 1) Unauthorized shall mean without the express prior consent of the owner, lessee, manager or other person authorized to give consent by the owner or lessee of land. Authorization

shall not be implied from a failure to post private or public land.

- 2) Off-Road shall mean any location which:
 - a. Is not a paved or maintained public street or alley; or
 - b. Is not used or maintained by the owner or lessee of land as a driveway, parking lot or other way for motor vehicles; or
 - c. Is a private trail for use only by the owner or his permittees for recreational or other vehicular use. Off-road shall not include any creekbed, riverbed or lake provided, however, that this Subsection shall not apply to snowmobiles or other vehicles being operated on the ice covering such creekbed, riverbed or lake.
- 3) Operation shall mean the physical manipulation or activation of any of the controls of a motor vehicle necessary to put it in motion.
- 4) Motor Vehicle shall mean, for purposes of this Section, any vehicle which is self-propelled and shall include but not be limited to automobiles, trucks, jeeps, vans, motorcycles, motorbikes, go-karts, motorized three-wheeled vehicles, all-terrain vehicles, mopeds, snowmobiles, dune buggies and tractors. Motor vehicle shall not mean any airplane, railroad train, boat, wheelchair or bicycle. A vehicle which would otherwise be defined as a motor vehicle under this Section shall not be so defined while:
 - a. It is being operated solely for the purpose of construction or maintenance of an improvement to land or solely for access to construction or maintenance sites provided such operation is by persons having legitimate business on such lands or sites;
 - b. It is being operated by or at the direction of public employees or utility company employees as part of their employment duties.
 - c. It is being operated by the holder of an easement or right of access on or over the land on which operation is occurring or the holder's employees or agents.

c) Unauthorized Off-road Operation Prohibited.

- 1) The unauthorized off-road operation of a motor vehicle is prohibited.
- 2) Except for authorized maintenance vehicles and snowmobiles or all-terrain vehicles operating in areas authorized by the Town Board, it shall be unlawful to operate any minibike, go-kart, all-terrain vehicle or any other motor-driven craft or vehicle principally manufactured for off-highway use on the Town streets, alleys, parks, sidewalks, bikeways, parking lots or on any public lands or private lands or parking lots held open to the public. The operator shall at all times have the written consent of the owner before operation of such craft or vehicle on private lands.
- 3) Any motor vehicle which is operated over or upon any private property located in the Town without the owner's prior consent shall constitute a private nuisance and violation of this Code.
- 4) Snowmobiles and all-terrain vehicles shall not be operated within the Town limits between the hours of 12:00 midnight and 6:00 a.m.

Chapter 3

Establishing Category B Implements of Husbandry Weight Limits

10-3-1	Purpose
10-3-2	Authority
10-3-3	Weight Limit
10-3-4	No-Fee Permit
10-3-5	Travel Routes
10-3-6	Enforcement
10-3-7	Severability

SEC. 10-3-1 PURPOSE.

The purpose of this Ordinance is to establish per-axle weight limitations for Category B implements of husbandry as defined in Wis. Stat. § 340.01(24)(a)1.b. on all highways under the jurisdiction under the Town of Fond du Lac.

SEC.10-3-2 AUTHORITY.

The Town has authority to adopt this Ordinance under Wis. Stat. § 348.15(9)(f)1.

SEC. 10-3-3 WEIGHT LIMIT.

No implement of husbandry, including Category B implements of husbandry as defined in Wis. Stat. § 340.01(24)(a)1.b. may exceed the weight limits imposed by Wis. Stat. § 348.15(3)(g).

SEC. 10-3-4 NO-FEE PERMIT.

No implement of husbandry may exceed a weight limit established by this Ordinance without a No-Fee Permit issued by the Town pursuant to Wis. Stat. § 348.27(19).

SEC. 10-3-5 TRAVEL ROUTES.

In accordance with Wis. Stat. § 348.27(19)(b)4m.a. the Town shall provide an approved alternate travel route in connection with any No-Fee Permit issued by the Town. The approved alternate route may include highways that are not under the Town's jurisdiction if prior approval has been given by the authority having jurisdiction over the alternate route.

SEC. 10-3-6 ENFORCEMENT.

Any person who violates the provisions of this Ordinance shall be subject to forfeitures of not less than \$200 nor more than \$1,000, plus costs and attorneys' fees, for each violation. Each trip in violation of this Ordinance shall constitute a separate offense for purposes of determining forfeitures. The Town may also seek injunctive relief, abatement orders, and other equitable relief as necessary in the event of a violation.

SEC. 10-3-7 SEVERABILITY.

If any provision of this Ordinance, or its application to any person or circumstance, is held invalid, the invalidity does not affect other provisions or applications of this Ordinance and, to this end, the provisions of this Ordinance are severable.