

TITLE 10

Motor Vehicles and Traffic

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Title 10 – Chapter 1

Traffic and Parking

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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 Oshkosh, Winnebago 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
941.03	Highway Obstruction
943.11	Entry into Locked Vehicle
943.23	Operating Motor Vehicles Without Owners Consent
947.45	Drinking in Motor Vehicle on Highway
- (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of the Wisconsin Statutes, such references shall mean the Wisconsin Statutes of 1997-1998 as from time to time amended, repealed or modified by the Wisconsin Legislature.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 a part of this Chapter as if fully set forth herein.

Wis. Adm. Code – MVD 5	Standard for Motor Vehicle Equipment
Wis. Adm. Code – MVD 6	Transportation of Explosives by Motor Vehicle
Wis. Adm. Code – MVD 12	Leasing of Vehicles by Private Carriers
Wis. Adm. Code – MVD 18	Protective Headgear Standards and Specifications
Wis. Adm. Code – MVD 22	Standards and Specifications – Design and Mounting SMV Emblem

- (b) **Non-Compliance Prohibited.** No person shall operate or allow to be operated on any highway, street or alley within the Town of Oshkosh 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 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 §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 Town Board, will carry out the purposes of this Chapter and give adequate warning to users of the streets and highways of the Town of Oshkosh.
- (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, marker, mark or monument unless permission is first obtained from the Town Board or, where applicable, the State Highways 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 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.

State Law Reference: Sections 346.41 and 349.09, Wis. Stats.

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 §346.485(5)(b), Wis. Stats., shall be a defense for an owner charged with such violation.

Sec. 10-1-5 through Sec. 10-1-9 Reserved for Future Use.

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 §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 §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 of Oshkosh, Winnebago County, Wisconsin, 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 of Oshkosh 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 semi-trailer 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 §349.09 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 semi-trailer 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 §349.06 to 349.25, 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 Speed Limits Established.

Pursuant to §349.11, Wis. Stats., speed limits are hereby established as follows in the Town of Oshkosh:

- (a) **15 Miles Per Hour.**
 - (1) Shoreview Drive.
- (b) **25 Miles Per Hour.**
 - (1) Channel View Drive.
 - (2) Indian Point Road in the Town of Oshkosh between County Hwy. A and I Ah-Maytah Road.
 - (3) Island View Drive.
 - (4) Juniper Lane
 - (5) Killdeer Lane.
 - (6) Sunset Point Lane from a point two-tenths (0.20) of a mile south of its intersection with Westwind Road, northerly for a distance of thirty-eight hundredths (0.38) of a mile.
 - (7) Tamarack Trail.
 - (8) Tumblebrook Road.
 - (9) Vinland Road - Beginning at Snell Rd. to 500 ft. south from Freedom Ave.
 - (10) Vinland Road – Beginning at 4,500 ft. south of Snell Road going south to city limits.
- (c) **35 Miles Per Hour.**
 - (1) Snell Road from Jackson Drive Road (Hwy. 45) west to a point four hundred (400) feet east of the right-of-way of Vinland Road.
 - (2) Sherman Road, between County Hwy A to Indian Point. Road.
 - (3) Vinland Road - between 500 ft. south of Freedom Ave ending at 4,500 ft. going south from Freedom Ave.
- (d) **45 Miles Per Hour.**
 - (1) Brooks Road, between Hwy State Road 45 (old Hwy 110) to Green Valley Road. Code was adopted in cooperation and jointly with the Town of Vinland.
 - (2) Indian Point Road. Code was adopted in cooperation and jointly with the Town of Vinland.
 - (3) Leach Road.
 - (4) Plummers Point Road, between Hwy State Road 45 (old Hwy 110) to first curve on Plummers Point Road.
 - (5) Ryf Road.
 - (6) Sunnyview Road from State Highway 45 (old Hwy 110) easterly to a point three-tenths (0.3) of a mile east of Cty. Hwy. T.

Sec. 10-1-13 Through Highways.

No person shall drive or operate any motor vehicle or other vehicle or cause the same to be driven into or upon any of the Town highways of the Town of Oshkosh designated

and declared by this Section to be through highways for through traffic and properly designated by an appropriate “Stop” sign without first coming to a full and complete stop.

- (a) Green Valley Road is hereby designated and declared to be a through highway and traffic entering onto that Town highway from Brook Road and from Fountain Avenue shall stop prior to entering onto it.
- (b) East Snell Road is hereby designated and declared to be a through highway and traffic entering onto that Town highway from Main Street shall stop prior to entering onto it.
- (c) West Snell Road is hereby designated and declared to be a through highway and traffic entering onto that Town highway from Zion Street, and from Anderson Street from Nolte Avenue shall stop prior to entering onto it.
- (e) Westwind Road is hereby designated and declared to be a through highway and traffic entering onto that Town highway from Marine Drive shall stop prior to entering onto it.
- (f) Indian Point Road hereby is designated and declared to be a through highway and traffic entering onto that Town highway from Killdeer Lane shall stop prior to entering onto it.
- (g) The intersection of Indian Point Road with Bittersweet Lane is hereby designated and declared to be a town line intersection, and traffic shall stop prior to entering therein from the south.
- (h) Sunnyview Road is hereby designated and declared to be a through highway and traffic entering onto said Town highway from Andrews Street shall stop prior to entering thereon.
- (i) Sherman Roads is hereby designated and declared to be a through highway and traffic entering onto said Town highway from Picket Avenue shall stop prior to entering hereon.
- (j) Shorewood Drive is hereby designated and declared to be a through highway at its intersection with Nicolet Boulevard.
- (k) East Sunnyview Road is hereby designated and declared to be a through highway at its intersection with Sherman Road.
- (l) It shall be unlawful for any person driving or operating any motor vehicle or other vehicle to drive or cause the same to be driven into the intersection of Indian Point Road, a Town line road, with Indian Point Road, a U.S. Hwy. 41 Frontage Road, except as follows:
 - (1) South bound traffic shall come to a full and complete stop, as directed by appropriate “Stop” signs placed in accordance herewith.
 - (2) East bound traffic shall come to a full and complete stop, as directed by appropriate “Stop” signs placed in accordance herewith.
 - (3) North bound traffic shall come to a full and complete stop, except that north bound traffic entering said intersection for the purpose of traveling east shall not be required to stop or to yield to other vehicles, all as directed by appropriate “Stop” signs placed in accordance herewith.
 - (4) West bound traffic shall not be required either to stop or to yield to other vehicles.

Sec. 10-1-14 Four-Way Stop Intersections.

- (a) The intersection of County Hwy. Y and Island View Drive in the Town of Oshkosh is hereby designated and declared to be a four-way stop intersection at which vehicles approaching from all directions will be required to stop, provided, however, that vehicles traveling south on Island View Drive may enter the intersection and turn right onto County Hwy. Y without coming to a full stop. Appropriate stop signs or signals shall be erected.
- (b) Butler Avenue and Sherman Road.
- (c) Indian Point Road and Sherman Road.

Sec. 10-1-15 Yield Intersections.

The operator of a motor vehicle or other vehicle, when approaching an intersection designated by this Section to be a yield intersection, and controlled by a “yield” sign placed in accordance herewith, shall yield the right of way to other vehicles entering the intersection on the intersecting highway and shall reduce speed or come to a full and complete stop in order so to yield the right of way:

- (a) The intersections of Richards Avenue with Kristine Street is hereby designated and declared to be a yield intersection and traffic shall yield prior to entering Richards Avenue from Kristine Street.
- (b) The intersections of Tumblebrook Drive with Juniper Lane and with Tamarack Trail are hereby designated and declared to be yield intersections and traffic shall yield prior to entering Tumblebrook Drive from the south.
- (c) The intersection of Richards Avenue and Ulman Street is hereby designated and declared to be a yield intersection and traffic shall yield prior to entering Roberts Avenue from Ulman Street.
- (d) The intersection of Roberts Avenue and Ulman Street is hereby designated and declared to be a yield intersection and traffic shall yield prior to entering Roberts Avenue from Ulman Street.
- (e) The intersection of Richards Avenue and Schneider Avenue is hereby designated and declared to be a yield intersection and traffic shall yield prior to entering Richards Avenue from Schneider Avenue.
- (f) Sherman Road at its intersection with East Snell, right turn – no stop.
- (g) Westwind Road at its intersection with Bellaire Lane.

Sec. 10-1-6 through Sec. 10-1-19 Reserved for Future Use.

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 Oshkosh 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 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 §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 curb line.
 - (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) 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.
 - (7) In any place or manner so as to obstruct, block or impede traffic.
 - (8) Within ten (10) feet of a fire hydrant, unless a greater distance is indicated by an official traffic sign.
 - (9) Upon any portion of a highway where and at the time when parking is prohibited, limited or restricted by official traffic signs.
 - (10) Upon any bridge.
 - (11) 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.
 - (12) Upon any terrace or sidewalk in the Town at any time.
 - (13) In a loading zone.
 - (14) Within six (6) feet of the entrance to an alley, private road or driveway.
 - (15) In any municipal park when said park is closed to the public.
- (b) **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.
- (c) **Vehicles Not to Block Private Drive or Alley.** No vehicle shall, at any time, be parked so as to unreasonably restrict the normal access to any private drive or alley. 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 or alley, 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 Parking Restricted.

- (a) No person shall stop or leave standing any vehicle, whether attended or unattended, and whether temporarily or otherwise, between the fire truck doors of the Town of Oshkosh Fire Department located at two hundred thirty (230) East Sunnyview Road, and paved surface of East Sunnyview Road, in the Town of Oshkosh.
- (b) No person shall stop or leave standing any vehicle, whether attended or unattended and whether temporarily or otherwise, except for the hours designated by the Town Board, in any fire lane in the Town of Oshkosh, provided the said fire lane has been so designated and demarcated by the Town.
- (c) No person shall park, stop or leave standing, or drive onto or off the water or ice any vehicle or trailer, whether attended or unattended, upon, within, or across the road right-of-way of any Town road in areas designated by traffic signs as "No Parking" or "No Lake Access." The definitions of "vehicle" and "trailer" found in sec. §340.01, Wis. Stats., are hereby incorporated by reference as if fully set forth in this section. Furthermore, for purposes of this section, a snowmobile or off-road vehicle is deemed to be a vehicle.
 - (1) **Purpose.** The Town of Oshkosh contains land with frontage on Lake Winnebago, the Fox River and Lake Butte des Morts. Along this frontage there are various private boat landings with ingress and egress directly onto Town roads. Some of these private board landings have not been properly designed, thereby creating hazardous conditions or impeding vehicular traffic in the vicinity of the private boat landings. The Town Board does hereby find that it is necessary to exercise its police powers in order to prevent the problems described above, and in order to promote the public health, welfare and safety of Town residents.
- (d) **Exception.** The provisions of section 10-1-23, above, do not apply in case of a vehicle that becomes disabled while on the Town road in such a manner or to such an extent that it is impossible to avoid stopping or temporarily leaving the vehicle in the prohibited place; or, when the stopping of the vehicle is necessary to avoid conflict with other traffic or to comply with traffic regulations or the directions of a traffic officer or traffic control sign or signal.

Sec. 10-1-24 through Sec. 10-1-39 Reserved for Future Use.

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 of Oshkosh.
- (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 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 of Oshkosh, by or through the use of any motor vehicle, including but not limited to, an automobile, truck, 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 Assignment of Names to Certain Roads.

- (a) **Designation.** The Town of Oshkosh, pursuant to §80.01, Wis. Stats., does ordain as follows:
- (1) That the frontage road on the west side of U.S. Highway 41 shall be named "Green Valley Road" for that entire section of road located within the Town of Oshkosh.
 - (2) That "West Snell Road" which currently run to the east of U.S. Highway 41 and which at that point becomes a frontage road running parallel to U.S. Highway 41 will retain the name of "West Snell Road."
 - (3) That the portion of the road formerly known as "West Snell Road" to the west of U.S. Highway 41 running to Highway 110 shall be renamed "Fountain Avenue."
 - (4) That certain roadway running westerly from "West Snell Road" to the easterly right of way of Highway 110 in the Town of Oshkosh shall be named "Nolte Avenue."
 - (5) That the frontage road on the east side of U.S. Highway 41 in the Town of Oshkosh, south of West Wind Road, shall be named "Marine Drive."
 - (6) That the roadway accepted as part of the Town road system by resolution dated October 13, 1975, and more particularly described below shall be named "Andrews Street."

That part of the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 28, T19NR16E, Town of Oshkosh, Winnebago County, Wisconsin, described as follows:

Commencing at the SE corner of said Section 28, thence S89° 13' W 1752.27 feet along the South line of said Section to the point of beginning, thence continuing S89° 13' W 66 feet along said South line, thence No° 20' W 475 feet, thence N89° 13' E 66 feet, thence SO° 20'E 475 feet to the point of beginning, containing 0.72 acre, more or less. The aforesaid point of beginning being also located 89° 13' E 881.2 feet from the South ¼ corner of said Section 28.

- (7) An unnamed street in the Plat of Island Harbor, in the Northwest ¼ of the Northeast ¼ of Section 29, T19N, R17E, shall be named Killdeer Lane.”
 - (8) That part of Island Point Road running in a north and south direction from Indian Point Road to Lake Winnebago shall be renamed “Channel View Drive.”
 - (9) That part of Island Beach Road running in a north and south direction from County Trunk Highway “A” to Lake Winnebago shall be renamed “British Lane.”
 - (10) Fairview Beach Road and that part of Island Beach Road and Island Point Road which run in an east-west direction adjacent to Lake Winnebago shall be renamed “Island View Drive.”
- (b) **Official Use.** The foregoing names shall be used for all identification purposes, including without limitation, the purposes of the Town of Oshkosh, the Wisconsin Department of Transportation and the Wisconsin Highway Commission.

Sec. 10-1-42 Railroad Crossing Stop.

- (a) It shall be unlawful for any person driving or operating any motor vehicle or other vehicle to drive or cause to be driven on Indian Point Road in said Town across the railroad grade crossings of the Chicago and Northwestern Railroad Company and Soo Line Railroad Company with said road without first coming to a full and complete stop as directed by appropriate stop signs placed in accordance herewith.
- (b) It shall be unlawful for any person driving or operating any motor vehicle or other vehicle to drive or cause to be driven on Sherman Road in said Town across the railroad grade crossings without first coming to a full and complete stop as directed by appropriate stop signs placed in accordance herewith.

Sec. 10-1-44 through Sec. 10-1-49 Reserved for Future Use.

Sec. 10-1-50 Penalties.

- (a) **Forfeiture Penalty.** The penalty for violation of any provision of this Chapter shall be forfeiture as hereafter provided, together with court costs and fees prescribed by §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 §165.87 and 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.**
 - (1) 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.
 - (2) Any person violating Sections 10-1-12 through 10-1-15 may be required to forfeit not less than Fifty Dollars (\$50.00) and nor more than One Hundred Dollars (\$100.00) for the first offense, and not less than Seventy-five Dollars (\$75.00) and no more than One Hundred Twenty-five Dollars (\$125.00) for the second or subsequent conviction within one (1) year of

the commission of the first offense, along with the costs and penalties allowed or imposed by law.

(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 241 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) not more than One Hundred Dollars (\$100.00).

Title 10 – 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 [including Subsections (a) through (i)]
- 23.33(4) Operation on or near highway [including Subsections (a) through (e)]
- 23.33(5)(a)(c) Age restrictions
- 23.33(6) Equipment requirements [including Subsections (a) through (e)]
- 23.33(7) Accidents [including Subsections (a) and (b)]
- 23.33(1) Definitions [including Subsections (a) through (n)]

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 of 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.

Junk Vehicles

10-3-1 Junk Vehicles Regulated

Sec. 10-3-1 Junk Vehicles Regulated.

- (a) **Purpose.** The purpose of this Section shall be to regulate junk cars and the operation of junk car yards located in the Town of Oshkosh, to prevent such yards from becoming nuisances, and from unnecessarily devaluing surrounding property.
- (b) **Definition.** For the purposes of this Section, the words “junk car” shall mean automobiles, trucks, snowmobiles and other vehicles which, if required to be licensed by the state of Wisconsin or another state prior to operation, are not currently so licensed, or are not in operable condition. “Junk cars” shall also mean used parts to or of junk cars and used tires. “Junk cars” do not include vehicles in museums or otherwise held for public display which are maintained in a suitable condition.
- (c) **Prohibition of Junk Cars on Street.** No person shall abandon any partially dismantled, wrecked or junked cars on any street or highway within the Town of Oshkosh.
- (d) **Disposition of Junk Car.**
 - (1) No person in charge or control of any property within the Town, whether as owner, tenant, occupant, lessee, or otherwise, shall allow any junk car to remain on such property longer than seven (7) days; and no person shall leave any junk car on any property within the Town for a longer time than seven (7) days.
 - (2) This Subsection shall not apply to:
 - (a) A vehicle in an enclosed building;
 - (b) A vehicle on the premises of a business enterprise operated in a lawful place and manner, when necessary to the operation of such business enterprise;
 - (c) A vehicle in an appropriate storage place or depository maintained in a lawful place and manner by the Town; or
 - (d) A vehicle on property for which a junk car yard permit or other permit allowing such act has been duly issued by the Town of Oshkosh and is otherwise in effect.
- (e) **Junk Car Dealership License; Fee.**
 - (1) No person who intends to operate a business for the storage or sale of junk cars or parts, including persons who are doing so on the original effective date of this Chapter, shall do so without first obtaining a license

for such business from the Town of Oshkosh. Licenses may be obtained annually by application to the Town Clerk. Applications and payment of a fee of Fifty Dollars (\$50.00).

- (2) Applications shall be made annually to the Clerk on or before December 1 for the year beginning on the following January 1. Applications for licenses for fractional years shall be made at least thirty (30) days prior to the date on which a license is requested to be issued and payment of the full fee shall accompany such application.
 - (3) Applications shall state:
 - (a) The name of the applicant and, if a corporation, its officers, or, if a partnership, its partners;
 - (b) The street address and a description of the property to be used for the junk car business;
 - (c) The current use classification of the property under applicable zoning; and
 - (d) A statement setting forth in reasonable detail the plan of operation proposed for such business.
 - (4) Applications shall be presented by the Clerk to the Town Board for approval within thirty (30) days after receipt. Upon approval by the Town Board, the Clerk shall issue the license provided by this Section.
- (f) **Storage Area.**
- (1) The area in which junk cars are stored or kept by a license must be surrounded by a fence or other structure of at least six (6) feet in height constructed in a manner to obstruct vision. Such enclosure may have gates but these gates must be constructed to obstruct vision and must be kept closed whenever possible in normal operation of the yard.
 - (2) Junk cars may not piled more than ten (10) feet high. The enclosure surrounding the junk car storage area must be more than fifteen (15) feet from the edge of the property owned or controlled by the licensee which is used for junk car storage.
 - (3) Junk cars shall not be kept or stored within two hundred fifty (250) feet of a residential dwelling or five hundred (500) feet of a public road.
- (g) **Sanitary Conditions.** The licensee shall operate the junk car yard in a sanitary manner and maintain it in a sanitary condition. Inflammable materials shall be managed in a way which minimizes any danger of fire. Junk car yards shall be managed in a manner which prevents paper and other scrap material from being borne by the wind or water from the enclosed area.
- (h) **Inspection and Investigation.** The licensee shall allow inspection of the junk car yard at reasonable hours by Town offices at the request of any such official.
- (i) **License Revocation.** The Town Board may hear complaints that junk car yards constitute fire hazards, nuisance or otherwise unnecessarily devalue surrounding property in violation of Subsection (a), or that junk cars are held or disposed in violation of Subsection (d), and upon a finding of such violation may revoke any license for such junk car yard issued under Subsection (e).

- (j) **Town is Not Operator.** The fact that a license has been issued shall not be deemed to make the Town a party to such business, and shall not be a bar to any part in an action to abate a nuisance.