

8-1-5 Motor Vehicle Conduct

8-1-5/UC 50.05 (a) Unnecessary Noise With a Motor Vehicle.

No person may, on public or private property, cause unnecessary and annoying noise with a motor vehicle. The noises prohibited by this provision include, but are not limited to, the following: Squealing tires; excessive noise from an engine; unnecessary blowing of a horn; loud muffler noise; and the backfire of an engine.

UC 50.06 (b) Operation of Motor Vehicle In Place Without Permission.

No person may operate a licensed or unlicensed motor vehicle on private or public property, other than on improved roadways, unless the owner of said land first consented to such operation.

UC 50.10 (c) Unauthorized Vehicles Prohibited On Public Lands.

(1) Declaration of Intent. The purpose of this Section is to provide safe and healthful conditions for the enjoyment of the parkland and open spaces of the Town of Burke consistent with public rights and interests and with the capability of the land resources so as to protect and maintain the premises properly.

(2) Applicability.

(a) It shall be unlawful for any person without a permit to operate or park any unauthorized motor vehicle in or upon any portion of public land including but not limited to, parks, open spaces, median strips, parkways, school grounds or open space easements, unless designated as a park drive, roadway, parking area or temporary parking areas within such public land. "Motor Vehicle" means any self-propelled device in, upon or by which any person or property is or may be transported or drawn. It includes but is not limited to, truck, van or automobile, motorcycle, motor driven cycle, motor scooter or snowmobile.

(b) Exempted from this Section are authorized vehicles consisting of motor vehicle owned by the Town of Burke and police, fire and emergency vehicles.

(3) Permits.

(a) Persons desiring to operate a motor vehicle in or upon such portions of land as designated above shall apply in writing to the Town Board to do so. The application shall describe the lands upon which they wish to operate and the time period, not to exceed three (3) days, for which they wish the permit to be issued.

- (b) The Town Board shall rule upon the permit consistent with the purpose of this Section, their discretion based on environmental, sociological and economic impact and with any additional guidelines developed by the Town Board. If the Town Board rules that a permit shall be issued, the permit shall be issued by the Town Board to the person making the application.
- (c) As part of the application, the person shall agree, upon issuance of the permit, to indemnify and hold harmless the Town of Burke and its agents, employees, servants, and assigns from any claims, demands, damages, actions or suits of whatever kind or nature out of the applicants act of operating the motor vehicle on any property pursuant to the permit.
- (d) UC 50.04 Disorderly conduct with Motor Vehicle No person may, on any public or private property, operate a motor vehicle in a disorderly manner. The conduct prohibited by this provision includes, but is not limited to, the following; The deliberate or intentional spinning of wheels; causing a vehicle while commencing to move or in motion, to have one or more wheels off the ground; operation in a manner that would tend to cause a disturbance; negligent operation; operation that endangers or damages property; operation that endangers or injures the health and safety of a person; operation that causes annoying or disturbing smoke, odor, or gas and reckless operation.
- (e) UC 50.10 Avoidance of Traffic Control 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.

Chapter 2

Official Traffic Signs and Control Devices; Prohibited Signs, Signals and Markers, Special Weight Limits

8-2-1

- (a) Duty of Town Board 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 8-1-1, require the erection of traffic control devices for enforcement, the Town Board or its designee shall procure, erect and Maintain uniform traffic control devices conforming to the Uniform Traffic Control Device Manual promulgated by the WDOT, 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 a manner as, in the judgment of the Town Board or its designee, will carry out the purposes of this Chapter and give adequate warning to users of the streets and highways of the Town of Burke.
- (b) Code Numbers to be Affixed to Official Traffic Control Devices. The Town Board or its designee 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 WDOT, 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 their designee shall place within the limits of any street or highway maintained by the Town any sign, signal, marker, mark or monument unless permission is first obtained from the Town Board or its designee or, where applicable, the State or Dane County 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 section (d).
- (d) Removal of Unofficial Signs, Markers Signals and Traffic Control Devices. The Town Board or its designee may remove any sign, signal, marking or other device, which is placed, maintained or displayed in violation of this Chapter or state law. Any charge imposed against premises for removal of a prohibited or illegal sign, signal, marking or devise shall be noted by the Town Board or its designee to the Town Board for review and certification at the Board's 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.

8-2-2 SPECIAL WEIGHT LIMITS

- (a) **Purpose.** Pursuant to Section 348.17 (1), Wis. Stats. (1999-2000) and as hereafter amended, the Town of Burke is authorized to impose special weight limitations due to special or temporary conditions which may cause deterioration of the highways in the Town. Roadbeds and highways in the Town of Burke are under considerable stress due to construction, vehicle traffic and other special traffic uses and therefore, in an effort to preserve the Town of Burke's street and highway system, the Town Board or its designee, is hereby authorized to impose special restrictions on the use of Town streets and highways and to designate special weight limit routes according to the specific provisions in this Section and in conjunction with the corresponding Wisconsin Statutes.
- (b) **Applicability.** This Section shall apply to the following users:
- (1) Non-Pneumatic Tires All vehicles not operating completely on pneumatic tires; and
 - (2) Heavy Vehicles 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 eight thousand (8,000) pounds except when the vehicle is being used for the purpose of obtaining orders or moving or delivering supplies or commodities to or from a place of business or residence located on a road designated as a special weight limit route. In no event shall the weight of the vehicle and load on any town road exceed the limitations pertaining to Class "A" highways.
- (c) **Administration.** The Town Board, in cooperation with the Dane County Sheriff's Department, shall administer this Section. Administration shall include:
- (1) Posting of Signs. Appropriate signs shall be procured, erected and maintained, giving notice of this Section and of the special weight limitations established herein. The Town Board, or its designee shall erect signs in such locations and in such a manner as, in the judgment of the Town Board or its designee, will carry out the purposes of this Section and give adequate warning to users of the streets and highways of the Town of Burke.
 - (2) Construction Vehicles. The Town Board or its designee may grant temporary permits to allow construction vehicles to use Town streets or highways designated as special weight limit routes. These permits may be granted only when use of a designated route is shown by the user to be necessary for the vehicle to access the construction site.
 - (3) Town and Utility Vehicles. Town-owned or operated vehicles are specifically excluded from the provisions of this Section. Vehicles owned and operated by a public utility will be exempt from the provisions of this Section when being driven to or from the site of any

construction, repair or maintenance of electric, gas or water service located within the Town of Burke.

(d) Special Weight Limits Designated. In the interest of public safety and pursuant to Sections 349.15 to 349.17 Wis. Stats. (2002), or as thereafter amended, the following streets or portions thereof are hereby declared to have special weight limitations. The designations of the streets upon which vehicles in excess of ten thousand (10,000) pounds (5 tons) are prohibited are as follows:

All town streets except for those designated as truck routes. This limitation applies to any and all motor vehicles except those registered with the Wisconsin Department of Motor Vehicles as a personal recreational vehicle. Trucks routes in the Town of Burke are:

Reiner Road from Cty. T to Hwy 151

Nelson Road from Madison Crushing West Pit driveway to town line

Hoepker Road from Rattman Road to Hwy. CV

Rattman Road from Hoepker Road to Hwy. 19

(e) Penalty for Violation. The penalty for violation of any provision of this Section shall be a forfeiture of not less than \$100 nor more than \$500, together with the costs of prosecution imposed and provided in Section 345.20 to 345.53, Wis. Stats. (2002) or as thereafter amended.

8-2-3/UC50.11 Use of Town Right of Ways

- (a) Prohibited Activities. No person may erect, install, construct, place, or maintain within any right-of-way owned or under the control of the Town any sign, placard, bulletin, or similar item, either on a temporary or permanent basis, regardless of the content of the communication or message contained therein.
- (b) Penalties. Any person who violates any provision of this section shall be subject to a forfeiture of not less than \$100.000 nor more than \$500.00 for each violation. Any person who violates any provision of this section shall be deemed to be causing a public nuisance and the same may be abated as such.

Chapter 3

Parking

8-3-1/UC50.08

- (a) **Abandoned Vehicle.** The time period for a vehicle to be deemed abandoned and constituting a public nuisance under sec. 342.40, Stats., is hereby determined to be 48 hours. The Town Chair or the Town Chair's designee is authorized to make the determinations authorized under sec. 342.40, Stats. In addition to the payment of all costs of impounding and disposing of the vehicle as required by sec. 342.40, Stats., the owner of any abandoned vehicle, except a stolen vehicle, shall be required to pay to the Town a forfeiture in the amount of \$150.00.

- (b) **Emergency Parking Regulations.** Any law enforcement officer acting on behalf of the Town and any person designated by the Town Board may regulate the parking and the movement of traffic in emergency situations, including street maintenance and snow removal. Such person or persons shall give notice of such parking restrictions by placing appropriate signs in the areas in which such restrictions will be in effect.

- (c) **Towing.** Any vehicle parked in violation of any part of this section or any other ordinance may be towed at the direction of any law enforcement officer acting on behalf of the Town. The owner of any towed vehicle shall pay the reasonable costs of having the vehicle towed and stored.

- (d) **Parking Violations.**
 - (1) **Parking Provisions Adopted.** The parking provisions of Chapters 340 through 350 of the Wisconsin Statutes are hereby adopted and are incorporated herein as if fully set forth. Any act required to be performed or prohibited by any provision incorporated herein is required to be performed by this section. Any future amendment of said Chapters that relates to parking is hereby adopted and is incorporated herein as if fully set forth as of the effective date of that future amendment.

 - (2) **Parking Violations Prohibited.** No person may park any vehicle in violation of the subsection.

 - (3) **Procedure.** Any parking citation issued pursuant to this subsection shall be a citation form prepared by the Town. If payment for any such citation is received by the Town within 15 days of issuance of the citation, the citation shall not be filed with or transmitted to the municipal court and no court costs shall be payable. If payment for any such citation is not received by the Town within 15 days of issuance of the citation, the citation shall be filed with or transmitted to the municipal court for processing and, if a forfeiture is imposed pursuant to the citation, court costs also shall be imposed.

- (e) Parking Violation Registration Program. The Town elects to participate in the Wisconsin Department of Transportation program that allows for suspending and/or refusing the registration of a vehicle as a consequence of any unpaid forfeiture for any nonmoving traffic violation. The Town will pay the costs assessed by the Wisconsin Department of Transportation to the Town for the Town's participation in the program; such costs shall be assessed by the Town against the person charged with the nonmoving traffic violation. The "authority" described as a part of the program shall be any Town official who was authorized to have issued the citation for the nonmoving traffic violation.

- (f) It is unlawful to park any automobile, motorized vehicle, trailer, boat, or other type of device or apparatus within the radius of a Town cul de sac.

- (g) It is unlawful to park any automobile, motorized vehicle, trailer, boat, or other type of device or apparatus within 50 feet from the terminus of a dead end road.

- (1) **Penalties.** Except where a penalty is provided elsewhere in these ordinances:
 - (a) **General Penalties.** Any person found guilty of having violated any provision of this Title shall be subject to a forfeiture of not less than \$30.00 nor more than \$1,000.00; shall be ordered to pay all costs, fees, penalties, assessments, surcharges, and other charges that are or can be imposed by state law; and shall be ordered to pay the costs of prosecution whenever such costs are allowed by state law.
 - (b) **Adopted Penalties.** Any person found guilty of having violated any provision of these ordinances that is adopted from a state provision shall be subject to a minimum forfeiture equal to the minimum forfeiture or fine permitted for violation of the state provision and to a maximum forfeiture equal to the maximum forfeiture or fine permitted for violation of the state provision, provided that the maximum forfeiture shall not exceed \$2,000.00; shall be ordered to pay all costs, fees, penalties, assessments, surcharges, and other charges that are or can be imposed by state law; and shall be ordered to pay the costs of prosecution whenever such costs are allowed by state law. If an adopted state provision has no penalty provision, the general penalty provisions of these ordinances shall apply.
 - (c) **Forfeitures for Parking Penalties.** The minimum and maximum forfeiture for a violation of non-moving traffic violations adopted by reference in Section 8-1-1 as described in Chapters 340 through 350 of the Wisconsin Statutes shall be found in the current edition of the Revised Uniform Traffic Deposit Schedule. For all other parking violations, the minimum forfeiture shall be \$20.00.
- (2) **Juvenile Dispositions and Sanctions.** For a juvenile adjudged to have violated an ordinance, the municipal court is authorized to impose any of the dispositions listed in secs. 938.343 and 938.344, Stats., in accordance with the provisions of those statutes. For a juvenile adjudged to have violated an ordinance who violates a condition of a dispositional order of the court under secs. 938.343 or 938.344, Stats., the municipal court is authorized to impose any of the sanctions listed in sec. 938.355(6)(d), Stats., in accordance with the provisions of those statutes.
- (3) **Continued Violations.** Each violation and each day a violation continues or occurs shall constitute a separate offense. Nothing in these ordinances shall preclude the Town from maintaining any appropriate action to prevent or remove a violation of any provision of these ordinances.
- (4) **Other Remedies.** The Town shall have any and all other remedies afforded by Wisconsin law in addition to the remedies, terms, and penalties described in this Title. No person who has been convicted of a violation of any provision of these ordinances shall be issued a license or permit by the Town, except a dog license, until the forfeiture imposed for such violation and any penalty assessment, court costs and fees, surcharge, or other remedy is paid.