

CHAPTER 7
TRAFFIC CODE

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7.01 STATE TRAFFIC LAWS ADOPTED

- 1) Except as otherwise specifically provided in this Chapter, the statutory provisions in Chapters 340 to 348 and Section 941.01, Wisconsin Statutes, 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 of Wisconsin.

Established April 17, 2001

7.02 ADOPTION OF WISCONSIN ADMINISTRATIVE CODE

1) SECTIONS ADOPTED

- (a) Chapter TRANS 305 of the Wisconsin Administrative Code is hereby adopted by reference as though set forth fully herein, with the exception of Chapter TRANS 305.04, Wisconsin Administrative Code.

2) PENALTIES

- (a) Penalties for violation of any of the above adopted Wisconsin Administrative Code Provisions shall result in a forfeiture of not less than ten (\$10) nor more than two-hundred (\$200) dollars, pursuant to Section 110.075(7), Wisconsin Statutes.

Established April 17, 2001

7.03 THROUGH STREETS DESIGNATED

- 1) The following Streets are designated arteries for through traffic:
 - (a) South Shore Dr
 - (b) North Shore Dr

Established April 17, 2001

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7.04 PROHIBITED PARKING

1) No person shall park any vehicle in the following areas:

- (a) On Bluegill Road, commencing at a point one-hundred-fifty (150) feet north of South Shore Drive and extending to a point one-hundred (100) feet south of the Shore of Delavan Lake at any time.
- (b) On the East and West side of North Shore Dr starting at the Southerly limits of the City of Delavan and continuing Southerly to a distance of two-tenths (2/10) of a mile to the South of the North Shore bridge at the Delavan Outlet crossing.
- (c) On either side of Prairie Avenue.
- (d) On either side of Town Hall Road.
- (e) On either side of South Shore Drive from State Hwy 50 to Bailey Road, except that parking shall be allowed in this area so long as any vehicle is parked completely off the paved portion of the Roadway.
- (f) On either side of South Shore Drive between County Trunk "O" and Blue Gill Rd.
- (g) On either side of Spruce Drive, between October 1st and May 15th.
- (h) On either side of Poplar Drive, between October 1st and May 15th.
- (i) On either side of Mulberry Avenue, between October 1st and May 15th.
- (j) On either side of Chestnut Avenue, between October 1st and May 15th.
- (k) On either side of Central Boulevard, between October 1st and May 15th.
- (l) On either side of Ash Street, between October 1st and May 15th.
- (m) On either side of Cherry Avenue, between October 1st and May 15th.
- (n) On either side of Beach Avenue, between October 1st and May 15th.
- (o) On either side of Lake Avenue, between October 1st and May 15th.
- (p) On either side of West Channel Drive, between October 1st and May 15th.

Established April 17, 2001; Revised November 19, 2002; revised August 19, 2003, revised, 3.19.08, Ordinance 286.

7.05 SNOW EMERGENCY AND PARKING RESTRICTIONS

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1) SNOW EMERGENCY

- (a) There is hereby declared an emergency to exist in the Town of Delavan by reason of a heavy snowstorm whenever snow falls during any period of twenty-four (24) hours or less to a depth of two (2") inches or more in that such storm constitutes a serious public hazard impairing transportation, the movement of food and fuel supplies, medical care, fire, health, police protection, snow removal equipment and other vital facilities of the Town. Such emergency is declared to continue until such time as snow-plowing operations have been declared complete.

2) PARKING RESTRICTIONS

- (a) It shall be a violation of this Code for any person to park, or suffer to be parked, any vehicle of any kind or description during any time of the day or night inclusive, upon the roadway, so as to cause obstruction of plowing, block traffic, or inhibit traffic flow for emergency purposes including, but not limited to, those purposes set forth in Section 349.13(1e) (c) 2, Wisconsin Statutes herein.

3) PENALTY

- (a) Any person violating the provisions of this Section, shall, at their own expense, have their vehicle towed by the Town of Delavan Police Department to the area they so designate. Person or persons so in violation of this Section, shall upon conviction thereof, be punished by forfeiture not to exceed two-hundred (\$200) dollars, plus costs.

Established April 17, 2001

7.06 SPEED LIMITS

- 1) The reasonable and safe speed limits set forth in this Section are in accordance with Section 349.11, Wisconsin Statutes, and have been approved by the State Highway Division of the Department of Transportation, when required.
- 2) **THE SPEED LIMIT SHALL BE FIFTEEN (15) MILES PER HOUR ON THE FOLLOWING ROADS LOCATED IN THE TOWN OF DELAVAN:**

- (a) ACCESS RD

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(b) ALMOND RD
(c) ARNOLD DR
(d) ASH ST
(e) BEACH ST, South of the channel
(f) BREEZY ST
(g) CAMERON ST
(h) CAROL ST
(i) CEDAR POINT DR
(j) CENTRAL BOULEVARD
(k) CHANNEL DR
(l) CHERRY AVE
(m) CHESTNUT ST
(n) COCHRANE ST
(o) COLLIE ST
(p) COOL ST
(q) COMUS DR
(r) DARLINGTON ST
(s) DELAVAN DR
(t) DELVIEW AVE
(u) DUSK DR
(v) EAGLE ST
(w) FIRST ST
(x) FLEMING DR
(y) GRASSIE PLACE
(z) GREEN MEADOW DR
(aa) HICKORY COURT
(bb) HILLCREST DR
(cc) HILLVIEW RD
(dd) HOMESTEAD RD
(ee) HORSESHOE LANE
(ff) HOUSE ST
(gg) HUNTINGTON PLACE
(hh) INDUSTRIAL DR
(ii) INLET SHORE DR
(jj) JACKSON PARK DR
(kk) JONES ST
(ll) KING ST
(mm) LAKE AVE
(nn) LAKEVIEW RD
(oo) LOCUST ST
(pp) MABIE ST
(qq) MANOR DR
(rr) MASON ST
(ss) MULBERRY AVE
(tt) NEGLAY AVE
(uu) ORANGE ST
(vv) POPLAR DR
(ww) RICKORDS ST

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- (xx) ROYAL OAKS DR
- (yy) SCHROEDER AVE
- (zz) SHADY ST
- (aaa) SPRUCE ST
- (bbb) SUMMER ST
- (ccc) SUNNY AVE
- (ddd) SUTTER AVE
- (eee) SWAN CREEK AVE
- (fff) TILDEN AVE
- (ggg) TIMBER TRAIL
- (hhh) VALENCIA DR
- (iii) WALLIS AVE
- (jjj) WELLS ST
- (kkk) WOODLAWN DR

3) THE SPEED LIMIT SHALL BE TWENTY-FIVE (25) MILES PER HOUR ON THE FOLLOWING ROADS LOCATED IN THE TOWN OF DELAVAN:

- (a) BLUE GILL RD
- (b) BLUE HERON DR
- (c) COUNTRY VIEW DR
- (d) FOX LANE
- (e) OXTAIL LANE
- (f) LINN RD
- (g) PRAIRIE DR
- (h) SAGE RD
- (i) SOUTH SHORE DR from its intersection with State Hwy 50 southwesterly to its intersection with Bailey Road.
- (j) SOUTH SHORE DR from Robbins Street, westerly to Carol Street.
- (k) DEER RUN

4) THE SPEED LIMIT SHALL BE THIRTY (30) MILES PER HOUR ON THE FOLLOWING ROADS LOCATED IN THE TOWN OF DELAVAN:

- (a) **NORTH SHORE DR** from Soper's Corner, northerly and easterly to a point one-tenth (0.10) of a mile north of the bridge over the outlet of Delavan Lake.

5) THE SPEED LIMIT SHALL BE THIRTY-FIVE (35) MILES PER HOUR ON THE FOLLOWING ROADS LOCATED IN THE TOWN OF DELAVAN:

- (a) **BORG ROAD** from the intersection with North Shore Drive northerly for a distance of four-tenths (0.40) mile to Linn Road.
- (b) **HOLIG LANE** from its intersection with County Hwy "F"

- westerly to its intersection with South Shore Drive.
- (c) **NORTH SHORE DRIVE** from County Hwy "O", easterly to the place known locally as Soper's Corner, a distance of eight-tenths (0.80) of a mile.
 - (d) **SOUTH SHORE DRIVE** from Bailey Road, southwesterly to Robbins Street, also known as Robbins Road.
 - (e) **SOUTH SHORE DRIVE** from Carol Street, westerly to County Hwy "O".
 - (f) **STATE HIGHWAY 50** from the north intersection with County Hwy "F", a distance of one (1) mile.
 - (g) **THEATRE ROAD** for southbound traffic commencing at a point, parallel with the northerly Village limits of the Village of Williams Bay, said Village limit immediately adjacent to Theatre Road and most northerly point there from, and for northbound traffic on Theatre Road commencing at the southwest corner of **Section 36, T2N, R16E**, northward to the northernmost Village limit of the Village of Williams Bay immediately adjacent to Theatre Road.

6) THE SPEED LIMIT SHALL BE FORTY-FIVE (45) MILES PER HOUR ON THE FOLLOWING RDS LOCATED IN THE TOWN OF DELAVAN:

- (a) On Bailey Road between State Hwy 67 and Tilden Ave.
- (b) On that portion of Mound Road between its intersection with State Hwy 11 easterly to a point one-thousand (1,000') feet east of its grade crossing with the railroad tracks.
- (c) On Theatre road between the south line of the Town of Delavan and its intersection with State Highway 50.
- (d) On Town Hall Road, State Hwy 50 to State Hwy 67.

Established April 17, 2001, Revised 12.15.09 Ordinance 301

7.07 STOP SIGNS

1) VEHICLES TO STOP AT STOP SIGNS

- (a) 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) LOCATION OF STOP SIGNS

- (a) Stop signs shall be erected and maintained at the

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following locations:

STREET NAME	DIRECTION	CROSS STREET
Amos Rd	Eastbound & Westbound	At Briggs Rd
Amos Rd	Westbound	At Cobblestone Rd
Ash St	Southbound	At South Shore Dr
Bailey Rd	Eastbound	At State Hwy 67
Bailey Rd	Eastbound & Westbound	At County Rd F South
Bailey Rd	Eastbound & Westbound	At Theatre Rd
Bailey Rd	Westbound	At South Shore Dr
Bayview Rd	Eastbound	At State Hwy 67
Beach St	Northbound	At South Channel Dr
Blue Gill Rd	Southbound	At South Shore Dr
Blue Heron Rd	Westbound	At Borg Rd
Borg Rd	Northbound & Southbound	At North Shore Dr
Breezy St	Westbound	At State Hwy 50
Briggs Rd	Southbound	At State Hwy 11
Cedar Point Dr	Westbound	At North Shore Dr
Central Blvd	Northbound	At South Channel Dr
Central Blvd	Southbound	At South Shore Dr
Cherry Ave	Southbound	At South Shore Dr
Chestnut Ave	Southbound	At South Shore Dr
Circle Dr	Eastbound	At State Hwy 67
Cobblestone Rd	Southbound	At State Hwy 11
Comus Dr	Eastbound	At County Rd O North
Countryside Dr	Southbound	At Bailey Rd
Country View Dr	Northbound	At Town Hall Rd
Country View Dr	Northbound	At Town Hall Rd
Delavan Dr	Westbound	At County Rd F North
Delview Ave	Eastbound	At County Rd O South
Dusk Dr	Westbound	At Cobblestone Rd
Eagle St	Westbound	At State Hwy 50
First St	Westbound	At State Hwy 50
Fox Lane	Northbound	At South Shore Dr
Glenwood Rd	Eastbound	At State Hwy 67
Goose Pond Rd	Eastbound	At Cobblestone Rd
Goose Pond Rd	Westbound	At County Rd O North
Grassie Place	Northbound	At South Shore Dr
Green Meadow	Northbound	At Linn Rd
Hickory Court	Eastbound	At State Hwy 67

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Hillcrest Dr	Northbound	At Linn Rd
Hillcrest Dr	Westbound	At Borg Rd
Hillview Rd	Eastbound	At State Hwy 67
Holig Lane	Eastbound	At County Hwy F South
Holig Lane	Westbound	At South Shore Dr
Homestead Rd	Eastbound	At County Rd O South or Second St (City)
House St	Southbound	At Delavan Dr
Inlet Shore Dr	Westbound	At State Hwy 50
Jackson Park Dr	Westbound	At North Shore Dr
Lake Ave	Southbound	At South Shore Dr
Lake Trail Dr	Eastbound	At North Shore Dr
Linn Rd	Eastbound	At North Shore Dr
Linn Rd	Westbound	At Borg Rd
Locust St	Southbound	At South Shore Dr
Mabie St	Southbound	At Bailey Rd
Marsh Rd	Eastbound	At State Hwy 11
Marsh Rd	Eastbound & Westbound	At County Rd F North
Marsh Rd	Eastbound & Westbound	At Rail Road Tracks
Mason St	Southbound	At Grassie
Mound Rd	Eastbound	At State Hwy 67
Mound Rd	Eastbound & Westbound	At County Rd F North
Mulberry Ave	Southbound	At South Shore Dr
Neglay Ave	Westbound	At State Hwy 50
North Shore Dr	Northbound & Westbound	At Sage Rd
North Shore Dr	Westbound	At County Rd O South
North Shore Dr	Eastbound & Westbound	At Borg Rd
Oak Valley Cir	Eastbound	At North Shore Dr
Orange St	Southbound	At South Shore Dr
Oxburg Trail	Southbound	Town Hall Rd
Poplar Dr	Southbound	At South Shore Dr
Prairie Dr	Northbound	At Town Hall Rd
Prairie Dr	Southbound	At State Hwy 50
Royal Oaks Dr	Southbound	At State Hwy 11
S & D Townline Rd	Eastbound	At County Rd O South
Sage Rd	Northbound	At Linn Rd
Sage Rd	Southbound	At North Shore Dr
Schroeder Ave	Westbound	At County Rd F North
South Shore Dr	Southbound	At Bailey Rd
South Shore Dr	Westbound	At County Rd O South

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Spruce St	Northbound & Southbound	At Channel Dr
Spruce St	Southbound	At South Shore Dr
Summit Dr	Eastbound	At County Rd O South
Summit Dr	Northbound	At Sweet Rd
Sun Meadow Ct	Northbound	At Summit Dr
Sweet Rd	Eastbound	At County Rd O South
Theatre Rd	Southbound	At Bailey Rd
Theatre Rd	Eastbound	At State Hwy 67
Theatre Rd	Northbound & Southbound	At State Hwy 50
Theatre Rd	Northbound & Southbound	At State Hwy 50
Tilden Ave	Southbound	At Bailey Rd
Tilden Ave	Northbound	At South Shore Dr
Timber Trail	Southbound	At Linn Rd
Town Hall Rd	Eastbound	At State Hwy 67
Valencia Dr	Westbound	At County Rd F North
Wallis Ave	Westbound	At South Shore Dr
Wells St	Southbound	At Bailey Rd
Westshire Blvd	Southbound	At Town Hall Road
Windward Hills Dr	Northbound	At North Shore Dr
Woodlawn Dr	Westbound	At North Shore Dr

Established April 17, 2001, Ordinance 308

7.08 OPERATION OF MOTOR VEHICLES ON PREMISES HELD OUT TO PUBLIC USE

- 1) This section shall apply to all premises held out to the public for use of their motor vehicles, whether such premises are publicly or privately owned and whether or not a fee is charged for use thereof.
- 2) No person shall operate a motor vehicle on such premises:
 - (a) At a speed in excess of twenty (20) miles per hour.
 - (b) Outside of driving lanes indicated by painted lines.
 - (c) Across parking lot stalls indicated by painted lines, except when entering and occupying a parking stall.
 - (d) In a manner known as "Spinning Doughnuts," where the vehicle is driven rapidly in a tight radius.
 - (e) At a rapid or sudden acceleration that results in the squealing of tires or the leaving of tire marks.
 - (f) The wrong way in a driving lane, where such wrong way is indicated by painted arrow, or by the entry angle

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of adjoining parking stalls.

Established April 17, 2001

7.09 CLASSIFICATION OF WEIGHT LIMITATIONS ON TOWN HIGHWAYS

1) CLASS "B" HIGHWAYS DESIGNATED

- (a) All roads, highways and alleys within the Town are designated as Class "B" Highways and shall be subject to the weight limitations imposed by Section 348.16, Wisconsin Statutes.

2) SPECIAL OR SEASONAL WEIGHT LIMITATIONS

- (a) The Town Chairperson is empowered to exercise the authority granted by Section 349.17(1), Wisconsin Statutes, to impose temporary seasonal special weight limitations on any Town road or portion thereof which, because of weakness of the roadbed due to deterioration, climatic conditions, 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 Subsection 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 is further empowered to exercise the discretion authorized by Section 349.16, Wisconsin Statutes, to exempt vehicles carrying certain commodities such as construction materials and fuel from the limitations imposed by Subsection a) above or to set different weight limitations than those imposed by Subsection 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.

Established April 17, 2001

7.10 OFFICIAL TRAFFIC SIGNS, SIGNALS AND MARKERS

1) DUTY OF THE CHIEF OF POLICE TO ERECT AND INSTALL UNIFORM TRAFFIC CONTROL DEVICES

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- (a) Whenever traffic regulations created by this Chapter, including a State traffic regulation, adopted by reference in Section 7.01 of this Chapter, require the erection of traffic control devices for enforcement, the Chief of Police, with the cooperation of the Town Highway Department, shall cause the procurement, installation and maintenance of 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 Chief of Police, will carry out the purposes of this Chapter and give adequate warning to users of the streets and highways of the town.

2) PROHIBITED SIGNS AND MARKERS IN HIGHWAYS

- (a) 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 Subsection 3 below.

3) REMOVAL OF UNOFFICIAL SIGNS, SIGNALS, MARKERS AND TRAFFIC CONTROL DEVICES

- (a) The Chief of Police 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 Chief of Police 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.

7.11 SNOWMOBILES

1) STATE SNOWMOBILE LAWS ADOPTED

(a) Except as otherwise specifically provided in this chapter, the statutory provisions describing and defining regulations 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 this section, are as follows:

- i. 350.01 Definitions
- ii. 350.02 Operation of Snowmobiles on or in the vicinity of a Highway
- iii. 350.03 Right of Way
- iv. 350.04 Snowmobile Races, Derbies and Routes
- v. 350.045 Public Utility Exemption
- vi. 350.047 Local Ordinance to be filed
- vii. 350.05 Operation by Youthful Operators Restricted
- viii. 350.055 Safety Certification Program Established
- ix. 350.07 Driving Animals
- x. 350.08 Owner Permitting Operation
- xi. 350.09 Head Lamps, Tail Lamps and Brakes
- xii. 350.10 Miscellaneous Provisions for Snowmobile Operation
- xiii. 350.101 to 350.107 Operating a Snowmobile While Intoxicated Prohibited
- xiv. 350.11(1), 350.11(2g) Penalty
- xv. 350.12 Registration of Snowmobiles
- xvi. 350.13 Uniform Trail Signs and Standards
- xvii. 350.15 Accidents and Accident Reports
- xviii. 350.17 Enforcement
- xix. 350.18 Local Ordinances
- xx. 350.99 Parties to a Violation

2) APPLICABILITY OF RULES OF THE ROAD TO SNOWMOBILES

(a) The operator of a snowmobile upon a Roadway shall, in addition to the provisions of Chapter 350, Wisconsin Statutes, be subject to Section 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 and 346.94.

3) OPERATION FORBIDDEN ON PUBLIC PROPERTY

- (a) Except as provided in Sections 350.02 and 350.03, Wisconsin Statutes, no person shall operate a snowmobile upon any public right-of-way, street, in any public park or on any public property unless the same or any part thereof have been designated as snowmobile routes and the trails have been clearly marked by Municipal Authorities.

4) RULES OF THE ROAD ADOPTED

- (a) If snowmobile routes are designated over public highways, operators of vehicles upon them shall observe the rules of the road for motor vehicles set forth in Chapter 346, Wisconsin Statutes, in addition to any special rules adopted by this section; and where operated over parks or other recreational areas, the speed shall not be in excess of posted speed limits.

5) UNATTENDED VEHICLES

- (a) No person shall leave or allow a snowmobile owned or operated by such person to remain unattended while the motor is running or with the starting key left in the ignition.

6) RIGHT-OF-WAY

- (a) Every pedestrian, skater, ice-boater and operator of a vehicle which is not motor driven shall have the right-of-way over a snowmobile and other motor vehicles. The operator of a snowmobile or other motor vehicle shall yield the right-of-way to all pedestrians, skaters, ice-boaters and operators and occupants of vehicles which are not motor driven. Every pedestrian shall have the right-of-way over a skater and ice-boater. Every skater shall have the right-of-way over ice-boaters.

7) SNOWMOBILE COMPETITION

- (a) No person shall engage in snowmobile competition

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- within the Town between 10:30 p.m. and 7:30 a.m.
- (b) Written application must be filed with the Clerk at least 2 weeks prior to the proposed competition. Said application must show date or dates, time, location and the person or entity responsible for the administration of the event, and must be signed by the landowner or lessee, and specify how compliance with Section 350.03, Wisconsin Statutes, will be maintained and how the area is to be lighted if used during hours of darkness.
 - (c) A five (\$5) dollar premises permit fee must be tendered with the application.
 - (d) One application and, if so issued, one premises permit may be used for more than one (1) date, but no date more than two (2) months in advance.
 - (e) Applicant must also file with the Town Clerk proof of spectator liability insurance in force covering the event with minimum limits of liability of one million dollars (\$1,000,000), or proving financial responsibility by filing a bond or a certificate of deposit of money or securities or a certificate of self-insurance of the kind contemplated in Section 344.30, Wisconsin Statutes.
 - (f) The use of the premises must conform to the requirements of the zoning and building regulations of the Town.
 - (g) A premises permit may be revoked by the Board at any time for cause.

8) WARNING REFLECTORS

- (a) Any snowmobile or other vehicle or similar obstruction used or remaining on the ice in any waters of the Town during the hours of darkness must be equipped with reflectors of luminous red material so that a reflector can be seen from any direction, and each reflector being at least twenty-five (25) square inches in size and situated three (3) to forty-two (42) feet above the surface of the ice.

9) OTHER VEHICLES

- (a) Excluding Sections 350.04, 350.05, 350.055, 350.10, and 350.11, Wisconsin Statutes, any portion of this section relating to snowmobiles applies as well to any other motor driven sporting craft or recreational vehicle principally manufactured for off-highway use on land, ice or as an amphibious craft or vehicle.

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10) TOWN CLERK TO FILE SECTION

- (a) Pursuant to Section 350.047, Wisconsin Statutes, the Town Clerk is hereby authorized and directed to send a copy of this section to the Department of Natural Resources and the Walworth County Sheriff's Department.

11) PENALTY

- (a) Any person who shall violate any of the provisions of this section shall be subject to forfeiture as provided in Section 25.04 of this code or as otherwise mandated by Chapter 350, Wisconsin Statutes.

Established April 17, 2001

7.12 OFF-ROAD VEHICLES REGULATED

1) DEFINITIONS

- (a) **OFF-ROAD VEHICLE** means any motor vehicle designed for off highway recreation including but not limited to, all terrain vehicles, dirt bikes, motor driven scooters, snowmobiles, golf carts, other motor vehicles not registered for operation upon a public highway or any other motor vehicle being operated off a Roadway.
- (b) **OFF-ROAD VEHICLE** does not mean: any police vehicle, ambulance, fire engine or emergency vehicle while engaged in necessary emergency or training activities; a vehicle while being operated primarily for agricultural purposes; a vehicle or construction machinery being operated primarily for a construction, repair or maintenance purpose; a vehicle being operated primarily for yard maintenance or landscaping; a vehicle being operated primarily for the purpose of pickup or delivery of goods or services; or an electric personal assistive mobility device.
- (c) **MOTOR DRIVEN VEHICLE** means any self propelled vehicle designed to carry a driver or passenger.
- (d) **OPERATE** means the physical manipulation or activation of any of the controls of an off-road vehicle necessary to put it in motion including starting or running the engine, or motor, of an off-road vehicle, whether or not the off-road vehicle is moving.

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- (e) **ROADWAY** means the paved or gravel surface of any road intended for motor vehicle traffic which is held open to the use of the public.

2) PROHIBITED: No person shall operate, or cause, allow or permit the operation of an off-road vehicle as follows:

- (a) At a speed in excess of ten (10) mph within any platted subdivision of the Town.
- (b) At a speed in excess of ten (10) mph within one-hundred-fifty (150) feet of a dwelling without the consent of the owner or occupants. This Subsection does not apply to snowmobiles being operated on official marked snowmobile trails or on a highway right-of-way.
- (c) At a speed greater than is reasonable and prudent under the conditions and having regard for the actual and potential hazards then existing.
- (d) On the property of another without the written consent of said owner.
- (e) With more passengers than the vehicle is designed for.
- (f) On a public street or highway unless the driver has an operator's license and the vehicle is licensed for highway use and meets the equipment requirements of the State.
- (g) So as to race the engine or cause unnecessary or unusual smoke, fumes, dust or noise which would annoy, disturb, injure or endanger the comfort, health, peace or safety of another person of ordinary sensibility.
- (h) Upon any roadway, as defined in this Chapter, as follows:
 - i. If the operator of the off-road vehicle is under twelve (12) years of age.
 - ii. Between sunset and sunrise, unless the off-road vehicle is displaying a lighted headlamp and tail lamp as follows:
 - 1. The headlamp on an off-road vehicle is required to display a white light of sufficient illuminating power to reveal any person, vehicle or substantial object at a distance of at least two-hundred (200) feet ahead of the off-road vehicle.
 - 2. The tail lamp on an off-Rd vehicle is required to display a red light plainly visible from a distance of five-hundred (500) feet to the rear.

(i) Under the influence of an intoxicant or controlled substance or with a prohibited alcohol concentration, or with a detectable amount of a restricted controlled substance, as those terms are defined in Sections 346.63 and 23.33, Wisconsin Statutes, while on public property or private property that is held open to the public, or on private property without consent of the owner.

3) No person may refuse to submit an evidentiary sample of their breath, blood or urine as defined in Chapter 23.33 Wisconsin Statutes, after being arrested for operating an off-road vehicle while under the influence of an intoxicant or controlled substance.

Established April 17, 2001, Revised 9.21.2009 Resolution 10.2009

7.14 DISORDERLY CONDUCT WITH A MOTOR VEHICLE

1) GENERALLY

(a) No driver of any vehicle shall make such a fast start or takeoff as to cause the tires to squeal or leave tire marks on the roadway, or to cause such vehicle to start from a stopped position in such a manner as to endanger life or property. No driver or any of his or her passengers shall cause any unnecessary disturbance with or from any vehicle.

2) OTHER ACTIONS PROHIBITED

(a) No driver of any vehicle shall drive upon or allow such vehicle to roll upon, or across, or park upon any private or public property in the Town without the permission of the owner of such property.

Established April 17, 2001

7.15 ENFORCEMENT

1) ENFORCEMENT PROCEDURE

(a) This chapter shall be enforced in accordance with the provisions of Sections 345.20 to 345.53, Chapter 799 and Section 66.0114, Wisconsin Statutes.

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2) DEPOSIT

- (a) Any person arrested for a violation of this Chapter may make a deposit of money as directed by the arresting officer at the police station or at the office of the Clerk of Court or by mailing the deposit to such places. The arresting officer or the person receiving the deposit shall comply with Section 345.27, Wisconsin Statutes, or, if the deposit is mailed, the signed statement required under Section 345.27 shall be mailed with the deposit. The arresting officer or the person receiving the deposit shall notify the arrested person, orally or in writing, that:
 - i. If they fail to appear in court at the time fixed in the citation, they will be deemed to have tendered a plea of no contest and submitted to forfeiture plus costs not to exceed the amount of the deposit.
 - ii. If they fail to appear in court at the time fixed in the citation, and if the court does not accept the deposit as forfeiture, they will be summoned into court to answer the complaint.
- (b) The amount of the deposit shall be determined in accordance with the deposit schedule established by the Wisconsin Judicial Conference and shall include the penalty assessment established under Section 757.05, Wisconsin Statutes, and costs. If a deposit schedule has not been established, the arresting officer shall require the alleged offender to deposit the forfeiture established by the Municipal Court, which shall include the penalty assessment established under Section 757.05, Wisconsin Statutes. Deposits for nonmoving violations shall not include the penalty assessment.
- (c) The arresting officer or the person receiving the deposit shall issue the arrested person a receipt therefore as required by the Section 345.26(3) (b), Wisconsin Statutes.

3) STIPULATION OF NO CONTEST

- (a) Except as otherwise provided by statute, any person charged with a violation of this Chapter may make a stipulation of no contest pursuant to Section 345.27, Wisconsin Statutes, which may be received at the

police station or by the Municipal Court Clerk. Such person shall, at the time of entering into the stipulation, make the deposit required under Subsection 2) if they have not already done so. A person who has mailed or filed a stipulation under this subsection may, however, appear in court on the appearance date and may be relieved from the stipulation for cause shown as required in Section 345.37, Wisconsin Statutes.

Established April 17, 2001

7.16 PENALTY

1) 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.

2) STATE FORFEITURE STATUTES

(a) Forfeitures for a violation of Chapter 7 herein 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.

3) STATE FINE STATUTES

(a) 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.

4) LOCAL REGULATIONS

(a) The penalty for violations of Chapter 7 herein shall be as provided in Section 25.04 of this Municipal Code, unless otherwise prescribed by statute.

Established April 17, 2001