

TITLE 10
Motor Vehicles and Traffic

Chapter 1	Traffic and Parking
Chapter 2	Bicycles
Chapter 3	Snowmobiles
Chapter 4	All-Terrain Vehicles and Off-Road Motor Vehicle Operation
Chapter 5	Abandoned and Junked Vehicles

CHAPTER 1
Traffic and Parking

Article A General Provisions

10-1-1	State Traffic Laws Adopted
10-1-2	State Administrative Code Provisions Adopted
10-1-3	Official Traffic Signs and Control Devices; Prohibited Signs, Signals and Markers
10-1-4	Registration Record of Vehicle as Evidence
10-1-5	School Bus Warning Lights
10-1-6	through
10-1-9	Reserved for Future Use

Article B Controlled Intersections: Street Traffic Regulations

10-1-10	Operators to Obey Traffic Control Devices (Amended 03-12-00, RC-95)
10-1-11	Through Streets Designated (Amended 03-12-00, RC-95) (Amended 10-14-03, Ordinance RC-168) (Amended 4/12/2011, Ordinance RC-303)
10-1-12	Heavy Traffic Routes
10-1-13	Speed Limits
10-1-14	Stop Signs at Street Intersections (Amended 9-16-97, RC-16) (Amended 03-12-00, RC-95) (Amended 5-13-03, RC-158) (Amended 2-9-16, RC-362)
10-1-15	Stop Signs at Railroad Grade Crossings (Amended 8/1/08 Ord RC242)
10-1-16	Yield to Traffic
10-1-17	Emergency Vehicle Preemption (EVP) System With Indicator Light
10-1-18	U-Turns Prohibited. (Created 2/9/2010, Ord 286)
10-1-19	Reserved for Future Use

Article C Parking Regulations

10-1-20	Restrictions on Parking; Posted Limitations
10-1-21	Parking Restrictions During Street Maintenance or Temporary Snow Removal
10-1-22	Stopping or Parking Prohibited in Certain Specified Places (Amended 09/14/1999 by RC-76) (Repealed and recreated 11/23/05, RC-211)
10-1-23	Parking Reserved for Vehicles of Disabled
10-1-24	Municipal Parking Lot Restrictions (Amended 09/14/1999 by Ordinance RC-73) (Amended 12/12/2006 by Ordinance RC-226) (Amended 10/11/2011, Ord. RC-309)
10-1-25	Seasonal Parking (amended 9/15/98 Ordinance RC-51)

- 10-1-26 Angle Parking
- 10-1-27 **Parking Prohibited** Zones (Amended 01/13/98 Ord-26) Amended 09/14/1999 by RC-72) (Amended 11/9/1999 by RC-81)(Amended 12/14/1999 by RC-87)(Amended 02/08/2000 by RC-89) (Amended 06/08/04 Ord RC-185) (Amended 9/21/04 Ordinance RC-189) (Amended 12/14/04 Ordinance RC-196) (Amended 9-19-06 Ord RC-223) (Repealed and Recreated 3/13/07 Ord RC 229) (Amended 4-17-2007 Ord RC-232) (Amended 11/11/2008 Ord RC-258) Adopted 5/11/2010, Ord 288) (Amended 9/13/2010, Ord 291) (Amended 9/13/2011, Ord. RC 307) (Amended 6/12/2012, RC-320), (Amended 10-09-2012, Ord RC-327) (Amended 05-15-2018 Ord. RC-393)
- 10-1-28 **Parking Prohibited During Certain Periods** (Amended 12/8/1998 by RC-60) (Amended 04-12-00, RC-97) (Amended 10/14/03 Ordinance RC-167) (Amended 11/23/05 Ordinance RC-211) (Amended 11/8/2011, RC-312)
- 10-1-29 **Parking of Vehicles Over Twenty Feet or With Two Axles Restricted**
- 10-1-30 **Unlawful Removal of Parking Citations**
- 10-1-31 **Operation of Motor Vehicles in Public Use Parking Lots**
- 10-1-32 **Removal of Illegally Parked Vehicles**
- 10-1-33 through
- 10-1-39 Reserved for Future Use

Article D Miscellaneous Provisions

- 10-1-40 Disturbance of the Peace With a Motor Vehicle
- 10-1-41 Pedestrian Regulations
- 10-1-42 Motor Vehicles on Pedestrian Ways and Overpasses
- 10-1-43 School Crossing Guards
- 10-1-44 Driving Over Curbing or Safety Islands Prohibited
- 10-1-45 Operation of Motor Vehicles on Ice
- 10-1-46 Other Signs Within Public Rights-of-Way
- 10-1-47 through
- 10-1-49 Reserved for Future Use

Article E Enforcement and Penalties

- 10-1-50 Penalties (Amended by 02/09/1999 by RC-62) (Amended 9/23/2008, Ordinance RC-255)
- 10-1-51 Enforcement

ARTICLE A

General Provisions

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

- (a) **Statutes Adopted.** Except as otherwise specifically provided in this Code, the statutory provisions in Chapters 340 to 349 of the Wisconsin Statutes, describing and defining regulations with respect to vehicles and traffic, for which the penalty is a forfeiture only, including penalties to be imposed and procedures for prosecution, 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 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 to 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 City of Delavan, 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 to 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
 - 947.045 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 1991-92 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 (amended 12/9/97 Ordinance RC-21)

- (a) **Administrative Regulations Adopted.** The following administrative rules and regulations adopted by the Secretary of the Wisconsin Department of Transportation and published in the Wisconsin Administrative Code, exclusive of any provisions therein relating to the penalties to be imposed, are hereby adopted by reference and made part of this Chapter as if fully set forth herein.
- Wis. Adm. Code - TRANS 305 Standards for Motor Vehicle Equipment
 - Wis. Adm. Code - TRANS 306 Transportation of Explosives by Motor Vehicle
 - Wis. Adm. Code - TRANS 156 Leasing of Vehicles by Private Carriers
 - Wis. Adm. Code - TRANS 304 Protective Headgear Standards and Specifications
 - Wis. Adm. Code - TRANS 304 Standards and Specifications - Design and Mounting SMV Emblem
 - Wis. Adm. Code - TRANS 325 Motor Carrier Safety Regulations
 - Wis. Adm. Code - TRANS 326 Motor Carrier Safety Requirements for Transportation of Hazardous Materials
 - Wis. Adm. Code - TRANS 327 Motor Carrier Safety

- (b) **Non-Compliance Prohibited.** No person shall operate or allow to be operated on any highway, street or alley within the City 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) **Owner's Liability.** Any owner of a vehicle not equipped as required by this Section who knowingly causes or permits such vehicle to be operated on a highway in violation of this Section is guilty of the violation the same as if he or she had operated the vehicle. The provisions of Sec. 347.04, Wis. Stats., relating to nonapplicability of demerit points shall apply to owners convicted of a violation of this Section.
- (d) **Safety Checks.**
 - (1) Operators to Submit to Inspection. When directed to do so by any law enforcement officer, the operator of any motor vehicle shall stop and submit such vehicle to an inspection and such tests as are necessary to determine whether the vehicle meets the requirements of this Section or that the vehicle's equipment is in proper adjustment or repair. No person, when operating a motor vehicle, shall fail to stop and submit such vehicle to inspection when directed to do so by any law enforcement officer as herein provided.
 - (2) Authority of Officer. Any law enforcement officer of the City is hereby empowered whenever he or she shall have reason to believe that any provision of this Section is being violated to order the operator of the vehicle to stop and to submit such vehicle to an inspection with respect to brakes, lights, turn signals, steering, horns and warning devices, glass, mirrors, exhaust systems, windshield wipers, tires and other items of equipment.
 - (3) Vehicle to be Removed From Highway. Whenever, after inspection as provided by this Section, a law enforcement officer determines that a vehicle is unsafe for operation, he or she may order it removed from the highway and not operated, except for purposes of removal and repair until the vehicle has been repaired as directed in a repair order. Repair orders may be in the form prescribed by the secretary of the Department of Transportation under Sec. 110.075(5), Wis. Stats., and shall require the vehicle owner or operator to cause the repairs to be made and return evidence of compliance with the repair order to the department of the issuing officer within the time specified in the order.
- (e) **Penalty.** 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 Subsection (c) of this Section, together with the costs of prosecution and applicable penalty assessment

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

- (a) **Duty of Director of Public Works 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 Director of Public Works, with the cooperation of the Police Department, 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 Director of Public Works, will carry out the purposes of this Chapter and give adequate warning to users of the streets and highways of the City of Delavan.
- (b) **Code Numbers to be Affixed to Official Traffic Control Devices.** The Director of Public Works 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 an officer 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 City any sign, signal, marker, mark or monument unless permission is first obtained from the Director of Public Works, in consultation with the Chief of Police, or, where applicable, the State Highway Commission. Any sign, signal, marker, mark or monument placed or maintained in violation of this Subsection shall be subject to removal as provided in Subsection (d).
- (d) **Removal of Unofficial Signs, Markers, Signals and Traffic Control Devices.** The Director of Public Works or Chief of Police 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 by the Director of Public Works to the Common Council 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 Sec. 346.485(5)(b), Wis. Stats., shall be a defense for an owner charged with such violation.

SEC. 10-1-5 SCHOOL BUS WARNING LIGHTS.

- (a)
- (1) Notwithstanding the provisions of Sec. 346.48(2)(b)2., Wis. Stats., adopted by reference in Section 10-1-1 to the contrary and except as provided in Subsection (b) below, school bus operators shall use flashing red warning lights in residential and business districts when pupils or other authorized passengers are to be loaded or unloaded at locations at which there are no traffic signals so that pupils must cross the street or highway before being loaded or after being unloaded.
 - (2) The operator of a school bus equipped with flashing red warning lights shall actuate such lights at least one hundred (100) feet before stopping to load or unload pupils or other authorized passengers and shall not extinguish such lights until loading or unloading is completed and persons who must cross the street or highway are safely across.
 - (3) The operator of a school bus shall use the flashing red warning lights when loading or unloading passengers.
 - (4) The operator of a motor vehicle which approaches from the front or rear of any school bus which has stopped on a street or highway when the bus is displaying flashing red warning lights shall stop the vehicle not less than twenty (20) feet from the bus and shall remain stopped until the bus resumes motion or the operator extinguishes the flashing red warning lights. The operator of a school bus, which approaches the front or rear of another school bus that has stopped and is displaying red warning lights, shall stop not less than twenty (20) feet from the other bus, display its red warning lights and remain stopped with red warning lights actuated until the other bus resumes motion or the other operator extinguishes the flashing red warning lights.

- (b) Pursuant to Sec. 349.21(2), Wis. Stats., the use of flashing red warning lights by school bus operators is prohibited when pupils or other authorized passengers are loaded or unloaded directly from or onto the school grounds or that portion of the right-of-way between the roadway and the school grounds in a zone designated by "school" warning signs as provided in Sec. 118.08(1), Wis. Stats., in which a street or highway borders the grounds of a school.

SEC. 10-1-6 THROUGH SEC. 10-1-9 RESERVED FOR FUTURE USE.

ARTICLE B**Controlled Intersections; Street Traffic Regulations****SEC. 10-1-10 OPERATORS TO OBEY TRAFFIC CONTROL DEVICES.**

Every operator of a vehicle approaching an intersection at which an Official Traffic Control Device is erected in accordance with this Chapter shall obey the direction of such Official Traffic Control Device as required by the Wisconsin Statutes incorporated by reference in Section 10-1-1 of this Chapter. Operators of vehicles approaching a stop sign shall stop before entering a highway, through streets or heavy traffic routes as designated herein by Sec. 10-1-11 and 10-1-12, respectively, as required by Sec. 346.46, Wis. Stats. Operators approaching intersections at which a yield sign has been installed shall yield the right-of-way to other vehicles as required by Sec. 346.18(6), Wis. Stats. (Amended 03-12-00, RC-95)

SEC. 10-1-11 THROUGH STREETS DESIGNATED (Amended 7/14/98 Ordinance RC-45) (Repealed & Recreated 5/13/03 Ord. RC-158) (amended 10/14/03 Ordinance RC-168) (Amended 4/12/2011, Ordinance RC-303)

- (1) Ann Street, from the east line of Sixth Street to the west line of Seventh Street; and Ann Street from the east line of Seventh Street to the west line of Wright Street.
- (2) Barnes Street, from the east line of Ray Street to the west line of Sugar Creek Street.
- (3) Beloit Street, from the south line of Walworth Avenue to north line of Washington Street; and from the south line of Washington Street to the southwesterly City limits.
- (4) Birchwood Street, from the west line of Turtle Creek Drive to the westerly end thereof.
- (5) Borg Road, from the south line of Geneva Street to the southerly City limits.
- (6) Bradley Avenue, from the south line of Ann Street to the north line of Geneva Street.
- (7) Coburn Street, from the south line of Geneva Street to the southerly end thereof.
- (8) Creek Road, from the west line of Beloit Street to the westerly City limits.
- (9) Cummings Street, from the south line of Walworth Avenue to the north line of Washington Street; and Cummings Street from the south line of Washington Street to the north line of Wisconsin Street.
- (10) Eighth Street, from the south line of Racine Street to the north line of Wisconsin Street.
- (11) Evergreen Drive, from the north line of Whispering Pines Drive to the northerly end thereof.
- (12) Fourth Street, from the south line of Walworth Avenue to the north line of Washington Street; and Fourth Street, from the south line of Wisconsin Street to the north line of Phoenix Street.
- (13) Franklin Street, from the east line of Richmond Road to the west line of Terrace Street.
- (14) Freemont Street, from the south line of Racine Street to the north line of Wisconsin Street
- (15) Geneva Street, from the east line of Beloit Street to the west line of Spring Street; and Geneva Street from the east line of Terrace Street to the west line of Second Street; and Geneva Street from the east line of Fourth Street to the west line of Seventh Street; and Geneva Street, from the east line of Seventh Street to the west line of Tyrrell Avenue; and Geneva Street from the east line of Tyrrell Avenue to the west line of Wright Street/Borg Road; and Geneva Street, from the west line of Wright Street/Borg Road to the easterly City limits. This Section shall provide for a stop sign at the north line of Geneva Street where the right turn lane from southbound Wright Street intersects westbound Geneva Street. Furthermore, this Section shall also provide for a stop sign at the south line of Geneva Street where the right turn lane from northbound Borg Road intersects eastbound Geneva Street (Amended 7/14/98 Ordinance RC-45)
- (16) Hallberg Street, from the south line of Mound Road to the north line of Hobbs Drive.
- (17) Harrison Street, from the south line of Racine Street to the north line of Wisconsin Street
- (18) Hobbs Drive, from the east line of Wright Street to the south line of Mound Road.

- (19) Holland Avenue, from the east line of Sixth Street to the west line of Tyrrell Avenue.
- (20) Main Street, from the south line of McDowell Street to the north line of Walworth Avenue; and Main Street, from the south line of Walworth Avenue to the north line of Washington Street (Amended 10/14/03 Ordinance RC-168)
- (21) Matthew Street, from the east line of Terrace Street to the west line of Second Street; and Matthew Street from the east line of Second Street to the west line of Fourth Street.
- (22) McDowell Street, from the east line of Terrace Street to the west line of Seventh Street.
- (23) Mound Road, from the south line of Racine Street to the easterly City limits.
- (24) Ninth Street, from the north line of Wisconsin Street to the west line of Harrison Street.
- (25) Park Avenue, from the south line of Phoenix Street to the southerly end thereof.
- (26) Phoenix Street, from the east line of Second Street to the west line of Seventh Street; and Phoenix Street from the east line of Seventh Street to the west line of Tyrrell Avenue; and Phoenix Street from the east line of Tyrrell Avenue to the west line of Borg Road.
- (27) Racine Street, from its intersection with Walworth Avenue to the west line of Sugar Creek Street/Wright Street; and Racine Street from the east line of Sugar Creek Street/Wright to the northeasterly City limits.
- (28) Ray Street, from the north line of Laurel Heights Drive to the north line of Racine Street; and Ray Street from the south line of Racine Street to the north line of Wisconsin Street.
- (29) Richmond Road, from the north line of Walworth Avenue to the northwesterly City limits.
- (30) Saint Lawrence Drive, from the west line of Beloit Street to the northerly end thereof.
- (31) Second Street, from the south line of McDowell Street to the north line of Walworth Avenue; and Second Street, from the south line of Walworth Avenue to the north line of Washington Street; and Second Street from the south line of Washington Street to the southerly City limits.
- (32) Seventh Street, from the north line of High Street to the north line Walworth Avenue; and Walworth Avenue from the south line of Walworth Avenue to the south line of Geneva Street; and Seventh Street, from the south line of Phoenix Street to the north line of Holland Avenue. This Section shall provide for a stop sign at the west line of Seventh Street where the right turn lane from eastbound Walworth Avenue intersects southbound Seventh Street.
- (33) Sixth Street, from the south line of Wisconsin Street to the north line of Geneva Street; and Sixth Street, from the south line of Phoenix Street to the southerly end thereof.
- (34) Spring Lane, from the south line of Washington Street, to the north line of Geneva Street.
- (35) Sugar Creek Street from the north line of Racine Street to the northerly City limits.
- (36) Terrace Street, from the north line of Walworth Avenue to the northerly City limits; and Terrace Street from the south line Washington Street to the south line of Geneva Street.
- (37) Third Street, from the south line of McDowell Street to the north line of Walworth Avenue; and Third Street from the south line of Walworth Avenue to the north line of Washington Street.
- (38) Turtle Creek Drive, from the south line of Walworth Avenue to the north line of Creek Road.
- (39) Tyrrell Avenue, from the south line of Phoenix Street to the west line of Park Avenue.
- (40) Walnut Street, from the south line of Walworth Avenue to the north line of Washington Street.
- (41) Walworth Avenue from the westerly City limits to the west line of Beloit Street extended; and Walworth Avenue from the east line of Beloit Street extended to the west line of Seventh Street; and Walworth Avenue from the east line of Seventh Street to its intersection with Racine Street.
- (42) Washington Street, from the east line of Cummings Street to the west line of Beloit Street; and Washington Street from the east line of Beloit Street to the west line of Second Street; and Washington Street, from the east line of Second Street to the west line of Seventh Street.
- (43) Whispering Pines Drive, from the west line of Turtle Creek Drive to the westerly end thereof.

- (44) Wisconsin Street, from the west line of Cummings Street to the west line of Beloit Street; and Wisconsin Street, from the north line of Geneva Street to the west line of Spring Street; and Wisconsin Street, from the east line of Seventh Street to the west line of Wright Street; and Wisconsin Street, from the east line of Wright Street to the west line of Hallberg Street. (Amended 10/14/03 Ordinance RC-168)
- (45) Wright Street, from the south line of Racine Street to the north line of Hobbs Drive; and Wright Street, from the south line of Hobbs Drive to the north line of Geneva Street. This Section shall provide for a stop sign at the west line of Wright Street where the right turn lane from eastbound Hobbs Drive intersects southbound Wright Street. This Section shall also provide for a stop sign at the north line of Hobbs Drive where the right turn lane from southbound Wright Street intersects westbound Hobbs Drive. (Amended 03-12-00, RC-95)

SEC. 10-1-12 HEAVY TRAFFIC ROUTES.

- (a) **Definition.** For purposes of this Section, heavy traffic shall be defined as:
 - (1) All vehicles not operating completely on pneumatic tires; and
 - (2) All vehicles or combination of vehicles, other than motor buses, designed or used for transporting property of any nature and having a gross weight of more than ten thousand (10,000) pounds and more than two (2) axles.
- (b) **Prohibited Routes.** Heavy traffic is prohibited from using any City street or highway not designated as a heavy traffic route. This Section shall not act to prohibit heavy traffic from using a City street or highway for the purpose of obtaining orders for supplies or moving or delivering supplies or commodities to or from any place of business or residence which has an entrance on such street or highway. Furthermore, this Section will not act to prohibit heavy traffic from using any City streets over which are routed state trunk highways. When being driven to the site of any construction, repair or maintenance of electric, gas or water service, vehicles owned and operated by a public utility will be exempt from the provisions of this Section.
- (c) **Administration.** The Director of Public Works, in cooperation with the Police Department, shall administer this Section. Administration shall include:
 - (1) Posting of Signs. Appropriate signs shall be posted giving notice of this Section and of the heavy traffic routes established herein. Yellow signposts shall also be used to designate heavy traffic routes.
 - (2) Maps. Maps of the City showing heavy traffic routes shall be prepared and shall be available upon request by heavy traffic operators and owners.
 - (3) Construction Equipment.
 - a. The Director of Public Works may grant temporary permits to allow heavy construction equipment to use City streets or highways not designated as heavy traffic routes. These permits may be granted only when use of a non-designated route is necessary for the equipment to reach a construction site. No permit may be issued unless the person or corporation owning the equipment agrees to reimburse and hold the City harmless for any damage done to the City street by the equipment and/or any personal injury or property damage caused in part or in whole by the street damage.
 - b. City-owned or operated equipment is specifically excluded from the provisions of this Section.
- (d) **Liability.** Any operator, corporation, owner or agent whose heavy traffic vehicle damages any City streets or highways in violating this Section shall be liable and required to pay the City the cost of repair or replacement of the damaged street or highway.

- (e) **Special and Seasonal Weight Limitations.** The Director of Public Works shall have the authority to impose special or seasonal weight limits on any highway, bridge or culvert maintained by the City to prevent injury to the roadway or for the safety of the users of such bridge or culvert and shall be responsible for erecting Uniform Traffic Control Devices giving notice thereof in accordance with the proving of Section 10-1-3.
- (f) **Routes Designated.** The following streets in the City are hereby designated as heavy traffic routes:
- (1) Interstate Highway 43.
 - (2) State Highways 11, and 50,
 - (3) County Highways O, P, X, and M.
 - (4) Wright Street.
 - (5) Wisconsin Street, from Wright Street to Hallberg Street.
 - (6) Hallberg Street.
 - (7) Mound Road.
 - (8) Ann Street, from Seventh Street to Wright Street.
 - (9) Hobbs Drive.

State Law Reference: Sec. 349.17, Wis. Stats.

SEC. 10-1-13 SPEED LIMITS.

- (a) **State Speed Limits Adopted.** The provisions of Sections 346.57, 346.58, and 346.59, Wis. Stats., relating to the maximum and minimum speed of vehicles are hereby adopted as part of this Section as if fully set forth herein, except as specified by this Section pursuant to Sec. 349.11-3)(c), Wis. Stats., where the Common Council has determined that the statutory speed limits are unreasonable, unsafe, and imprudent, and has modified such limits.
- (b) **Speed Limits Modified.** The speed limits are modified as hereinafter set forth upon the following streets or portions thereof between the limits designated:
- (1) Thirty-five (35) miles per hour on South Second Street from Homestead Road to the southerly corporate limits.

SEC. 10-1-14 STOP SIGNS AT STREET INTERSECTIONS (Amended 03-12-00, RC-95) (Amended 5/13/03, Ord. RC-158)

- (a) **Purpose.** All streets intersecting those streets herein designated in Section 10-1-11 heavy traffic routes shall have official stop signs of the size and type prescribed in Sec. 349.08, Wis. Stats., placed at their intersections with said streets so designated as heavy traffic routes.
- (b) **Four (4) Way Stop Signs.** Four (4) way stop signs, being defined as official stop signs of the type prescribed in the preceding Subsection (a), placed at all four (4) corners of an intersection, shall be placed at the following street intersections:
- (1) Parish and North Eighth.
 - (2) Phoenix and South Seventh.
 - (3) Phoenix and Tyrrell.
 - (4) South Second and East Washington.
 - (5) Spring Lane, Spring Drive, and West Geneva.
 - (6) Beloit and Washington.
 - (7) Phoenix Street and Park Avenue (Created 9-16-97, Ord. RC-16)
 - (8) North Shore Drive and Borg Road. (Created 5-8-01, Ord. RC-112)
 - (9) Washington and Cummings Street. (Created 5-13-03, Ord. RC-158)
 - (10) Lawson School Road and Creek Road. (Created 2-9-16, Ord RC-362)

- (c) Traffic control signals, as defined in Sec. 340.01(69), Wis. Stats., shall be installed at the four (4) corners of the following intersections for the control of traffic:
- (1) At the junction of Walworth Avenue and Seventh Street (junction of State connecting Highways 11 and 50).
 - (2) At the junction of Geneva Street (State Connecting Highway 50) and Wright Street.
 - (3) At the junction of Geneva Street (State Connecting Highway 50) and Tyrrell Avenue to the south/Tyrrell Court to the north.
 - (4) At the junction of Racine Street (State Connecting Highway 11) and Wright Street to the south/Sugar Creek Street to the north.
 - (5) At the junction of Wright Street and Hobbs Drive (created 9/15/98 Ordinance RC-52)
 - (6) At the junction of Geneva Street (State Connecting Highway 50) and North Shore Drive. (Created 3/12/02 Ord. RC-133)
 - (7) At the junction of Geneva Street (State Connecting Highway 50) and the northbound ramps of Interstate 43. (Created 3/12/02 Ord. RC-133)
 - (8) At the junction of Geneva Street (State Connecting Highway 50) and the southbound ramps of Interstate 43. (Created 3/12/02 Ord. RC-133)
 - (9) At the junction of Geneva Street (State connecting Highway 50) and Lakeside Boulevard. (Created 3/19/19 Ord. 406).
- (d) In the interests of public safety, stop signs shall be installed at the following locations to control traffic on the streets over which the City has exclusive jurisdiction:
- (1) On northbound Beloit Street at its intersection with the south line of Walworth Avenue.
 - (2) On eastbound Geneva Street at its intersection with the west line of Seventh Street.
 - (3) On westbound Geneva Street at its intersection with the east line of Seventh Street.
 - (4) On westbound Parish Street at its intersection with Fifth Street.
 - (5) On northbound Seventh Street at its intersection with the south line of Geneva Street.
 - (6) On eastbound Walworth Avenue at its intersection with the west line of Beloit Street.

SEC. 10-1-15 STOP SIGNS AT RAILROAD GRADE CROSSINGS. (Amended 01/1/08 Ord RC242)

Traffic on South Fourth, Fifth, Sixth *and Hallberg* Streets shall stop at the public traveled railroad grade crossings thereon before proceeding to cross the same, and official stop signs of the size and type prescribed in Sec. 349.08, Wis. Stats., shall accordingly be installed.

SEC. 10-1-16 YIELD TO TRAFFIC.

In the interests of public safety, yield signs shall be erected at the following street locations and vehicular traffic entering the respective hereinafter identified intersections from said streets shall yield the right-of-way to all cross traffic at said respective intersections:

- (a) On westbound Park Place at its intersection with the east line of Main Street.
- (b) On eastbound Matthew Street at its intersection with the west line of Fourth Street.
- (c) On westbound Ann Street at its intersection with the east line of Sixth Street.
- (d) On northbound Seventh Street at its intersection with the north line of Geneva Street.
- (e) I-43 Northbound exit ramp, east bound onto Geneva Street.
- (f) I-43 Southbound exit ramp, west bound onto Geneva Street.
- (g) On southbound Terrace Street at Springs Park.
- (h) On southbound Harrison Street at its intersection with Edward Street.

SEC. 10-1-17 EMERGENCY VEHICLE PREEMPTION (EVP) SYSTEM WITH INDICATOR LIGHT

- (a) EVP is a traffic control system designated for use by emergency vehicles to improve traffic movement by temporarily taking control of signalized intersections.
- (b) The EVP system may be utilized in connection with emergency responses as follows:
 - (1) Authorized Emergency Vehicles owned by the City of Delavan may use the EVP system and exercise the privileges and conditions set forth in Wisconsin Statutes 347.255 subject to the conditions stated in Wisconsin Statutes 346.03. Unless otherwise approved by the City of Delavan, in writing, any other use of the EVP system is prohibited. The Fire and Police Departments shall develop procedures for the use of the EVP system.
 - (2) An indicator light shall be mounted near the detector, which is directed toward oncoming emergency vehicles to inform the operator whether or not the traffic control signal has been preempted in their direction.
 - (3) The EVP system may be activated by authorized personnel for periodic testing, maintenance or repair of the EVP system.
 - (4) The use of the City's EVP system by Non-City of Delavan emergency vehicles is allowed only if specifically authorized by the City of Delavan.
 - a. A request by an outside agency for authorization to utilize the EVP system should be submitted in writing to the City Administrator. Submittal shall also include a copy of the requesting agency's certificate of insurance and verification that emergency vehicle operators have completed a comprehensive training program. An application for access to the EVP system shall be reviewed by a committee consisting of the Fire Chief, Police Chief and the Director of Public Works, or their designees. Signing of appropriate contracts may also be required. The decision of the committee shall be final.

SEC. 10-1-18 U-TURNS PROHIBITED. (Created 2/9/2010, Ord 286)

a) Prohibited on certain streets.

It is unlawful for the operator of a vehicle to turn such vehicle on Walworth Avenue, between the intersections of Terrace Street to Sixth Street, so as to proceed in the opposite direction, meaning, thereby that no U-turns shall be made in the above intersections.

b) Prohibited at certain intersections.

In the interests of public safety, signs shall be erected such that no U-turns shall be permitted by vehicular traffic entering the respective hereinafter-identified intersection(s):

- 1) On eastbound Geneva Street at its intersection with North Shore Drive
- 2) On westbound Geneva Street at its intersection with North Shore Drive
- 3) On northbound North Shore Drive at its intersection with Geneva Street
- 4) On southbound Rowley Road at its intersection with Geneva Street.

*For the statutory provisions authorizing local authorities to regulate turns, see WI Stats. 349.10

10-1-19 RESERVED FOR FUTURE USE.

ARTICLE C
Parking Regulations

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

- (a) **Twenty-four (24) 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 street or public parking lot owned by the City in the City for a period of twenty-four (24) 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 police 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 police officer may cause said vehicle to be removed to a proper impoundment and storage area within the City 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 may recover the possession thereof.
- (b) **Posted Limitations.**
 - (1) The Common Council 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 City shall mark, by appropriate signs, each zone so designated in accordance with the provisions of Sec. 349.13, Wis. Stats.
 - (2) Except when necessary to avoid conflict with other traffic or in compliance with the directions of a police 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 Chief of Police, Director of Public Works and/or emergency personnel are hereby granted the authority, within the reasonable exercise of police power to prohibit, limit the time or otherwise restrict the stopping, standing or parking of vehicles beyond the provisions of Chapter 346 and shall also 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.
 - (5) After the parking limitations on any given street have expired, any change of location of not more than one (1) stall or less moving less than twenty (20) feet following expiration of the parking period allowed shall be and constitute a violation of this Chapter.

SEC. 10-1-21 PARKING RESTRICTIONS DURING TEMPORARY SNOW REMOVAL OR STREET MAINTENANCE.

- (a) **Street Maintenance.** Whenever it is necessary to clear or repair a City roadway or any part thereof, the Director of Public Works and/or Police Department shall post such highways or parts thereof with signs bearing the words "No Parking Police Orders." Such signs shall be erected prior to the time that street maintenance work is to be commenced. No person shall park a motor vehicle in violation of such signs.

- (b) **Temporary Parking Restrictions for Special Events.** Pursuant to the provisions of Subsection 349.13, Wis. Stats., the Chief of Police is authorized to direct that temporary "No Parking" signs be erected by the Director of Public Works during parades, festivals and other authorized events that require the regulating of vehicle stopping, standing or parking on City roadways. The temporary regulation shall be limited to the time the event exists or is likely to exist.
- (c) **Parking During Snow Removal.** No person shall park, place or leave standing any automobile, truck or other vehicle on any street or public way after one (1) hour from the time such area has been designated and marked with signs or barriers by the Police Department and/or the Director of Public Works of the City indicating no parking due to special snow removal.

SEC. 10-1-22 STOPPING OR PARKING PROHIBITED IN CERTAIN SPECIFIED PLACES (Repealed and recreated 11/23/05, RC-211)

- (a) **Parking in Driveways.** No person shall park or leave standing any motor vehicle in any private driveway without the permission of the owner or lessee of the property, which such driveway is located, whether or not such driveway is posted to limit, or restrict parking.
- (b) **Vehicles Not to Block Private Drive, Alley or Fire Lane.** No person shall stop or leave any vehicle standing in any of the following places except temporarily for the purpose of and while actually engaged in loading or unloading or in receiving or discharging passengers and while the vehicle is attended by a avoid obstruction of traffic in a public alley or a fire lane located on public or private property or any vehicle parked within four (4) feet of either side of the private property or any vehicle parked within four (4) feet of either side of the entrance to a private drive, alley or fire lane. Upon discovery by a police officer or upon complaint by the owner of any such blocked drive, alley or fire lane, the Chief of Police may order said vehicle towed from such position at the risk and expense of the owner of said vehicle. (Repealed and Recreated 3/13/07 Ord RC 229)
- (c) **Parking Vehicle for Repair or to Display for Sale Prohibited.**
 - (1) Repealed 09/14/1999 by RC-76
 - (2) No person other than an owner and/or operator of a business located on business-zoned property engaged in the regular business of selling vehicles may display a vehicle for sale upon private premise unless all of the following conditions are met:
 - a. Consent to display the vehicle has been given by the owner or lessee of the premises; and
 - b. The owner of the vehicle is on the premises or resides there; and
 - c. The vehicle displayed for sale is parked entirely on the premises; and
 - d. The premises contains only one (1) vehicle displayed for sale; and
 - e. The advertisement or sign for sale of the vehicle is not larger than two (2) square feet
- (d) **Terrace Parking.** Parking of motor vehicles between the curb line area and the sidewalk area, commonly referred to as the "terrace," is prohibited. An exception to the provisions of this Subsection shall be the parking of motor vehicles in driveways, approaches, or areas designated for that purpose and not in violation of other Sections of this Chapter.
- (e) No person shall stop or leave standing any vehicle, whether attended or unattended, whether temporarily or otherwise in any of the following places
 - (1) Geneva Street, on both sides, from the west line of Seventh Street to a point twenty-six hundred (2,600) feet east of North Shore Drive. (Repealed and recreated 11/23/05, RC-211)
 - (2) Seventh Street, on the east side, from the south line of Wisconsin Street to the north line of Geneva Street.
 - (3) Racine Street, on both sides, from the east line of Ludwig Street to the east line of Sunshine Avenue.
 - (4) North Shore Drive, on both sides, from the south line of Geneva Street to a point twenty-four hundred (2,400) feet south of Geneva Street. (Repealed and recreated 11/23/05, RC-211)
 - (5) Rowley Road, on both sides, from the north line of Geneva Street to a point twelve hundred (1,200) feet north of Geneva Street. (Repealed and recreated 11/23/05, RC-211)

SEC. 10-1-23 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 hereinafter 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. 10-1-24 MUNICIPAL PARKING LOT RESTRICTIONS. (Amended 2-13-01, Ord. RC-109) (Amended 10/11/2011, Ord. RC-309) (Amended 5-10-16, Ord. RC-366)

No person shall park, stop or leave standing any vehicle, whether attended or unattended, within any municipal parking lot that has stalls marked thereon except in such a position that the vehicle shall be entirely within the area so designated by such lines or markings, nor in such a manner so as to partially occupy more than one parking stall. Furthermore no heavy traffic as defined in Subsection 10-1-12 shall park, stop or be left standing, whether attended or unattended, within any municipal parking lot excepting (c) North Third Street Parking Lot.

(a) Aram Public Library Parking Lot.

(1) Usage of the north half of this municipal parking lot is and shall be restricted to the following:

- a. Library employees;
- b. Persons visiting said library on library business;
- c. Members of the public using the library for normal library purposes; or
- d. For other duly authorized purpose.

(2) Parking of commercial vehicles, excepting as they may qualify under the usage restrictions of this Subsection, is specifically prohibited.

(3) The south half of said library parking lot shall be available for general public parking, subject to usage restrictions applicable to other municipal parking lots.

(b) Neill R. Flood Fire Station All parking spaces, as delineated on the east and west side of the Fire Station located at 811 Ann Street shall be reserved only for persons authorized by the Fire Chief or Fire Department officials.

(c) North Third Street Parking Lot. The twenty-four (24) hour parking regulations for municipal parking lots as provided in Section 10-1-20(a) shall apply to this lot. (Amended 12/12/06 by Ordinance RC-226)

(d) South Second Street Parking Lots. The twenty-four (24) hour parking regulations for municipal parking lots as provided in Section 10-1-20(a) shall apply to these lots located in the "100 block" on the west and east side of South Second Street contiguous to the public alley. (Amended 12/12/06 by Ordinance RC-226)

(e) Municipal Building Parking Lot. (Repealed and recreated 10/9/01 Ord. RC-123)

(1) The ten (10) parking stalls located immediately south of the Municipal Building shall be reserved for Police Department vehicles and Police employee vehicles. (Amended 12/12/06 by Ordinance RC-226)

(2) The southern three (3) parking stalls, as delineated, along the eastern side of this Municipal Parking lot shall be reserved for Police Department personnel and persons on Police Department business.

(3) The northern six (6) parking stalls, as delineated, along the eastern side of this Municipal Parking lot shall be reserved for Employees and Officials of the City of Delavan. (Amended 6-10-97, Ordinance RC-6)

(f) **North Second Street Parking Lot.**

- (1) The twenty-four (24) hour parking regulations for municipal parking lots as provided in Section 10-1-20(a) shall not apply to this lot excepting as follows in this Subsection.
- (2) It is recognized, because of the nature of the hotel business, which this lot is intended to serve, as to overnight and more extended guest registrations, meetings, and convention trade, accordingly, a permit system is hereby established, and the Delavan House Hotel is hereby authorized to issue permits for guests' stays and related parking, for periods not to exceed seventy-two (72) hours, which permits shall show the date and time of issuance to guests and estimated departure times, if less than seventy-two (72) hours, or the maximum of seventy-two (72) hours, whichever is less, such permits to be placed inside the front windshields of guests' cars while parked in said lot. Such permits shall be reissuable by the hotel should stay(s) of guests be extended beyond original estimated departure time or beyond the seventy-two (72) hour maximum for permits. Should a guest so park longer than the permit issuance time [and more than twenty-four (24) hours] and the same shall not have been extended by renewal permit, he shall be subject to ticketing for a twenty-four (24) hour parking violation. This permit privilege shall extend only to temporary hotel guests. It shall not extend to permanent hotel residents or to the general public. Parking shall only be allowed by permit within this entire lot, between the hours of 3:00 am and 6:00 am. (Amended

(g) **Wisconsin Street Parking Lot** (created 9/15/98 Ordinance RC-53) (Partially repealed 10/11/2011, Ord. RC-309)

- ~~(1) The easterly six (6) stalls, as delineated, along the southern side of this municipal parking lot shall be reserved for Fire Department personnel and persons on Fire Department Business. (RC-73)~~
- (2) The westerly four (4) stalls, as delineated, along the northern side of the center island of the municipal parking lot shall be designated as “motorcycle parking only”.

SEC 10-1-25 SEASONAL PARKING. (Amended 9/15/98 Ordinance RC-51) (Repealed & recreated 11/13/01 Ord. RC-125) (Repealed & recreated 12/17/01 Ord. RC-130)

- (a) **Alternate Side Parking.** The parking or leaving standing of any vehicle on any street in the City within the period commencing November 15 of each year through March 15 of the following year shall be allowed only on alternate sides of the street as more specifically hereinafter defined. On even numbered calendar days, vehicles may be parked on that side of the street where even numbered buildings are, or would be located, between the hours of 3:00 a.m. to 6:00 a.m. On odd numbered calendar days, vehicles may be parked on that side of the street where odd numbered buildings are, or would be located, between the hours of 3:00 a.m. to 6:00 a.m.
- (b) **Limitations on Alternate Side Parking Provision.** The provision in Subsection (a) for alternate side parking shall not be deemed to permit parking where otherwise prohibited by ordinance. Additionally, the provision in Subsection (a) for alternate side parking shall not apply to those streets identified in Section 10-1-28(b). (Amended 11/14/00, RC-104)

SEC. 10-1-26 ANGLE PARKING.

- (a) Angle parking or parking diagonally is prohibited on all the streets, alleys and highways of the City except where vehicle parking markers indicate that the same is permissible. All vehicles shall park parallel to, and within one (1) foot of, the curb except where streets and parking lots are so marked for angle parking.
- (b) No person shall at any time park any vehicle:
 - (1) In any direction other than the designated parking angle, where angle parking spaces are so designated and provided by appropriate markings.
 - (2) Backwards into angle parking spaces so designated and provided by appropriate markings.
 - (3) With a trailer attached or any vehicle longer than twenty (20) feet on any street where angle parking is so provided and allowed.

SEC. 10-1-27 PARKING PROHIBITED ZONES. (Amended 4-17-2007 Ord RC-232) (Amended 9/13/2011, Ord. RC 307) (Amended 10/11/2011, Ord. RC-309) (Amended 6/12/2012, RC-320)

- (a) No person shall park or leave standing any vehicle upon any of the following highways, streets, or parts thereof, except temporarily for the purpose of and while actually engaged in receiving or discharging passengers and while the vehicle is attended by a licensed operator so that it may promptly be moved in case of emergency or to avoid obstruction of traffic:
- 1) Ann Street, on the south side, from Sixth Street to Seventh Street; Ann Street on the south side, from Eighth Street to Wright Street; Ann Street on the north side, from Wright Street to a point three hundred (300) feet east of Harrison Street; Ann Street on the north side, from a point one hundred seventy-five (175) feet east of Eighth Street to Eighth Street. (Amended 1/13/98 Ordinance RC-26) (Amended 10/11/2011, Ord. RC-309)
 - 2) Bauer Parkway, on the west side, from Hobbs Drive to Geneva Street; Bauer Parkway, on the east side, from a point two hundred (200) feet south of Hobbs Drive to Hobbs Drive. (Amended 6/08/2004 Ordinance RC-185)
 - 3) Beloit Street, on the west side, from Walworth Avenue to Wisconsin Street and Beloit Street, on both sides, from Wisconsin Street to the western City maintenance limits.
 - 4) Borg Road, on both sides, from Geneva Street to the south line of Linn Road.
 - 5) Burr Oak Court, on the north side from North Seventh Street east to the end of the street. (Created 05-15-2018, Ord. RC-393)
 - 6) Creek Road, on both sides, from Beloit Street to the western City maintenance limits.
 - 7) Eighth Street, on both sides, from Racine Street, to a point one hundred thirty (130) feet north of Racine Street; Eighth Street, on the west side, from Walworth Avenue to Wisconsin Street.
 - 8) Enterprise Drive, on the west side, from Racine Street to the northern City maintenance limits.
 - 9) Faryl Avenue, on the west side, from Phoenix Street to a point nine hundred (900) feet south of Phoenix Street.
 - 10) Franklin Street, on the north side, from a point fifty (50) feet east of Marino Avenue west. (Adopted 5/11/2010 Ord. RC-288)
 - 11) Geneva Street, on both sides, from a point two hundred (200) feet west of Seventh Street to the eastern City maintenance limits.
 - 12) Grebby Street, on the north side, from Hallberg Street to a point eight hundred (800) feet west of Hallberg Street
 - 13) Grove Street, on the north side, from Seventh Street to Eighth Street.
 - 14) Hallberg Street, on the west side, from Mound Road to Hobbs Drive. Hallberg Street, on the east side, from a point three hundred (300) feet south of Woolsey Street to a point one hundred sixty (160) feet south of Woolsey Street (Amended 9-19-06 Ord RC-223)
 - 15) Harrison Street, on both sides, from Wisconsin Street to Ann Street.
 - 16) Hobbs Drive, on the north side, from Wright Street to Bauer Parkway; Hobbs Drive, on the south side, from Bauer Parkway to a point two hundred (200) feet east of Bauer Parkway; Hobbs Drive, on the both sides, from Wright Street to a point three hundred (300) feet east of the most easterly drive into Congdon Park; Hobbs Drive on the north side, from a point three hundred (300) feet east of the most easterly drive into Congdon Park to Mound Road; Hobbs Drive, on the east side, from Mound Road to Marsh Road. (amended 6/08/2004 Ordinance RC-185) (amended 3/19/2019 Ordinance RC-407)
 - 17) Iowa Street, on the west side, from Wisconsin Street to Ninth Street.
 - 18) Lakeside Boulevard, on both sides, from Geneva Street to a point twelve hundred (1,200) feet south of Geneva Street. (created 3/19/2019 Ordinance RC-407)
 - 19) Main Street, on the west side from Walworth Avenue to a point one hundred seventy (170) feet south of Walworth Avenue; Main Street, on the east side, from Wisconsin Street to Matthew Street.
 - 20) Matthew Street, on the north side, from Second Street to Main Street. (Adopted 9/13/2010 Ord. RC-291) (Amended 9/13/2011, Ord. RC 307)
 - 21) Marino Avenue west, on the east side, from the north line of Franklin Street to a point four hundred (400) feet north of Franklin Street. (Adopted 5/11/2010 Ord. RC-288)
 - 22) McDowell Street, on the north side, from a point one-hundred sixty (160) feet west of Terrace Street to the Veteran's Memorial Park parking lot; McDowell Street, on the south side, from Veteran's Memorial Park

- parking lot to Terrace Street. McDowell Street, on both sides, from Second Street to a point forty (40) feet west of Second Street. (Amended 10-09-2012 Ord. RC-327)
- 22) Michigan Street, on the north side, from Eighth Street to Ninth Street.
 - 23) Mound Road, on both sides, from Racine Street to the eastern City maintenance limits.
 - 24) Ninth Street, on the east side, from Wisconsin Street to Iowa Street.
 - 25) Ninth Place, on both sides, from Iowa Street to Harrison Street
 - 26) North Shore Drive, on the west side, from Geneva Street to a point two hundred (200) feet north of the Delavan Lake outlet bridge; North Shore Drive, on the east side, from a point nine hundred (900) feet north of the Delavan Lake outlet bridge to Geneva Street. (Amended 6/12/2012, RC-320)
 - 27) Oak Street, within the cul-de-sac on easterly end of Street.
 - 28) Parish Street, on the north side, from east line of North Fifth Street to west line of North Seventh Street.
 - 29) Park Place, on the south side, from Main Street to Second Street.
 - 30) Phoenix Street, on both sides, from Park Avenue to Borg Road; Phoenix Street, on both sides from Bowers Boulevard to a point one hundred ten (110) feet east of Bowers Boulevard (Amended 4-17-2007, Ord RC-232)
 - 31) Racine Street, on both sides, from Walworth Avenue to the eastern City maintenance limits.
 - 32) Richmond Road, on the west side, from Walworth Avenue to the northern City maintenance limits; Richmond Road, on the east side, from a point two hundred (200) feet north of Walworth Avenue to the northern City maintenance limits.
 - 33) Rowley Road, on both sides, from Geneva Street to a point twelve hundred (1,200) feet north of Geneva Street. (Amended 6/12/2012, RC-320)
 - 34) Schauf Street, on the north side, from Cummings Street to Walnut Street.
 - 35) Second Street, on the west side from Wisconsin Street to a point one hundred and forty (140) feet south;
 - 36) Second Street, on the east side, from Wisconsin Street to Matthew Street; Second Street, on the east side, from Phoenix Street to a point one hundred (100) feet north of Phoenix Street; Second Street, on both sides, from Phoenix Street to the southern City maintenance limits.
 - 37) Seventh Street, on the east side, from a point seventy-five (75) feet north of Walworth Avenue to a point two hundred (200) feet south of Walworth Avenue; Seventh Street, on the west side, from a point one hundred twenty five (125) feet north of Walworth Avenue to a point one hundred (100) feet north of Ann Street; Seventh Street, on the east side, from Grove Street to a point two hundred (200) feet south of Geneva Street; Seventh Street on the west side, from Ann Street to a point four hundred (400) feet north of Geneva Street; Seventh Street on the west side, from a point one hundred (100) feet north of Geneva Street to a point two hundred (200) feet south of Geneva Street; (Amended 11/11/2008, Ord RC-258)
 - 38) Sugar Creek Street, on the west side, from Racine Street to the northern City maintenance limits; Sugar Creek Street, on the east side, from Racine Street to a point two hundred (200) feet north of Racine Street; Sugar Creek Street, on the east side, from a point seven hundred fifty (750) feet north of Racine Street to the northern City maintenance limits.
 - 39) Terrace Street, on the west side, from Washington Street to Walworth Avenue; Terrace Street, on the east side, from Washington Street to a point one hundred thirty (130) feet north of Washington Street; Terrace Street, on the east side, from Walworth Avenue to a point one hundred twenty (120) feet south of Walworth Avenue; Terrace Street, on the west side, from McDowell Street to a point one hundred fifty (150) feet north of Mar Del Drive; Terrace Street, on the west side, from a point two hundred seventy five (275) feet north of Mar Del Drive to the northern City maintenance limits; Terrace Street on the east side, from McDowell Street to the northern City maintenance limits.
 - 40) Tyrell Avenue, on both sides, from Geneva Street to a point two hundred (200) feet south of Geneva Street.
 - 41) Tyrrell Court, on the west side, from Geneva Street to a point two hundred (200) feet north of Geneva Street, and on the east side from Geneva Street to a point three hundred fifty (350) feet north of Geneva Street. (Amended 6/08/2004 RC-185)
 - 42) Walworth Avenue, on both sides, from the western City maintenance limits to Main Street; Walworth Avenue, on the north side, from a point one hundred twenty (120) feet west of Seventh Street to Racine

- Street; Walworth Avenue, on the south side, from a point two hundred twenty (220) feet west of Seventh Street to Racine Street.
- 43) Washington Street, on the south side, from Cummings Street to Seventh Street, excepting between Main and Second Streets where parking shall be allowed on Sundays only; Washington Street, on the north side, from Seventh Street to a point two hundred (200) feet west of Seventh Street; Washington Street, on the north side, from a point one hundred and eighty (180) feet west of Third Street to Second Street; Washington Street, on the north side from Terrace Street to Brook Lane. (RC-87)
- 44) Wisconsin Street, on the south side, from Cummings Street to Beloit Street; Wisconsin Street, on the north side, from Sixth Street to a point two hundred fifty (250) feet east of Sixth Street; Wisconsin Street, on the south side, from Sixth Street to Eighth Street; Wisconsin Street, on the north side, from a point fifty (50) feet west of Seventh Street to a point one hundred forty (140) feet east to Seventh Street; Wisconsin Street, on the south side, from Ninth Street to Harrison Street; Wisconsin Street, on the north side, from Wright Street to a point one hundred eighty (180) feet east of Wright Street; Wisconsin Street, on the south side, from Wright Street to a point one hundred forty (140) feet east of Wright Street. (RC-81) (Amended 9/21/04 Ordinance RC-189)
- 45) Woolsey Street, on the north side, from Hallberg Street to a point nine hundred (900) feet east of Hallberg Street.
- 46) Wright Street, on both sides, from Racine Street to Geneva Street.
- 47) Turtle Creek Drive, on west side, from Walworth Avenue to Birchwood Street. Turtle Creek Drive, on the east side, from a point two hundred (200) feet south of Whispering Pines Drive to a point five hundred (500) feet south of Walworth. (RC-72) (RC-87)
- 48) Sunshine Avenue, on the east side, from a point one hundred fifty (150) feet south of Wisconsin Street to Racine Street; Sunshine Avenue, on the west side, from Racine Street to a point one hundred (100) feet south of Racine Street. (RC-89)
- 49) York Street, on the east side, from Hobbs Drive to the railroad crossing. (Created 3/19/2019 Ord. RC-407)

SEC. 10-1-28 PARKING PROHIBITED DURING CERTAIN PERIODS.

No person shall park or leave standing any vehicle upon any of the following highways, streets or parts thereof at the time indicated, except temporarily for the purpose of and while actually engaged in receiving or discharging passengers and while the vehicle is attended by a licensed operator so that it may promptly be moved in case of emergency or to avoid obstruction of traffic:

- (a) **Between the Hours of 7:00 a.m. and 5:00 p.m.**
- (1) Edward Street, on the north side, from Bradley Avenue to a point two hundred (200) feet east of Harrison Street.
 - (2) Phoenix Street, on the north side, from Seventh Street to Bowers Boulevard.
- (b) **Between the Hours of 3:00 a.m. and 6:00 a.m.** (Repealed and recreated 11/14/00, RC-104) (Repealed and recreated 11/23/05, RC-211)
- (1) Fourth Street, on the west side, from McDowell Street to a point two hundred (200) feet south of Walworth Avenue; Fourth Street, on the east side, from a point two hundred (200) feet south of Walworth Avenue to Walworth Avenue.
 - (2) Park Place, on the north side, from Second Street to Main Street.
 - (3) Second Street, on the west side, from Park Place to a point two hundred feet south of Walworth Avenue; Second Street, on the east side, from Washington Street to a point 100 feet north of Walworth Avenue. (Amended 05-10-16, Ord RC-366)
 - (4) Seventh Street, on the west side, from Ann Street to a point one hundred (100) feet north of Ann Street; Seventh Street, on the west side, from Geneva Street to a point four hundred (400) feet north of Geneva Street. (Amended 11/11/08, Ord RC-258)
 - (5) Third Street, on the both sides, from Washington Street to McDowell Street. (Amended 11/11/08, Ord RC-258)
 - (6) Walworth Avenue, on both sides, from Main Street to Seventh Street. (Amended 11/11/08, Ord RC-258)
 - (7) Richmond Road, on the East side, from Walworth Avenue to a point two hundred (200) feet north of Richmond Road.

- (c) **For More than Four (4) Consecutive Hours Between 9:00 a.m. and 6:00 p.m., Excepting Sundays and Holidays.** (Repealed and recreated 11/23/05, RC-211)
- (1) Fifth Street, on both sides, from McDowell Street to a point two hundred (200) feet south of Walworth Avenue.
 - (2) Fourth Street, on the west side, from McDowell Street to a point two hundred (200) feet south of Walworth Avenue; Fourth Street, on the east side, from a point two hundred (200) feet south of Walworth Avenue to Walworth Avenue, except of two (2) fifteen (15) minute stalls on the west side immediately north of Walworth Avenue. (Repealed and recreated 11/23/05, RC-211)
 - (3) Park Place, on the north side, from Main Street to Second Street.
 - (4) Richmond Road, on the east side, from Walworth Avenue to a point two hundred (200) feet north of Richmond Road.
 - (5) Second Street, on the west side, from McDowell Street to a point two hundred feet south of Walworth Avenue; Second Street, on the east side, from Washington Street to McDowell Street. (Repealed and recreated 11/23/05, RC-211)
 - (6) Seventh Street, on the west side, from Ann Street to a point one hundred (100) feet north of Ann Street; Seventh Street, on the west side, from Geneva Street to a point four hundred (400) feet north of Geneva Street; (Amended 11/11/08, Ord RC-258)
 - (7) Third Street, on the both sides, from Washington Street to McDowell Street. (Repealed and recreated 11/23/05, RC-211) (Amended 11/11/08, Ord RC-258)
 - (8) Walworth Avenue, on both sides, from Main Street to a point two hundred twenty (220) feet west of Seventh Street, except for two (2) fifteen (15) minute stalls immediately west of Fourth Street in front of the Post Office, and two (2) fifteen (15) minute stalls immediately in front of the hotel at 215 E. Walworth Avenue.
 - (9) Wisconsin Street, on the north side, from a point three hundred (300) feet east of Sixth Street to Eighth Street.
- (d) **For More than Two Consecutive Hours Between the Hours of 6:00 a.m. and 4:00 p.m. When School Is In Session.** (Created 12/12/00, RC-106) (Repealed and recreated 11/23/05, RC-211)
- (1) Boyle Circle, on both sides, from Cummings Street to Cummings Street.
 - (2) Cummings Street, on both sides, from Walworth Avenue to Wisconsin Street.
 - (3) Schauf Street, on the south side, from Cummings Street to Walnut Street.
 - (4) Walnut Street, on both sides, from Walworth Avenue to Washington Street
 - (5) Washington Street, on the north side, from Beloit Street to Cummings Street.
 - (6) Wisconsin Street, on the north side, from Beloit Street to Cummings Street
 - (7) Grove Street, on the south side, from Seventh Street to Eighth Street. (Repealed and recreated 11/23/05, RC-211)
 - (8) Eighth Street, on the east side, from Michigan Street to Wisconsin Street (Repealed and recreated 11/23/05, RC-211)
- (e) **Between the Hours of 6:00 a.m. and 4:00 p.m. When School is in Session** (Adopted 11/8/2011, RC-312)
- (1) Birchwood on the north side, from the east line of Butternut to a point 170 feet east of Butternut.
- (f) **Between March 15 and November 15** (Adopted 05-15-2015, RC-393)
- (1) Washington Street, on the north side from the west line of Main Street to the east line of Brook Lane.

SEC. 10-1-29 PARKING OF VEHICLES OVER TWENTY FEET OR WITH TWO AXLES RESTRICTED.

- (a) **Street Parking.** No person owning or having control of any truck, trailer, truck power unit, tractor, bus or recreation vehicle over twenty (20) feet in length (including accessories, racks, or other physical extensions), and having two (2) or more axles, shall park the same upon any street or public way in the City, except upon those streets within a business district as defined by Sec. 340.01, Wis. Stats., between the hours of 6:00 p.m. and 7:00 a.m. One (1) hour parking will be allowed between 7:00 a.m. and 6:00 p.m. The provisions of this Subsection shall not be deemed to prohibit the lawful parking of such equipment upon any street, avenue or

public way in the City for the actual loading or unloading of goods, ware or merchandise, providing, however, the "loading" and "unloading," as used in this Section, shall be limited to the actual time consumed in such operation. The Common Council may, however, designate specific truck parking zones. Truck parking is permitted along heavy traffic routes designated in Section 10-1-12(f), except that such trucks shall comply with any other applicable parking regulations.

- (b) **Removal.** Any vehicle unlawfully parked under Subsection (a) above may be removed from the street by order of a law enforcement officer, and the expense of so moving and storing such vehicle shall be paid by the operator or owner of said vehicle as a forfeiture in addition to the penalties hereafter prescribed.

SEC. 10-1-30 UNLAWFUL REMOVAL OF PARKING CITATIONS.

No person other than the owner or operator thereof shall remove a City parking ticket from a motor vehicle.

SEC. 10-1-31 OPERATION OF MOTOR VEHICLES IN PUBLIC USE PARKING LOTS.

- (a) **Unlicensed Operators Prohibited.** No person who does not hold a valid operator's license shall operate a vehicle in any public parking lot or in any private parking lot held out for the use of parking for the general public.
- (b) **Traffic Regulations Applicable.** All provisions of Section 10-1-1 of this Chapter and of the Wisconsin Statutes and laws incorporated herein by reference shall be applicable on any public parking lot and on any private parking lot, road or ramp held out for use for the general public for parking or vehicular traffic.

SEC. 10-1-32 REMOVAL OF ILLEGALLY PARKED VEHICLES.

- (a) **Hazard to Public Safety.** Any vehicle parked, stopped or standing upon a highway or public parking lot or ramp in violation of any of the provisions of this Chapter is declared to be a hazard to traffic and public safety.
- (b) **Removal by Operator.** Such vehicle shall be removed by the operator in charge, upon request of any law enforcement officer, to a private or public parking or storage premises.
- (c) **Removal by Traffic Officer.** Any law enforcement officer after issuing a citation or ticket for illegal parking, stopping or standing of an unattended vehicle in violation of this Chapter, is authorized to remove such vehicle to a position where parking is permitted.
- (d) **Removal by Private Service.** The officer may order a motor carrier holding a permit to perform vehicle towing services, a licensed motor vehicle salvage dealer or a licensed motor vehicle dealer who performs vehicle towing services to remove and store such vehicle in any public storage garage or rental parking grounds or any facility of the person providing the towing services.
- (e) **Towing and Storage Charges.** In addition to other penalties provided in this Chapter, the owner or operator of a vehicle so removed shall pay the actual cost of moving, towing and storage. If the vehicle is towed or stored by a private motor carrier, motor vehicle salvage dealer or licensed motor vehicle dealer, actual charges regularly paid for such services shall be paid. If the vehicle is stored in a public storage garage or rental facility, customary charges for such storage shall be paid. Upon payment, a receipt shall be issued to the owner of the vehicle for the towing or storage charge.

SEC. 10-1-33 THROUGH SEC. 10-1-39 RESERVED FOR FUTURE USE.

ARTICLE D

Miscellaneous Provisions

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

- (a) **Unnecessary Noise and Display of Power 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 City of Delavan.
- (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 City.
- (c) **Unnecessary Acceleration Prohibited.** No driver of any vehicle shall cause, by excessive and unnecessary acceleration, the tires of such vehicle to spin and emit loud noises or to unnecessarily throw stones or gravel; nor shall such driver cause, by excessive and unnecessary acceleration, any loud noise as would disturb the public peace.
- (d) **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.
- (e) **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.
- (f) **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 PEDESTRIAN REGULATIONS.

(a) **Pedestrian Obedience to Traffic Control Devices and Regulations.**

- (1) **Obedience to Traffic Control Devices.** No person shall fail to obey the instructions of any Uniform Traffic Control Device when traveling as a pedestrian on any highway within the City of Delavan unless otherwise directed by a law enforcement officer.
 - (2) **Walking on Roadway.** Where sidewalks are provided, no pedestrian shall walk along and upon an adjacent roadway except when the sidewalk is visibly unsafe, obstructed or closed to public travel.
- (b) **Prohibited Pedestrian Crossings.** No pedestrian shall cross between adjacent intersections, unless such crossing is permitted by Official Traffic Control Devices.

SEC. 10-1-42 MOTOR VEHICLES ON PEDESTRIAN WAYS AND OVER PASSES.

No person shall operate or park any motor vehicle on any pedestrian way or pedestrian overpass within the City of Delavan except municipal or county maintenance vehicles and public safety vehicles.

SEC. 10-1-43 SCHOOL CROSSING GUARDS.

Pursuant to Sec. 349.215, Wis. Stats., those adult persons hired by the City to act as "School Crossing Guards" shall have the authority to stop vehicular traffic and to keep it stopped as long as necessary at their respective school crossings for the purpose of permitting school children to cross the street.

State Law Reference: Sec. 349.215, Wis. Stats.

SEC. 10-1-44 DRIVING OVER CURBING OR SAFETY ISLANDS PROHIBITED.

- (a) **Driving Over Curbing Prohibited.** It shall be unlawful for any motor vehicle to be driven or backed over any curbing in the City of Delavan.
- (b) **Driving Over Safety Zones or Islands Prohibited.** Whenever safety zones or safety islands are marked in accordance with the Wisconsin Uniform Traffic Control Device Manual, no operator of a vehicle shall at any time drive through or over a safety zone or safety island.

SEC. 10-1-45 OPERATION OF MOTOR VEHICLES ON ICE.

- (a) No person shall operate an automobile, farm truck, motor bus, motor truck, truck tractor or any other motor vehicle with a shipping weight of more than one thousand (1,000) pounds on the frozen waters of any body of water within the City of Delavan corporate limits.
- (b) This Section shall not apply to authorized emergency vehicles or other vehicles operating with the written authorization of the City of Delavan Police Department.
- (c) The statutory definitions contained in Sec. 340.01, Wis. Stats., are hereby adopted and by reference made a part of this Section as if fully set forth herein.

SEC. 10-1-46 OTHER SIGNS WITHIN PUBLIC RIGHTS-OF-WAY.**(a) Community Identification/Information Signs.**

- (1) **Defined.** Signs to identify locations of community recreational facilities, parks and places of tourist and historical interest, and such other locations as may be deemed to be of particular public significance, as well as employment and business centers; directional signs for highway vehicle operators to such sites; also signs informing highway vehicle operators of municipal emphases deemed to be of particular public attraction or significance.
- (2) **Placement; Approval Required.** Within the statutory limitations as to signs within public rights-of-way (i.e. such as are necessary for guidance or warning of traffic), community identification/informational signs, as defined in Subsection (a) of this Subsection (1), may be permitted within public rights-of-way upon approval by the Common Council after recommendation by the Council General Operations Committee. Community identification/information signs shall comply with the provisions of the City's Sign Code as to style, construction and maintenance standards.

(b) Temporary Signs of Community Interest.

- (1) **Defined.** Signs to identify and give direction to auctions, rummage/garage sales, picnics, reunions, and other functions of similar nature, and all of short term duration.
- (2) **Placement and Conditions.** Within the statutory limitations as to signs within public rights-of-way (i.e. such as are necessary for guidance or warning of traffic), temporary signs of community interest, as defined above in Subsection (b)(1) may be placed/posted by parties in interest in such functions as therein specified, in the public rights-of-way, without requirement of previous municipal approval, but subject to compliance with the following conditions:
 - a. The placement of any such temporary sign in a public right-of-way shall require the consent of the abutting property owner or tenant thereof;
 - b. Such signs shall not exceed two (2) square feet per face and shall not be affixed to utility poles and official traffic signs or standards;
 - c. Such signs so placed or posted in public rights-of-way shall have the address of the site of the function and the name of the person placing the same on the back of the signs;
 - d. Such signs may not be placed in public rights-of-way further than five hundred (500) feet from the site of the function so noticed;
 - e. Such signs so placed/posted in public rights-of-way shall be removed within twenty-four (24) hours after conclusion of the event or activity;
 - f. No such temporary sign shall be so placed in a public right-of-way that will constitute a visual or physical obstruction or safety hazard to the public.

- (c) **Authorization Required.** The foregoing conditions in no way constitute authority to place/post signs on private property without authorization or permission by the owner or tenant thereof. Any sign determined by a City officer of the Public Works, Building, or Police Departments to be in violation of these conditions shall be removed by said officer.

SEC. 10-1-47 THROUGH SEC. 10-1-49 RESERVED FOR FUTURE USE.

ARTICLE E

Enforcement and Penalties

SEC. 10-1-50 PENALTIES.

- (a) **Forfeiture Penalty.** The penalty for violation of any provision of this Chapter shall be a forfeiture as hereafter provided, together with court costs and fees prescribed by Sections 814.63(1) and (2) or 814.65(1), Wis. Stats., the penalty assessment for moving traffic violations and the driver improvement surcharge imposed by Sections 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 therefore 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 or 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 City, except a dog license, until the forfeiture imposed for such violation and any penalty assessment, court costs and fees or surcharge is paid.
- (c) **Forfeitures For Violation of Uniform Moving Traffic Regulations.** Forfeitures for violations of any moving traffic regulation set forth in the Wisconsin Statutes adopted by reference in Section 10-1-1 shall conform to the forfeiture penalty permitted to be imposed for violations of the comparable Wisconsin Statute, including any variations or increases for subsequent offenses; provided, however, that this Subsection shall not be construed to permit prosecution under this Chapter for any offense described in Chapters 341 to 349, Wis. Stats., for which an imprisonment penalty or fine may be imposed upon the defendant.
- (d) **Forfeitures For Parking Violations.**
- (1) Forfeitures for Uniform Statewide Parking Stopping and Standing Offenses. Minimum and maximum forfeiture for violation of non-moving traffic violations adopted by reference in Section 10-1-1 as described in Chapters 341 to 349, Wis. Stats., shall conform to forfeitures for violations of the comparable state offenses, including any variations or increases for second offenses, as found in the current edition of the Revised Uniform State Traffic Deposit Schedule.
 - (2) Penalty for Other Parking Violations.
 - a. Sections 10-1-20 through 10-1-22 and 10-1-24 through 10-1-33, inclusive, and all statutory parking provisions (except handicapped parking violations provided for in the immediately following Subsection) adopted by reference in Section 10-1-1 of this Code, and cited by use of parking tickets (envelope type): Not less than Twenty Dollars (\$20.00) nor more than Fifty Dollars (\$50.00). Should the forfeiture be paid pursuant to Section 10-1-51, such forfeiture shall be in the sum of Twenty Dollars (\$20.00) if paid within ten (10) days; if paid after ten (10) days have elapsed, the forfeiture shall be in the sum of Forty Dollars (\$40.00), if not paid after twenty (20) days have elapsed, the forfeiture shall be in the sum of Fifty Dollars (\$50.00). (Amended 2/9/1999 Ord. RC-62) (Amended 9/23/2008, Ordinance RC-255)

- b. As to violation of statutory parking provisions of Sec. 346.505, Wis. Stats., adopted by reference in Section 10-1-1 of this Code, prohibiting the parking of motor vehicles used by other than physically disabled persons, as defined by law, in portions of streets or highways (as designated by ordinance) or parking facilities so reserved by official traffic signs for such physically disabled persons, for which such violation is cited by use of parking ticket (envelope type): A forfeiture of Fifty Dollars (\$50.00) if paid within ten (10) days; if paid after ten (10) days have elapsed, the forfeiture shall be Seventy-Five Dollars (\$75.00). (Amended 2/9/1999, Ord. RC-62)
- (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 Ten Dollars (\$10.00) nor more than Two Hundred Dollars (\$200.00).

SEC. 10-1-51 ENFORCEMENT.

- (a) **Enforcement Procedures.**
 - (1) How Enforced. This Chapter shall be enforced in accordance with the applicable provisions of the Wisconsin Statutes and this Section.
 - (2) Applicable Court Procedures. Except where otherwise specifically provided by the laws of the State of Wisconsin or this Code, the traffic regulations in this Code shall be enforced in Municipal Court in accordance with the provisions of Sec. 345.20(2)(b) and Chapter 800, Wis. Stats.
- (b) **Citations.**
 - (1) Uniform Citation and Complaint. The Wisconsin Uniform Traffic Citation and Complaint described and defined in the Wisconsin Statutes shall be used for enforcement of all provisions of this Chapter except those provisions which describe or define non-moving traffic violations and violations of Sections 346.71 through 346.73, Wis. Stats. Violations of Sections 346.71 through 346.73, Wis. Stats., shall be reported to the District Attorney and the Wisconsin Uniform Traffic Citation shall not be used in such cases except upon written request of the District Attorney.
 - (2) Parking Citations or Tickets. The Chief of Police shall recommend for adoption by the Common Council a citation or ticket for use in enforcing the non-moving traffic offenses in this Chapter. Such citation or ticket shall be used for enforcement of non-moving traffic regulations created or adopted by this Chapter, including violations of non-moving traffic regulations defined and described in the Wisconsin Statutes, adopted by reference in Section 10-1-1, and all provisions regarding non-moving traffic violations in this Chapter. The citation or ticket for non-moving traffic violations shall contain a notice that the person cited may discharge the forfeiture for violation of a non-moving traffic regulation and penalty thereof by complying with Subsection (c)(2) of this Section. Non-moving traffic citations or tickets may be issued by law enforcement officers or by civilian employees of the Police Department.
- (c) **Deposits and Stipulations.**
 - (1) Uniform Traffic Offenses.
 - a. Who May Make. Persons arrested or cited for violation of moving traffic offenses created by this Chapter shall be permitted to make deposits and stipulations of no contest or released by the arresting officer in accordance with the applicable

provisions of the Wisconsin Statutes. Stipulations of guilt or no contest may be made by persons arrested for violations of this Chapter in accordance with Sec. 66.12(1)(b) of the Wisconsin Statutes whenever the provisions of Sec. 345.27 of the Wisconsin Statutes are inapplicable to such violations. Stipulations shall conform to the form contained in the uniform traffic citation and complaint under Sec. 345.11 of the Wisconsin Statutes.

- b. Delivery or Mailing of Deposit and Stipulation. Any person stipulating guilt or no contest under the preceding Subsection must make the deposit required under Sec. 345.26 of the Wisconsin Statutes or, if the deposit is not established under such Statute, shall deposit a forfeited penalty as provided in the schedule established by the Municipal Judge. Deposits may be brought or mailed to the City Treasurer within five (5) days of the issuance of the citation in lieu of court appearance.
- c. Receipt Required to Deposit. Every official accepting a stipulation under the provisions of this Chapter shall comply with the provisions of Sections 343.27, 343.28, 345.26(1)(a) and 345.27(2) of the Wisconsin Statutes and shall require the alleged violator to sign a statement of notice in substantially the form contained on the uniform traffic citation and complaint promulgated under Sec. 345.11 of the Wisconsin Statutes. The official or person receiving the deposit shall make available upon request and deliver or mail an original receipt for such deposit to the alleged violator and shall deliver the deposit and stipulation, and a copy of the receipt within five (5) days to the City Treasurer.

(2) Non-moving Traffic Offenses.

- a. Direct Payment of Penalty Permitted. Persons cited (summons not issued) for violation of non-moving traffic offenses described and defined in this Chapter may discharge the penalty thereof and avoid court prosecution by mailing or forwarding within seventy-two (72) hours of the issuance of the citation to the City Treasurer the minimum forfeiture specified for the violation. When payment is made as provided in this paragraph, no court costs shall be charged
- b. Registration Suspension. If the alleged violator does not pay the forfeiture or appear in court in response to the citation for a nonmoving traffic violation on the date specified in the citation or, if no date is specified on the citation, within twenty-eight (28) days after the citation is issued, the City may ask the Wisconsin Department of Transportation to suspend the registration of the vehicle involved or refuse registration of any vehicle owned by the person pursuant to the provisions of Sec. 345.28(4), Wis. Stats., and Subsection (c)(3) below.
- c. Deposits Returned to City Treasurer. Persons receiving deposits for non-moving traffic violations under this Subsection shall pay over such deposits to the City Treasurer within seven (7) days of receipt. Such payment shall be accompanied by an itemized statement for each deposit of the offense charged and the name of the depositor.

(3) Registration Suspension Program.

- a. The City shall participate in the Wisconsin Department of Transportation Traffic Violation and Registration Program as set forth in Sec. 345.28, Wis. Stats., and Wis. Adm. Code Trans. 128 and all amendments or changes thereto.
- b. The Municipal Court is hereby designated as a delegated authority for purposes of Sections 85.13 and 345.28, Wis. Stats., and Wis. Adm. Code Trans. 128. The Municipal Court is authorized to perform, on behalf of the City, all functions required of a local authority under said Statutes and Code including, but not limited to:
 1. Preparing and completing all forms and notices, notifying the Wisconsin Department of Transportation of unpaid citations for non-moving traffic violations;
 2. Specifying whether the registration of vehicles involved in unpaid citations for non-moving traffic violations should be suspended and/or whether registration should be refused for any vehicle owned by persons with unpaid citations for non-moving traffic violations;

3. Determining the method by which the City will pay the Wisconsin Department of Transportation for administration of the program; establishing the effective date for participation;
 4. And taking such other action as is necessary to institute and continue participation in the Wisconsin Department of Transportation Traffic Violation and Registration Program.
- c. In addition to all applicable fines and court costs, the cost of using the Wisconsin Department of Transportation Traffic Violation and Registration Program shall be assessed as permitted by Sec. 345.28(4)(d), Wis. Stats.. The Municipal Court may refuse to notify the Wisconsin Department of Transportation of payment on a citation until all applicable fines and costs, including costs assessed under the preceding sentence, are paid.
- d. This Subsection shall not be interpreted as requiring that all unpaid citations for non-moving traffic violations be processed through the Wisconsin Department of Transportation Traffic Violation and Registration Program. The City's participation in such program shall be in addition to any and all other means legally available to enforce such citations.

State Law Reference: Sec. 345.28, Wis. Stats.; Chapter Trans. 128, Wis. Adm. Code.

CHAPTER 2

Bicycles

10-2-1	Manner of Operation Restricted
10-2-2	Lighting Equipment
10-2-3	Parking a Bicycle
10-2-4	Rules of the Road
10-2-5	Bicycle Regulations
10-2-6	Play Vehicles
10-2-7	Inspection and Registration of Bicycles
10-2-8	Penalties

SEC. 10-2-1 MANNER OF OPERATION RESTRICTED.

No bicycle shall be allowed to proceed in any street in the City by inertia or momentum with the feet of the rider removed from the bicycle pedals. No rider of a bicycle shall remove both hands from the handlebars or practice any trick or fancy riding in any street in the City nor shall any bicycle rider carry or ride any other person so that two (2) persons are on a bicycle at one (1) time, unless a seat is provided for a second person.

SEC. 10-2-2 LIGHTING EQUIPMENT.

No person shall operate a bicycle upon a highway during the hours of darkness unless equipped as required in Sec. 347.81, Wis. Stats.

SEC. 10-2-3 PARKING A BICYCLE.

No person shall leave a bicycle at such a place or in such a way as to create a hazard to pedestrians, automobile operators, or to anyone else.

SEC. 10-2-4 RULES OF THE ROAD.

The provisions of Ch. 346, Wis. Stats., shall be applicable to the operation of bicycles.

SEC. 10-2-5 BICYCLE REGULATIONS.

- (a) For the purposes of this Section, the Downtown Business District of the City of Delavan is defined to be Walworth Avenue between Main Street and Fifth Street, and Second, Third, and Fourth Streets between McDowell and Washington Streets in front of nonresidential properties fronting thereon or alongside nonresidential properties siding thereon.
- (b) No person shall ride or park, except in a bicycle rack, a bicycle on the sidewalk in the Business District of the City of Delavan.

- (c) Bicycles may be ridden on sidewalks other than those in the Business District or on any street/highway in the City. Every person operating a bicycle upon a sidewalk must ride such bicycle in single file and at low rates of speed.
- (d) No person riding upon a bicycle shall cling or attach himself or his bicycle to any other moving vehicle upon a street or highway, nor shall the operator of any such bicycle tow or draw any coaster wagon, sled, person on roller skates, toy vehicles or any other similar vehicle on such highway.
- (e) Any operator of a bicycle involved in a collision with such bicycle with another bicycle, vehicle or object resulting in damage to such other property in excess of Twenty-five Dollars (\$25.00) or in a collision with such bicycle with a pedestrian resulting in bodily injury to such pedestrian shall, within twenty-four (24) hours, report such collision to the Police Department.
- (f) The bicycle operated by any person under age eighteen (18) years in violation of this Section shall be surrendered to the Delavan Police Department, and upon receipt thereof, the Department shall release the same upon request to the parent or guardian of said operator, provided Section 10-2-7 is complied with.

SEC. 10-2-6 PLAY VEHICLES.

- (a) **Play Vehicle Defined.** The term "play vehicle" shall have the same meaning as set forth in Section 340.01 (43m), Wis. Stats., to wit: a coaster, skateboard, roller skates, sled, toboggan, unicycle or toy vehicle upon which a person may ride.
- (b) **Operation on Sidewalks Prohibited.** The operation of a play vehicle, operating the same on any sidewalk where such operation is not prohibited, shall yield the right-of-way to any pedestrian on a sidewalk.
- (c) **Operating Play Vehicles Prohibited.** The operation or riding of play vehicles on any sidewalk area listed below is prohibited:
 - (1) Downtown Business District as defined as the area between Main and Fifth Street and Washington to McDowell Streets, whereas any business fronts such sidewalk.
 - (2) Other areas held out to the public, such as parking lots, that are properly posted prohibiting operation of play vehicles, unless having written permission from the owner or lessee.
 - (3) No person riding upon any play vehicle may attach the same or himself or herself to any vehicle upon a roadway or go upon any roadway except while crossing a roadway at a crosswalk.
- (d) The play vehicle operated by any person under age eighteen (18) years in violation of this Section shall be surrendered to the Delavan Police Department, and upon receipt thereof, the Department shall release the same upon request to the parent or guardian of said operator.

SEC. 10-2-7 INSPECTION AND REGISTRATION OF BICYCLES.

- (a) **Registration Required.** No resident shall operate a bicycle upon any street, sidewalk, public property, or public highway within the City of Delavan unless said bicycle shall first have been properly registered and licensed as hereinafter provided.
- (b) **Form of Registration.**
 - (1) Every resident owner of a bicycle shall list and register with the Police Department his name and address, name of the manufacturer of his bicycle, and its number, model, and general description.

- (2) The registration period for a bicycle shall be for the period of time that the licensee retains ownership thereof, the intent being that such registration shall expire upon termination of ownership thereof and that new registration shall be required for replacement or additional bicycle.
 - (3) The registration fee payable by the owner shall be a one time fee of Two Dollar (\$2.00) for so long as ownership of the specific bicycle is retained. (Amended 8/13/02, Ord. RC-144)
 - (4) On receipt of payment of registration fee herein provided for, the Police Department shall provide a suitable identifying license decal, serially numbered to correspond with the registration number and to correspond with the registration number and having printed thereon the name of the "City of Delavan." The owner shall affix said license decal to a location as specified by the Police Department on the frame of the bicycle for which the license decal is issued.
- (c) **Records and Transmittal of Fees.**
- (1) The Police Department shall keep at its office a suitable record of applications and registrations.
 - (2) A report shall be made to the City Treasurer by the Chief of Police of funds received for bicycle registration fees, and all such fees shall be paid to the City Treasurer for deposit as City revenues.
- (d) **Bicycles to be Kept in Safe Condition.** No bicycle shall be registered which is in an unsafe mechanical condition. The Chief of Police of this City shall have authority to suspend the registration of and remove the identification tag from any bicycle or to impound any bicycle operated contrary to any state law or City ordinance, or operated in an unsafe mechanical condition. Such suspension and removal, or impounding shall continue for a period not to exceed ten (10) days, but the registration shall not be reinstated or such identification tag replaced while such bicycle is in unsafe condition. Such suspension and removal shall be in addition to other penalties provided for herein.
- (e) **Change of Ownership.** Within ten (10) days after any bicycle registered hereunder shall have changed ownership or been dismantled and taken out of operation, such information shall be reported to the Police Department by the person in whose name the bicycle has been registered.

SEC. 10-2-8 PENALTIES.

- (a) Any person twelve (12) years of age or older who shall violate any provision of this subchapter may be issued a Uniform Traffic Citation and, upon conviction thereof, may be subject to the penalties as set forth in Section 1-1-7, and furthermore, any parent or guardian of any child, twelve (12) years of age or older, who authorizes or knowingly permits such child to violate any of the provisions of this subchapter may also be subject to the penalties as set forth in Section 1-1-7.
- (b) Any parent or guardian of any child who authorizes or knowingly permits such child to violate any of the provisions of this Chapter may be subject to the penalties in Subsection (a) above.

CHAPTER 3

Snowmobiles

- 10-3-1 State Snowmobile and All-Terrain Vehicles Laws Adopted
- 10-3-2 Applicability of Traffic Regulations to Snowmobiles
- 10-3-3 Operation Regulated
- 10-3-4 Unattended Vehicles
- 10-3-5 Snowmobile and Other Off-Highway Vehicle Operation Restricted
- 10-3-6 Snowmobile Routes and Trails Designated
- 10-3-7 Penalty
- 10-3-8 Enforcement

SEC. 10-3-1 STATE SNOWMOBILE AND ALL-TERRAIN VEHICLES LAWS ADOPTED.

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 Chapter as if fully set forth herein. Acts required to be performed or prohibited by such statutes are required or prohibited by this Chapter. Any future amendments, revisions or modifications of the Statutes incorporated herein by reference are intended to be made part of this Code.

- 350.01 Definitions
- 350.02 Operation of Snowmobiles on or in the Vicinity of Highways
- 350.03 Right-of-Way
- 350.04 Snowmobile Races, Derbies and Routes
- 350.045 Public Utility Exemption
- 350.047 Local Utility Exemption
- 350.05 Operation by Youthful Operators Restricted
- 350.055 Safety Certification Program Established
- 350.06 Firearms and Bows
- 350.07 Driving Animals
- 350.08 Owner Permitting Operation
- 350.09 Head Lamps, Tail Lamps and Brakes, Etc.
- 350.10 Miscellaneous Provisions for Snowmobile Operation
- 350.12 Registration of Snowmobiles
- 350.125 Completion of Application for Registration by Snowmobile Dealers
- 350.13 Uniform Trail Signs and Standards
- 350.15 Accidents and Accident Reports
- 350.17 Enforcement
- 350.18 Local Ordinances
- 350.19 Liability of Landowners
- 350.99 Parties to a Violation

SEC. 10-3-2 APPLICABILITY OF TRAFFIC REGULATIONS TO SNOWMOBILES.

No person shall operate a snowmobile upon any street, highway or alley within the City of Delavan in violation of the traffic regulation provisions of Sections 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(1) and 346.94(1), (6), (6m) and (9), Wis. Stats.

SEC. 10-3-3 OPERATION REGULATED.

- (a) **Speed.** No person shall operate a snowmobile on any trail designated in Section 10-3-7 of this Chapter or in any public park or recreation area at a speed in excess of fifteen (15) miles per hour.
- (b) **Restriction on Equipment.** No snowmobile or other vehicle operating on the snowmobile route shall be allowed if it has an expansion chamber or any muffler other than the type and size provided by the manufacturer.

SEC. 10-3-4 UNATTENDED VEHICLES.

No person shall leave or allow a snowmobile owned or operated by him to remain unattended on any public highway or public property while the motor is running or with the starting key left in the ignition.

SEC. 10-3-5 SNOWMOBILE AND OTHER OFF-HIGHWAY VEHICLE OPERATION RESTRICTED.

- (a) **Permitting Operation by Improper Persons Prohibited.** No owner or person having charge or control of a snowmobile shall authorize or permit any person to operate such snowmobile who is not permitted under state law to operate such snowmobile or who is under the influence of an intoxicant or a dangerous narcotic drug.
- (b) **Operation While Under Influence Prohibited.** Section 346.63, Wis. Stats., shall apply to the operation of a snowmobile any place within the City.

SEC. 10-3-6 SNOWMOBILE ROUTES AND TRAILS DESIGNATED.

- (a) **Permitted Areas of Operation.** No person shall operate a snowmobile or all terrain vehicle within the City except at the following locations:
 - (1) On the lake ice of Lake Comus;
 - (2) On that portion of Delavan Lake within the corporate limits of the City;
 - (3) On such other public property specifically authorized therefor by the Common Council or a duly authorized City commission, committee or other agency with responsibility therefor and pursuant to public notice by it given; and

- (4) On designated trail(s) or route(s) within the City approved by the Common Council and for which permission has been specifically granted by private property owners as to any segment(s) thereof which are privately owned, the same to be pursuant to public notice given.
- (b) **Exceptions.**
- (1) This Section does not prohibit use of snowmobiles or all terrain vehicles at the site of one's property, whether owned or leased, such use, however, to be compatible with laws relating to public peace and the rights of others;
 - (2) Emergency operation of snowmobiles may be authorized and granted for any location, area or route within the City at the critical discretion and action of any one (1) or more of the following persons or bodies:
 - a. Chief of Police,
 - b. Director of Public Works, c. City Administrator,
 - d. Mayor,
 - e. Common Council and
 - f. General Operations Committee.
- (c) **Compliance With Regulations.** The operation of snowmobiles or all-terrain vehicles shall be subject to City ordinances and laws relating to disturbing the peace. The Council, may, ab initio, or upon recommendation of its General Operations Committee, promulgate further rules and regulations as it may, from time to time, deem warranted.
- (d) **Operation Under Influence of Intoxicants.** The following Statutory sections of the Wisconsin Statutes with respect to operation of snowmobiles while under the influence of intoxicants, be and the same are hereby adopted by reference: Sections 350.101, 350.102, 350.103, 350.104, 350.106 and 350.107, Wis. Stats.
- (e) **Age Restriction.**
- (1) No person under the age of twelve (12) years may operate a snowmobile unless he is accompanied either by a parent or guardian or by a person over eighteen (18) years of age.
 - (2) No person that has attained the age of twelve years but has not attained the age of sixteen (16) years may operate a snowmobile unless he or she holds a valid snowmobile safety certificate or is accompanied by a person over eighteen (18) years of age or by a person over fourteen (14) years of age having a snowmobile safety certificate issued by the Department. Any person who is over the age of twelve (12) and under the age of sixteen (16) who holds a snowmobile safety certificate shall carry it while operating a snowmobile and shall display it to a law enforcement officer on request. Persons enrolled in a safety certification program approved by the Department may operate a snowmobile in an area designated by the instructor.
 - (3) This Subsection does not apply to the operation of snowmobiles by an operator under the age of sixteen (16) years upon lands owned or leased by his parent or guardian. As used in this Section, "leased lands" does not include lands leased by an organization of which said operator or his parent or guardian is a member.
- (f) **Definition.** For purposes of this Section, "accompanied" means being on the same snowmobile as the operator.
- (g) **Muffler Requirement.** Every snowmobile or all-terrain vehicle run or operated within the City shall be equipped with a stock muffler or the equivalent thereof.

SEC. 10-3-7 PENALTY.

Any person who shall violate any provision of this chapter shall, upon conviction thereof, forfeit not less than Twenty Dollars (\$20.00) and not more than Two Hundred Fifty Dollars (\$250.00), together with the costs of prosecution, and, in default of payment thereof, may be imprisoned in the county jail for not exceeding ten (10) days, provided no person shall forfeit an amount in excess of the maximum fine or forfeiture allowed in the Wisconsin Statutes for the same offense and further provided that the penalty and forfeiture for parking violations on highways shall be the amount applicable to such violations by owners or operators of motor vehicles under Title 10, Chapter 1, of this Code of Ordinances.

SEC. 10-3-8 ENFORCEMENT.

- (a) **Uniform Citation for Highway Violations.** The uniform traffic citation promulgated under Sec. 345.11, Wis. Stats., shall be used for violations of this Chapter relating to highway use except as herein provided.
- (b) **Parking Violations.** The special traffic citation described and defined in Title 10, Chapter 1, of this Code of Ordinances shall be used for enforcement of violations of rules of the road relating to parking of vehicles adopted by reference in Section 10-3-1 of this Chapter.
- (c) **Other Violations.** All violations of this Chapter not described in Subsections (a) or (b) shall be enforced in accordance with Sections 66.12 and 66.114 of the Wisconsin Statutes. Stipulations of guilt or no contest may be made as provided in Sec. 66.12(1)(b), Wis. Stats., in substantially the form provided in the uniform traffic citation within five (5) days of the date of the citation for such violation. Bail deposits may also be made under Sec. 66.12, Wis. Stats.
- (d) **Treasurer to Receive Penalties.** Stipulations, forfeited penalties and deposits for obtaining release from arrest authorized under this Chapter may be accepted by the City Treasurer.
- (e) **Forfeited Penalties and Deposits.** Except as otherwise provided in Sec. 345.26, Wis. Stats., and the deposit schedule adopted by the State Board of Circuit Court Judges thereunder, required penalties and deposits or bail not including costs or fees for violation of this Chapter shall be as established by the schedule adopted by the Municipal Judge.

CHAPTER 4

All-Terrain Vehicles and Off-Road Motor Vehicle Operation

- 10-4-1 State All-Terrain Vehicle Laws Adopted
- 10-4-2 Unauthorized Operation of Motor Vehicles on Public or Private Property
- 10-4-3 Neighborhood Electrical Vehicles (Created 2/12/08 Ord RC-244)

SEC 10-4-1 STATE ALL TERRAIN VEHICLE LAWS ADOPTED.

The provisions describing and defining regulations with respect to all-terrain vehicles in 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. 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:

SEC. 10-4-2 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 creek bed, riverbed or lake provided, however, that this Subsection shall not apply to snowmobiles or other vehicles being operated on the ice covering such creek bed, 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 General Operations Committee, 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 City 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.

SEC. 10-4-3 NEIGHBORHOOD ELECTRICAL VEHICLES (Created 2/12/08 Ord RC-244)

- (1) **DEFINITION.** "Neighborhood electric vehicle" ("NEV") means a self-propelled motor vehicle that has successfully completed the neighborhood electric vehicle America test program conducted by the Federal Department of Energy and that conforms to the definition and requirements for low speed vehicles as adopted in the Federal Motor Vehicle Safety Standards for "low-speed vehicles" under 49 CFR 571.3(b) and 571.500. Electric golf carts are excluded from the definition of an NEV.
- (2) **STANDARDS.** NEVs shall have 4-wheels, shall have a speed range of at least 20 miles per hour but not greater than 25 miles per hour on paved surfaces; and shall have a gross vehicle weight at rest of less than 2500 pounds. NEVs shall meet the general test conditions under 49 CFR 571.50056, and shall have all the following items of equipment:
 - (a) Headlamps;
 - (b) Front and rear turn signals;
 - (c) Stop lamps;
 - (d) Reflex reflectors: one red on each side as far to the rear as practicable, and one red on the rear;
 - (e) An exterior mirror mounted on the driver's side and either an exterior mirror on the passenger side or an interior rearview mirror;
 - (f) Parking brake;
 - (g) A windshield that conforms to the requirements of the federal motor vehicle safety standard on glazing materials (49 CFR 571.205);

- (h) A vehicle identification number (VIN) that complies with Federal law (49 CFR 565);
 - (i) A Type 1 or Type 2 seatbelt assembly conforming to 49 CFR 5713209, and Federal Motor Safety Standard No. 209, for each designated seating position.
- (3) **PERMITTED USES.** Individuals may operate an NEV on any street within the jurisdictional limits of the City of Delavan that have posted speed limits of 35 miles per hour or less. The operation of the NEVs as permitted here shall comply in all respects with the City of Delavan Municipal Code, and in particular, all traffic code provisions.
- (4) **PERMITTED OPERATORS:** Any person operating an NEV within the jurisdictional limits of the City of Delavan shall hold a valid Wisconsin drivers license.
- (5) **ENFORCEMENT:** Enforcement of this ordinance regulating the operation and use of neighborhood electric vehicles within the City of Delavan shall be pursuant to Section 10-1-51 of the City of Delavan Municipal Code.

CHAPTER 5

Abandoned and Junked Vehicles

10-5-1	Definitions
10-5-2	Storage Prohibited
10-5-3	Enforcement of Chapter
10-5-4	Authority for Removal (Amended 09/16/08, Ord RC-252)
10-5-5	Disposal of Abandoned Vehicles
10-5-6	Owner Responsible for Impoundment and Disposal Costs

SEC. 10-5-1 DEFINITIONS.

For the purpose of this Chapter, the following definitions shall be applicable:

- (a) **Abandoned Motor Vehicle.** A motor vehicle which, through disuse and failure to be used, remains in one (1) location for a period of ten (10) days or more, or a motor vehicle which has been reported as stolen to any police department, or a motor vehicle which does not have affixed a current motor vehicle license or does not have current registration.
- (b) **Junked Motor Vehicle.** Any motor vehicle which is partially dismantled or wrecked and which cannot safely or legally be operated.
- (c) **Motor Vehicles.** Any self-propelled land vehicle which can be used for towing or transporting people or materials, including, but not limited to, automobiles, trucks, buses, motorized campers, motorcycles, motor scooters, tractors, snowmobiles, etc.
- (d) **Motor Vehicle Accessories.** Any part or parts of any motor vehicle.
- (e) **Person.** Person shall include any individual, firm, partnership or corporation.
- (f) **Private Property.** Any real estate not owned by the federal government, state, county, city, school board or other public subdivision.
- (g) **Removal.** Removal shall mean the physical relocation of a motor vehicle to an authorized location.

SEC. 10-5-2 STORAGE PROHIBITED.

- (a) **Prohibitions.** No person owning or having custody of any abandoned or junked motor vehicle or motor vehicle accessories shall store or permit any such vehicle or accessories to remain on any private property within the City for a period of more than ten (10) days, and no person owning any private property in the City, as determined from the tax assessment records of the City, shall store or permit to remain any such vehicle or accessories on his property for a period of more than ten (10) days. Such storage is hereby declared to be a public nuisance and may be abated or removed and penalties imposed as provided in this Section. No such person shall be deemed to have violated this Subsection until the expiration of the seventy-two (72) hour period provided for in Section 10-5-3(c) herein.
- (b) **Removal of Prohibited Vehicles.** No person, after notification to remove any abandoned or junked motor vehicle or motor vehicle accessories from any private property has been given pursuant to this Chapter, shall move the same to any other private property upon which such storage is not permitted or onto any public highway or other public property. Whenever the Chief of Police or any member of the Police Department shall be notified that any such vehicle

or accessories have been so removed, a seventy-two (72) hour notice shall be given in the manner provided in Section 10-5-3(c) herein and the same removed as provided in Section 10-5-4 herein.

- (c) **Exceptions.** This Chapter shall not apply to any motor vehicle or motor vehicle accessories stored within an enclosed building or on the premises of a business enterprise operated in a lawful place and manner when necessary to the operation of such business enterprise, in a storage place or depository maintained in a lawful place and manner, or seasonal use vehicles such as snowmobiles, motorcycles, motor scooters, campers or motorhomes and motor vehicles with special registration, such as antique, hobbyist or collector, provided such vehicles are stored as provided in the zoning ordinance relating to off-street parking.

SEC. 10-5-3 ENFORCEMENT OF CHAPTER.

- (a) **Investigation.** The Police Department on routine patrol or upon receipt of a complaint may investigate a suspected abandoned or junked motor vehicle, motor vehicle accessories and record the make, model, style and identification numbers and its situation.
- (b) **Initial Notice of Removal.** Whenever the Chief of Police or any member of the Police Department shall find or be notified that any abandoned or junked motor vehicle or motor vehicle accessories has been stored or permitted to remain on any private property within the City for more than ten (10) days, the Police Department shall send by first-class mail a notice to the owner of record of such motor vehicle or accessories if such owner can be ascertained by the exercise of reasonable diligence, and also to the owner of the private property, as shown on the tax assessment records of the City, on which the same is located to remove said junked motor vehicle or motor vehicle accessories within ten (10) days. Such notice shall also contain the following additional information.
 - (1) Nature of complaint.
 - (2) Description and location of the motor vehicle and/or motor vehicle accessories.
 - (3) Statement that the motor vehicle or motor vehicle accessories shall be removed from the premises no later than ten (10) days from the date of notification.
 - (4) Statement that the owner of the motor vehicle or motor vehicle accessories or the owner of the private property on which the same is located may show cause for not removing such motor or motor vehicle accessories by stating the reasons in a letter of appeal to the Chief of Police within ten (10) days from date of notification.
 - (5) Statement that removal from the location specified in the notification to another location upon which such storage is not permitted is prohibited and shall subject the person to additional penalties.
 - (6) Statement that if removal is made within the time limits specified, notification shall be given to the Chief of Police or Police Department.
 - (7) Statement of the penalties provided for noncompliance with such notice.
- (c) **Final Notice of Removal.** After the expiration of the ten (10) day time period specified in Section 10-5-3(b)(3), the Police Department shall place a notice in a conspicuous place on the motor vehicle or motor vehicle accessories setting forth briefly the applicable provisions of this Chapter, date of notice and specifying that unless the vehicle is removed to a lawful place of storage within seventy-two (72) hours it will be removed under the authority of this Chapter.

SEC. 10-5-4 AUTHORITY FOR REMOVAL. (Amended 09/16/08, Ord RC-252)

- (a) If the abandoned or junked motor vehicle or motor vehicle accessories are not removed within the time period specified in Section 10-5-3(c), the Chief of Police or any member of the Department designated by the Chief is hereby authorized to requisition, at the property owner's or vehicle owner's expense, a private towing company to remove the vehicle to a lawful place of storage
- (b) Members of the Police Department shall have the authority to enter and remain upon property for purposes of enforcing this Section.

SEC. 10-5-5 DISPOSAL OF ABANDONED VEHICLES.

Sale or disposal, and the report for such sale or disposal, shall be as prescribed by Sec. 342.40, Wis. Stats.

SEC. 10-5-6 OWNER RESPONSIBLE FOR IMPOUNDMENT AND DISPOSAL COSTS.

- (a) The owner of any abandoned vehicle, except a stolen vehicle, is responsible for the abandonment and all costs of impounding and disposing of the vehicle. Costs not covered from the sale of the vehicle may be recovered in a civil action by the City against the owner.
- (b) Payment of removal and impoundment costs is not required when the vehicle has been impounded for purposes of law enforcement investigation.