

COVER PAGE FOR TRAFFIC ORDINANCE

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CHAPTER 4 TRAFFIC

4.01 STATE TRAFFIC LAWS ADOPTED.

A. Except as otherwise specifically provided in this Chapter, the statutory provisions in Ch. 23, Ch. 30.50 to 30.71, Ch. 30.80, Ch. 30.99, Ch.167, Chs. 340 to 348 and §941.01(1), Wis. Stats., describing and defining regulations with respect to vehicles and traffic, inclusive 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 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 statewide regulation of traffic on the highways, streets, roads and alleys of the State of Wisconsin. Sections of the Wisconsin Statutes adopted herein shall have the same number in this code preceded by (4.) and may be so cited.

B. Sections of Chapters 340 through 348 adopted by reference shall include but not be limited to the following:

340.01	Words and phrases defined.
341.04	Penalty for operating unregistered vehicles, etc.
341.11(4)	Display of registration plates.
341.15	Display of registration plates.
341.16(4)	Issuance of duplicate plates.
341.41	Reciprocity permits.
341.51(5)	Dealer registration.
341.55	Misuse of dealer plates.
341.57(3)	Registration of finance companies and financial institutions.
341.61	Improper use of evidence of registration.
341.62	False evidence of registration.
341.63	When registration is to be suspended.
342.05(4)	Certificate of title required.
342.15(5)(6)(7)	Transfer of interest in vehicle.
342.23	Secured party's and owner's duties.
342.30, 342.31, 342.32, 342.34	Anti-theft and anti-fraud provisions.
343.01	Word and phrases defined.
343.05	Operators to be licensed; exceptions.
343.305	Implied consent.
343.35	Surrender of licenses upon cancellation, revocation, suspension.
343.45-343.46	Unlawful practices related to licenses.
343.60-343.72	Licensing of driver's schools and instructors.
343.73	Penalty for violation of Sect. 343.60-343.72
344.01	Word and phrases defined.
344.45-344.48	Penalties for violations of chapter.
344.51	Financial responsibility for domestic rented vehicles.

345.01	Words and phrases defined.
345.20-345.53	General provisions in traffic forfeiture actions.
345.55	Traffic officers not to profit from arrests.
346.01	Words and phrases defined.
346.02	Applicability of chapter.
346.03	Applicability of rules of the road to authorized emergency vehicles.
346.04,346.05-346.16	Driving, meeting, overtaking and passing.
346.17	Penalty for violating Sections 346.04-346.16
346.18-346.21	Right of way.
346.22	Penalty for violating sections 346.18-346.21
346.23-346.29	Drivers and pedestrians.
346.30	Penalty for violating Sections 346.23-346.29
346.31-346.35	Turning and stopping and required signals.
346.36	Penalty for violating Sections 346.31-346.35
346.37-346.42	Traffic signs, signals and markings.
346.43	Penalty for violating Sections 346.37-346.42
346.44-346.48	Required stops.
346.49	Penalty for violating Sections 346.44-346.48
346.50-346.55	Restrictions on stopping and parking.
346.56	Penalty for violating Sections 346.50-346.55
346.57-346.595	Speed restrictions.
346.60	Penalty for violating Sections 346.57-346.595
346.61	Applicability of sections relating to reckless and drunken driving.
346.62	Reckless driving-first offense in 4 years.
346.63	Operating under influence of intoxicant-first offense in 10 years.
346.64	Employment of drunken operators-first offense in a year.
346.65(1) and (2)	Penalty for violating Sections 346.62-346.64
346.66	Applicability of sections relating to accident and accident reporting.
346.67	Duty upon striking person or attended or occupied vehicle.
346.68 and 346.69	Duty upon striking unattended vehicle-upon striking property on or adjacent on highway-first offense within a year.
346.70-346.73	Duty to report accident, etc.
346.74	Penalty for violating Sections 346.67-346.73
346.77-346.81	Bicycles and play vehicles.
346.82	Penalty for violating Sections 346.77-346.805
346.87-346.94	Miscellaneous rules.
346.95	Penalty for violating sections 346.87-346.94
347.01-347.05	General provisions.
347.06-347.29	Lighting provisions.
347.30	Penalty for violating lighting equipment requirements.
347.35-347.49	Other equipment.
347.50	Penalty for violating Sections 347.35-347.49
348.01-348.02	Size, weight, load-General Provisions.
348.05-348.10	Size and load.
348.11	Penalty for violating size and load limitations.
348.15-348.20	Weight.

348.21	Penalty for violating weight limitations.
348.25-348.27	Permits.
348.28	Permits to be carried-penalty.

C. Wisconsin Administrative Code Provisions Adopted. There are also hereby adopted by reference the following Standards for Motor Vehicle Equipment. Any future amendments, revisions, or modifications of the provisions incorporated herein are intended to be made part of this Code in order to secure uniform state-wide regulation of traffic on the highways, streets, and alleys of the State of Wisconsin.

Subchapter I – General Provisions

Trans 305.01	Purpose and scope.
Trans 305.02	Applicability.
Trans 305.03	Enforcement.
Trans 305.04	Penalty.
Trans 305.05	Definitions.
Trans 305.06	Identification of vehicles.
Trans 305.065	Homemade, replica, street modified, reconstructed, and off-road vehicles.

Subchapter II – Automobiles, Motor Homes, and Light Trucks

Trans 305.07	Definitions.
Trans 305.075	Auxiliary lamps.
Trans 305.08	Back-up lamps.
Trans 305.09	Directional signal lamps.
Trans 305.10	Hazard warning lamps.
Trans 305.11	Head Lamps.
Trans 305.12	Parking lamps.
Trans 305.13	Registration plate lamps.
Trans 305.14	Side marker lamps, clearance lamps, and reflectors.
Trans 305.15	Stop lamps.
Trans 305.16	Tail lamps.
Trans 305.17	Brakes.
Trans 305.18	Bumpers.
Trans 305.19	Doors, hoods, locks, and latches.
Trans 305.20	Exhaust and air pollution control systems.
Trans 305.21	Floor pan and firewall.
Trans 305.22	Fenders and projecting parts.
Trans 305.23	Frames.
Trans 305.24	Fuel systems.
Trans 305.25	Horn.
Trans 305.26	Mirrors.
Trans 305.27	Restraining devices and seats.
Trans 305.28	Speed indicator and odometer.
Trans 305.29	Steering and suspension.
Trans 305.30	Tires and rims.
Trans 305.31	Modifications affecting height of a vehicle.
Trans 305.32	Vent, side, and rear windows.
Trans 305.33	Windshield defroster-defogger.

- Trans 305.34 Windshields.
- Trans 305.35 Windshield wipers.

Subchapter III – Motorcycles

- Trans 305.37 Applicability of Subchapter II.
- Trans 305.38 Brakes.
- Trans 305.39 Exhaust system.
- Trans 305.40 Fenders and bumpers.
- Trans 305.41 Fuel system.
- Trans 305.42 Horn.
- Trans 305.43 Lighting.
- Trans 305.44 Mirrors.
- Trans 305.45 Sidecars.
- Trans 305.46 Suspension system.
- Trans 305.47 Tires, wheels, and rims.

Subchapter IV – Heavy Trucks, Trailers, and Semi-trailers

- Trans 305.48 Definitions.
- Trans 305.485 Applicability of Subchapter II.
- Trans 305.49 Axle control valves.
- Trans 305.50 Bed and body on trailers and semi-trailers.
- Trans 305.51 Brakes on heavy trucks, trailers, and semi-trailers.
- Trans 305.52 Coupling devices.
- Trans 305.53 Fenders and mud guards.
- Trans 305.54 Frames on heavy trucks, trailers, and semi-trailers.
- Trans 305.55 Lighting devices.
- Trans 305.56 Rear end protection.
- Trans 305.57 Suspension system on heavy trucks, trailers, and semi-trailers.
- Trans 305.58 Wiring

4.02 OFFICIAL TRAFFIC SIGNS AND SIGNALS.

A. The Town Chairman and Town are Authorized to Procure and Erect Signs and Signals. The Town Chairman and/or Town are hereby authorized and directed to procure, erect or cause to be erected and maintain appropriate standard traffic signs, signals and markings conforming to the rules of this Chapter as required by State Law. Signs shall be erected in such locations and manner as the Town Board shall determine will best effect the purposes of this Chapter and give adequate warning to users of the street or highway.

B. Removal of Unofficial Traffic Signs and Signals. The Town Chairman, Town Board, and/or Police Department subject to the approval of the Town Chairman or Town Board, shall have the authority granted by §349.09, Wis. Stats., and are hereby directed to order the removal of a sign, signal, marking or device placed, maintained or displayed in violation of this Chapter or §346.41, Wis. Stats. Any signs which impose any immediate safety risk to pedestrians, vehicular traffic, or the public at large may be removed by the Police Department without prior approval but only after ascertaining, if possible, that permission has not been granted by Town Officials for posting of said signs. Any charge imposed on a premises for

removal of an illegal sign, signal, or device shall be reported to the Town Board at its next regular meeting for review and certification.

4.03 ILLEGAL SIGNS.

A. No person shall erect, or cause to be erected, any advertising, direction, guide, warning or other sign or marker within any public highway within a distance of 1,000 feet from the intersection of any two or more highways, when such intersection is beyond the corporate limits of any city or town, unless permission is first obtained from the officials charged with the maintenance of such highway. (Wis. Stats. 86.191(1).)

B. No person shall post or fasten on any telegraph, telephone, traffic post, or electric pole within the Town or upon any tree within any street or public ground in the Town any bill, sign, notice, or advertising device. Permission to any person to erect and maintain poles shall not be construed to grant the right to use or rent such poles for advertising purposes.

C. Subsection (A) and (B) applies to illegal signs placed in applicable highway right-of-ways in view of pedestrians and vehicular traffic. Any person that violates this subsection shall be subject to a forfeiture of at least \$25 nor more than \$100. In addition, the person is also responsible for the costs of prosecution and in default of payment of such forfeiture and the costs of prosecution, he/she may be imprisoned in the County Jail until such forfeiture and costs are paid, but not to exceed thirty (30) days.

4.04 DISORDERLY CONDUCT WITH A MOTOR VEHICLE.

A. Conduct Prohibited. No person shall, within the Town of New Denmark, by or through the use of any motor vehicle, including, but not limited to, an automobile, truck, motorcycle, mini-bike, All Terrain Vehicle (ATV), Moped, go-carts, snowmobile, or other means of conveyance operated by motor, cause or provoke disorderly conduct with a motor vehicle.

B. Definition. Disorderly conduct with a motor vehicle shall mean, while operating or in control of a motor vehicle, to engage in conduct or activities which are violent, unreasonably loud, dangerous to persons or property, or otherwise against the public peace, welfare, and safety, including but not limited to unnecessary, deliberate, or intentional spinning of the wheels, squealing of the tires, revving or racing of the engine, blowing of the horn, causing the engine to backfire, or causing the vehicle, while commencing to move or while in motion, to raise one or more wheels off the ground. This subsection also applies to the intentional pushing, unlawful towing or any other intentional contact of a motor vehicle by another motor vehicle on any highway within the Town. Specifically excluded from this definition are legitimate, scheduled racing events. Police officials, highway maintenance units or authorized wrecker services in the performance of their respective duties are exempt from this section.

C. 1. Penalty. Any person found guilty of violating Ord. 4.04, or any part thereof, may be required to forfeit not less than \$10 nor more than \$200, and the costs of prosecution, for the first offense, and not less than \$50 nor more than \$300, and the costs of prosecution, for the second or subsequent violation within two years.

2. In addition, upon failure to pay said forfeiture, and the costs, any person may be confined in the County Jail for a period not to exceed 10 days for the first offense and 30 days for the second or subsequent offense, or until the payment of said forfeiture and costs is made.

4.05 NEGLIGENT OPERATION OF VEHICLE.

Whoever endangers another's safety by a high degree of negligence in the operation of a vehicle, not upon a highway as defined in Wis. Stats. §340.01, shall be subject to a forfeiture of at least \$100 nor more than \$500, in addition to the costs of prosecution, and upon default of payment may be imprisoned in the County Jail until said forfeiture and costs are paid, but not to exceed 90 days. (Wis. Stats. §941.01)

4.06 COMPRESSION BRAKES PROHIBITED.

No person shall use motor vehicle brakes within the Township of New Denmark which are in any way activated or operated by the compression of the engine of any such motor vehicle or any unit or part thereof. It shall be an affirmative defense to the prosecution under this section that such compression brakes were applied in an emergency situation and were necessary for the protection of persons and/or property. Any person found guilty of violating Ord. 4.06, or any part thereof, will be required to forfeit not less than \$10 nor more than \$200 and in addition, upon failure to pay said forfeiture, and the costs, any person may be confined in the County Jail for a period not to exceed 10 days for each violation or until said forfeiture and costs are paid.

4.07 PENALTY.

The penalty for violation of this Chapter shall be a forfeiture and penalty assessment if required by Wisconsin Statutes, a jail assessment if required by §302.46 Wis. Stats., plus any applicable fees prescribed in Ch. 814, Wis. Stats.

A. State Forfeiture Statutes. Any forfeiture for violation of Ordinance 4.01 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.

B. Local Regulations. Except as otherwise provided in this Chapter, the penalty for a violation of this Chapter shall be as provided in Chapter 26 of this General Code of Ordinances.

4.08 ENFORCEMENT.

A. Enforcement Procedure. This Chapter shall be enforced according to §23.33, §66.0114, §345.11-§345.61, and §350.17 Wis. Stats.

B. Deposit. Any person arrested for a violation of this Chapter may make a deposit of money as directed by the arresting officer at the Town Clerk of Court's Office or by mailing the deposit to such place. The arresting officer or the person receiving the deposit shall notify the arrested person, orally or in writing, that:

1. If the person makes a deposit for a violation of a traffic regulation, the person need not appear in court at the time fixed in the citation and the person will be deemed to have tendered a plea of guilty and submitted to a forfeiture and penalty assessment if required by Wisconsin Statutes, a jail assessment if required by §302.46 Wis. Stats., plus any applicable fees prescribed in Ch. 814, Wis. Stats., not to exceed the amount of the deposit that the court may accept as provided in §345.37 Wis. Stats.

2.. If the person fails to make a deposit for a traffic regulation or appear in court at the time fixed in the citation, the court may enter a default judgment finding the person guilty of the offense or issue a warrant for his or her arrest.

3. The amount of the deposit shall be determined in accordance with the Wisconsin Revised Uniform Traffic Deposit Schedule established by the Wisconsin Judicial Conference and shall include a jail assessment if required by §302.46 Wis. Stats., and court costs. If a deposit schedule has not been established, the arresting officer shall require the alleged offender to deposit the forfeiture established by the Town Board, which shall include the penalty assessment. Deposits for non-moving violations shall not include the penalty assessment.

4. The arresting officer or the person receiving the deposit shall issue the arrested person a receipt therefore as required by §345.26(3)(b) Wis. Stats.

C. Petition to Reopen Judgment. Whenever a person has been convicted in Wisconsin on the basis of a forfeiture of deposit or plea of guilty or no contest and he or she was not informed under §345.27(1) and (2) Wis. Stats., he or she may, within 60 days after being notified of the revocation or suspension of his or her operating privilege, petition the court to reopen the judgment and grant him or her an opportunity to defend on merits.

If the court finds that the petitioner was not informed as required under §345.27(1) and (2), Wis. Stats., it shall order the judgment reopened. The court order reopening the judgment automatically reinstates the revoked or suspended operating privilege.

4.10 HEAVY TRUCK ROUTES.

A. The following County roads are governed by the Brown County Highway Commissioner:

1. CTH R
2. CTH KB
3. CTH NN
4. CTH T
5. CTH P
6. CTH X
7. State Highway 96

B. Trucks Prohibited on Other Than Designated Heavy Truck Routes. It shall be unlawful for any person or company to operate any motor vehicle having a gross weight of more

than eight thousand (8,000) pounds except motor buses on any street other than on a Federal or State trunk highway or on streets designated in subsection (A) hereof, except when necessary for the purpose of obtaining orders and delivering and moving supplies or other necessary commodities to or from any place of business or residence fronting on any such streets, and except when necessary for the purpose of leaving or returning to the terminal or place of garaging of any such vehicle. When it is necessary for the operator of such a vehicle to travel upon a street not designated for heavy truck traffic as provided in subsection (A) hereof, such operator shall leave and re-enter such heavy truck routes at the point closest to his/her immediate destination.

C. Truck Route Signage. The Town shall erect or cause to be erected yellow street signs to give notice of the designation of the streets listed in subsection (A) as heavy truck routes.

D. Commercial Motor Vehicles Prohibited from using Certain Streets. No person shall operate any motor truck, road tractor, or truck tractor upon any street that is not designated as a heavy truck route, except for the purpose of obtaining orders for and delivering or moving supplies or other necessary commodities to or from any place of business or residence fronting on such streets.

E. Penalty. Each violation of this subsection will be considered a separate offense. Any person, partnership or corporation that violates this subsection shall be subject to a forfeiture of at least \$25 nor more than \$2,500. A violation of this subsection may also result in the revocation of any license or permit issued by the Town of New Denmark. In addition, the person is also responsible for the costs of prosecution and in default of payment of such forfeiture and the costs of prosecution, he/she may be imprisoned in the County Jail until such forfeiture and costs are paid, but not to exceed ninety (90) days for each violation.

3/9/2009