

# CHAPTER 10. MOTOR VEHICLES AND TRAFFIC

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# GENERAL PROVISIONS - TRAFFIC AND PARKING

## SEC. 10.01 STATE TRAFFIC LAWS ADOPTED.

- (a) **Statutes Adopted.** Except as otherwise specifically provided in this Code, the statutory provisions in Chapters 110, 194, and 340 through 349 of the Wisconsin Statutes, describing and defining regulations with respect to vehicles and traffic, for which the penalty is a forfeiture only, exclusive of any regulations for which the statutory penalty is a fine or term of imprisonment or exclusively state charges, are hereby adopted and by reference made a part of this Chapter as if fully set forth herein. The statutory sections listed shall be designated as part of this Code by adding the prefix "10-1-" to each statute section number. Any act required to be performed or prohibited by any regulation incorporated herein by reference is required or prohibited by this Chapter. Any future amendments, revisions or modifications of the statutory regulations in Chapters 340 through 349 incorporated herein are intended to be made part of this Chapter in order to secure to the extent legally practicable uniform statewide regulation of vehicle traffic on the highways, streets and alleys of the State of Wisconsin. Any person who shall, within the City of Oak Creek, Wisconsin, violate any provisions of any Statute incorporated herein by reference shall be deemed guilty of an offense under this Section.
- (b) **Other State Laws Adopted.** There are also hereby adopted by reference the following sections of the Wisconsin Statutes, but the prosecution of such offenses under this Chapter shall be as provided in Chapters 340 through 349 of the Wisconsin Statutes and the penalty for violation thereof shall be limited to a forfeiture as hereinafter provided in this Chapter:
  - 941.01 Negligent Operation of Vehicle off Highway
  - 947.04 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of the Wisconsin Statutes, such references shall mean the Wisconsin Statutes of 1991-92 as from time to time amended, repealed or modified by the Wisconsin Legislature.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 authorities

ty for enactment or enforcement of local traffic regulations shall be deemed to refer to the most recent enactment's of the Wisconsin Legislature describing or defining such procedures or authorities.

## SEC. 10.02 STATE ADMINISTRATIVE CODE PROVISIONS ADOPTED.

- (a) **Administrative Regulations Adopted.** The following administrative rules and regulations adopted by the Secretary of the Wisconsin Department of Transportation and published in the Wisconsin Administrative Code, exclusive of any provisions therein relating to the penalties to be imposed, are hereby adopted by reference and made part of this Chapter as if fully set forth herein:
  - Wis. Adm. Code - TRANS 6 Transportation of Explosives by Motor Vehicle
  - Wis. Adm. Code - TRANS 12 Leasing of Vehicles by Private Carriers
  - Wis. Adm. Code - TRANS 18 Protective Headgear Standards and Specifications
  - Wis. Adm. Code - TRANS 22 Standards and Specifications - Design and Mounting SMV Emblem
  - Wis. Adm. Code - TRANS 195 Fees and Procedures for Searches and Documentation of Division of Motor Vehicle Records
  - Wis. Adm. Code - TRANS 305 Standards for Motor Vehicle Equipment
  - Wis. Adm. Code - TRANS 325 Motor Carrier Safety Regulations
  - Wis. Adm. Code - TRANS 326 Motor Carrier Safety Requirements
  - Wis. Adm. Code - TRANS 327 Motor Carrier Safety
  - Wis. Adm. Code - TRANS 328 Motor Carrier Safety Requirements Intra-State
- (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 10.01 of this Chapter.
- (c) **Safety Checks.**
  - (1) Operators to Submit to Inspection. When directed to do so by any law enforcement officer, the operator of any motor vehicle shall stop and submit such vehicle to an inspection and such tests 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.
- (d) **Penalty.**
  - (1) Penalty for violation of any provision of this Section, including the provisions of the Wisconsin Administrative Code, incorporated herein by reference, shall be as provided in Section 10.80 together with the costs of prosecution and applicable penalty assessment.
  - (2) The Administrative Code sections adopted by reference in Subsection (a) above shall be designated as part of this Code by adding the prefix "10.02-" to each statute or Administrative Code section number.

### **SEC. 10.03 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 10.01 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 Oak Creek.

- (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 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 or, where applicable, the Wisconsin Department of Transportation. 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 any law enforcement officer 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. 10.04 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 10.01 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. 10.05 SCHOOL BUS WARNING LIGHTS.**

- (a) Notwithstanding the provisions of Sec. 346.48(2)(b)2., Wis. Stats., adopted by reference in Section 10.01 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 crosswalk or traffic signals so that pupils must cross the street or highway before being loaded or after being unloaded.
- (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 a right-of-way between the roadway and the school grounds designated by “school” warning signs as provided in Sec. 118.08(1), Wis. Stats.

**SEC. 10.06 ACCIDENT REPORTS.**

The operator of every vehicle involved in an accident shall, immediately after such accident, file with the Police Department a copy of the report required by Sec. 346.70, Wis. Stats., if any. If the operator is unable to make such report, any occupant of the vehicle at the time of the accident capable of making such report shall have the duty to comply with this Section. Such reports shall be subject to the provisions and limitations of Sections 346.70(4)(f) and 346.73, Wis. Stats., specifically that accident reports filed with this Section shall be open to public inspection as permitted by Sec. 346.73, Wis. Stats.

State Law Reference: Sec. 346.70, Wis. Stats.

**SEC. 10.07 OFFICIAL TRAFFIC MAP.**

There is hereby established an official map upon which shall be indicated no parking areas, restricted parking areas, stop signs, arterial intersections, yield signs, special speed limits, one way streets and alleys, school crossings, and any other restrictions and limitations as directed by the Common Council. A violation of the restriction or limitation shown on the official traffic map shall be a violation of this Section. A copy of the official traffic map shall be maintained in the office of the City Clerk, the Police Department, and the Municipal Court. The Common Council may from time to time, by resolution, make additions or deletions from the official traffic map, and the City Engineer shall keep such official traffic map current.

# STREET TRAFFIC REGULATIONS

## SEC. 10.20 WEIGHT LIMITS AND HEAVY TRAFFIC ROUTES.

(a) **Class “B” Highway Designated.** All streets and alleys within the City of Oak Creek are hereby designated Class “B” highways subject to the weight limitations imposed on Class “B” highways by the Wisconsin Statutes adopted by Section 10.01 of this Code of Ordinances, except such highways within the City designated by the State Department of Transportation as “state trunk highways” and such highways designated by the Milwaukee County Board as “county trunk highways.”

(b) **Special and Seasonal Weight Limitations.** The Street Superintendent of the City of Oak Creek shall have the authority to impose special or seasonal weight limits on any highway, bridge or culvert maintained by the City of Oak Creek to prevent injury to the roadway or for the safety of the users of such highway, bridge or culvert pursuant to Sec. 349.16, Wis. Stats., and he shall be responsible for erecting Uniform Traffic Control Devices giving notice thereof.

(c) **Heavy Traffic Routes.**

(1) Heavy Traffic Routes Designated. The following highways or parts thereof within the jurisdiction of the City of Oak Creek are hereby designated Heavy Traffic Routes:

- a. 1<sup>st</sup> Street from Rawson Avenue to Marquette Avenue.
- b. 5<sup>th</sup> Avenue from South Milwaukee city limits to Ryan Road.
- c. 6<sup>th</sup> Street from Drexel Avenue to its dead end.
- d. 10<sup>th</sup> Street from Drexel Avenue to its dead end.
- e. 20<sup>th</sup> Street from Southbranch Boulevard to its dead end.
- f. 20<sup>th</sup> Street from Ryan Road to Southbranch Boulevard.
- g. 22<sup>nd</sup> Street from Ryan Road to 760 feet north.
- h. Anderson Road from 13<sup>th</sup> Street to its dead end.
- i. Bell Court from Liberty Lane to the east end
- j. Burkhard Court from 6<sup>th</sup> Street to the east end
- k. Centennial Drive from Howell Avenue to Mayhew Drive
- l. Depot Road from 5<sup>th</sup> Avenue to its dead end.

- m. Drexel Avenue from Howell Avenue to 27<sup>th</sup> Street.
- n. Edison Road from Chicago Road to its dead end.
- o. Elm Road from Chicago Road to its dead end.
- p. Forest Hill Avenue from Howell Avenue to its dead end.
- q. Liberty Lane from Forest Hill Avenue to a point 1,450 feet south
- r. Mahn Court from Howell Avenue to the east end
- s. Marquette Avenue from Howell Avenue to 6<sup>th</sup> Street.
- t. Mayhew Drive from Centennial Drive to a point 800 feet north
- u. Northbranch Drive from 13<sup>th</sup> Street to 10<sup>th</sup> Street.
- v. Pelton Drive from 13<sup>th</sup> Street to its dead end.
- w. Pennsylvania Avenue from STH 100 to Ryan Road.
- x. Ridgeview Drive from 20<sup>th</sup> Street to its dead end.
- y. Reinhart Drive from Southbranch Boulevard to its dead end.
- z. Ryan Road from Pennsylvania Avenue to ¼ mile East of Pennsylvania Avenue.
- aa. Ryan Road from 5<sup>th</sup> Avenue to Chicago Road.
- bb. Southbranch Boulevard from 27<sup>th</sup> Street to 20<sup>th</sup> Street.

(2) Restrictions on Use of Other Streets by Heavy Traffic. No person shall operate or move a vehicle, except a motor bus, which is not equipped with pneumatic tires or has a combined vehicle load weight exceeding six thousand (6,000) pounds on any highway not part of the heavy traffic route designated in Subsection (c)(1) above except for the purpose of obtaining orders for, or moving or delivering supplies or commodities to or from a place of business or residence which has an entrance thereon; provided, in no event shall the weight of vehicle and load on any street not defined or designated as a heavy traffic route under Subsection (c)(1) above exceed the limitations of pertaining to Class “A” highways or deliveries on Class “B” highways established by the Wisconsin Statutes.

(3) Deviation. Any vehicle lawfully deviating from the heavy traffic route for the purpose of obtaining orders for, or moving or delivering supplies or commodities to or

from a place of business or a residence must travel between the heavy traffic route and its destination by means of the shortest practicable route available.

*Ordinance #1975 A 12/15/98 Sec. 10.20(c)*

*Ordinance # 2001 A 5/18/99 Sec. 10.20(c)(1)*

*Ordinance #2039 A 10/19/99 Sec. 10.20(c)(1)*

*Ordinance #2176 A 04/01/02 Sec. 10.20 (c)(1)*

*Ordinance #2181 A 5/7/02 Sec. 1020(c)(1)*

*Ordinance #2668 A12/18/12 Sec. 10.20(c)(1)*

## PARKING REGULATIONS

### SEC. 10.40 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 Public Works Department and/or Police Department shall post such highways or parts thereof with signs bearing the words "No Parking - Street Maintenance Work." 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 limited parking signs be erected 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 during the time that a snow emergency has been declared.

### SEC. 10.41 STOPPING OR PARKING PROHIBITED IN CERTAIN SPECIFIED PLACES.

- (a) **Parking Prohibited at All Times.** Except temporarily for the purpose of and while actually engaged in loading or unloading or in receiving or discharging passengers or property and while the vehicle is attended by a licensed operator so that it may be moved promptly in case of an emergency or to avoid obstruction of traffic, no person shall at any time park or leave standing any vehicle:
  - (1) Within an intersection.
  - (2) On a crosswalk.
  - (3) On a sidewalk or terrace area, except when parking in such place is clearly indicated by official traffic signs or markers. "Terrace or Sidewalk Area" means that area between the sidewalk and the nearest curb line running parallel or generally parallel thereto or in the absence of a sidewalk ten (10) feet beyond the curb line.
  - (4) Alongside or opposite any highway excavation or obstruction when such stopping or standing would obstruct traffic or when

- pedestrian traffic would be required to travel in the roadway.
- (5) On the roadway side of any parked vehicle unless double parking is clearly indicated by official traffic signs or markers.
- (6) Within a fire lane consisting of either the driveway between the front doors of a Fire Station and the public street or in such places properly designated and marked as fire lanes ordered by the Fire Chief.
- (7) Upon any portion of a highway where and at the time when stopping or standing is prohibited by official traffic signs indicating the prohibition of any stopping or standing.
- (8) In any place or manner so as to obstruct, block or impede traffic.
- (9) Within ten (10) feet of a fire hydrant located on either public or private property, unless a greater distance is indicated by an official traffic sign.
- (10) Upon any portion of a highway where and at the time when parking is prohibited, limited or restricted by official traffic signs.
- (11) Upon any bridge.
- (12) Upon any street or highway within the City limits any vehicle which faces a direction different from the direction of normal traffic flow for the lane of traffic in which said vehicle is stopped or standing.
- (13) In a loading zoning.
- (14) Within four (4) feet of the entrance to an alley, private road or driveway.
- (15) In any municipal park when said park is closed to the public.
- (16) Within fifteen (15) feet of a refuse container.
- (b) **Parking in Driveways.** No person shall park or leave standing any motor vehicle in any private driveway without the permission of the owner or lessee of the property which such driveway is located, whether or not such driveway is posted to limit or restrict parking.
- (c) **Vehicles Not to Block Private Drive, Alley or Fire Lane.** No vehicle shall, at any time, be parked so as to unreasonably restrict the normal access to any private drive, alley or fire lane. Said access shall be deemed to be unreasonably restricted if any vehicle is parked within four (4) feet of either side of said access. Upon discovery by a 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.

- (d) **Parking Vehicle for Repair.** No person shall stand or park a vehicle on any street, alley, public right-of-way or municipal parking lot in the City of Oak Creek for the purpose of repairing said vehicle or to display such vehicle for sale. No person shall park on any street or avenue any vehicles for the primary purpose of advertising.
- (e) **Sale of Motor Vehicles from a Private Residence.** An owner or occupant of a one-family or two-family residence shall not allow more than one (1) motor vehicle to be displayed for sale at any one time and shall not allow more than three (3) motor vehicles to be displayed for sale within a calendar year on the parcel owned or occupied by said person.

*Ordinance # 2310, A 6/15/04, Sec.10.41(a)(16)*

**SEC. 10.42 PARKING RESERVED FOR VEHICLES OF DISABLED.**

When official traffic signs indicating such restriction have been erected in accordance with Section 10.03 of this Chapter, no person shall park, stop or leave standing any vehicle upon any portion of a street, highway or public or private parking facility reserved for vehicles displaying special registration plates or identification cards or emblems issued by the Wisconsin Department of Transportation or, for vehicles registered in another jurisdiction, by such other jurisdiction designating the vehicle as one used by a physically disabled person.

**SEC. 10.43 LEAVING KEYS IN VEHICLE PROHIBITED.**

No person shall permit any motor vehicle to stand or remain unattended on any street, alley or other public area, except an attended parking area, unless either the starting lever, throttle, steering apparatus, gear shift or ignition of the vehicle is locked and the key for such lock is removed from the vehicle. Whenever any police officer shall find any vehicle standing with the key in the ignition in violation of this Section, such officer is authorized to remove such key from the vehicle and deliver the key to the Police Department for safe custody.

**SEC. 10.44 ALL-NIGHT PARKING.**

No person except a physician on an emergency call shall park any vehicle on any street in the City as follows:

- (a) Between 2:00 a.m. and 6:00 a.m. Monday through Friday from December 1st to April 1st.
- (b) Between 2:30 a.m. and 6:00 a.m. on Saturday and Sunday from December 1st to April 1st.

**SEC. 10.45 PARKING ON STATE AND COUNTY TRUNK HIGHWAYS.**

Pursuant to Sec. 349.13, Wis. Stats., the Common Council shall have the authority to authorize by motion the establishment of no parking areas, limited parking areas or restricted parking areas on state and county trunk highways within the City of Oak Creek.

**SEC. 10.46 UNLAWFUL REMOVAL OF PARKING CITATIONS.**

No person other than the owner or operator thereof shall remove a City notice of parking violation or other parking citation from a motor vehicle.

**SEC. 10.47 OPERATION OF MOTOR VEHICLES IN PUBLIC PARKING LOTS.**

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.

**SEC. 10.48 REMOVAL OF ILLEGALLY PARKED VEHICLES.**

- (a) **Hazard to Public Safety.** Any vehicle parked, stopped or standing upon a highway or publicly-owned 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 position where parking is permitted or to a private or public parking or storage premises.
- (c) **Removal by Traffic Officer.** Any law enforcement officer after issuing a notice of parking violation 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.** Any law enforcement 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. 10.49 TRAFFIC AND PARKING REGULATIONS ON SCHOOL DISTRICT GROUNDS.**

Pursuant to the provisions of Sec. 118.105, Wis. Stats., the following regulations shall apply to the grounds of the School District located within the City:

- (a) **Applicability.** This Section shall apply to all off-highway school premises, school drives and parking lots of the School District premises (hereinafter referred to as “school premises”). This Section shall not apply to motor vehicle traffic on other public or private streets or highways in the City.
- (b) **Speed Limit.** No person shall operate a motor vehicle on school premises where motor vehicle traffic is permitted at a speed in excess of fifteen (15) miles per hour.
- (c) **State Traffic Forfeiture Laws Adopted.** All provisions of Chapters 340 to 349 of the Wisconsin Statutes describing and defining regulations regarding reckless or disorderly conduct with a motor vehicle and operating under the influence of an intoxicant 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 Section as if fully set forth herein. Such statutory sections shall be designated as part of this Code by adding the prefix “10.49-“ to each state statute section number. Any act required to be performed or prohibited by any statute incorporated herein by reference is required or prohibited by this Section.
- (d) **Miscellaneous Rules.**
  - (1) No person shall operate a motor vehicle on such school premises at a rapid or sudden acceleration with the intent of squealing tires or leaving tire marks.
  - (2) No person shall operate a motor vehicle on such premises across parking lot islands or parking lot dividers.

**SEC. 10.50 NON-MOTORIZED VEHICLE PARKING.**

- (a) It shall be unlawful for any person to park a trailer, boat, vehicle accessory or attachment which is not self-propelled upon any street in the City of Oak Creek for any continuous period of time in excess of twenty-four (24) hours. Each day in violation shall be a separate offense.

**SEC. 10.51 COMPRESSION BRAKE USE PROHIBITED.**

- (a) No operator of a motor vehicle shall use brakes which are in any way activated operated by the compression of the engine of the motor vehicle or any unit or part thereof such as Jacobs Engine Brake™ or similar hydraulically operated devices that converts a power producing diesel engine into a power-absorbing retarding mechanism (commonly known as “Jake Brakes,” “engine brakes” or “compression brakes”) on any highway within the City of Oak Creek.
- (b) It shall be an affirmative defense to prosecution under this section that Jake Brakes, engine brakes or compression brakes were applied in an emergency and were necessary to prevent immediate danger to life or property.
- (c) The terms of this ordinance shall not apply to any “authorized emergency vehicles” as that term is defined in Wis. Stats. Section 340.01(3).
- (d) This prohibition shall apply throughout the City of Oak Creek and the City streets shall be posted accordingly.

*Ordinance 2403, A 5/2/06, Sec.10.51*

## MISCELLANEOUS TRAFFIC PROVISIONS

### SEC. 10.60 DISTURBANCE OF THE PEACE WITH A MOTOR VEHICLE.

- (a) **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.
- (b) **Unnecessary Acceleration and Display of Power Prohibited.** It shall be unlawful for any person to operate any vehicle, including motorcycles, all-terrain vehicles and bicycles, in such a manner as to cause, by excessive and unnecessary acceleration, the tires of such vehicle or cycle to spin or emit loud noises or to unnecessarily throw stones or gravel; nor shall such driver cause to be made by excessive and unnecessary acceleration any loud noise as would disturb the peace.
- (c) **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.
- (d) **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.
- (e) **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. 10.61 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 Oak Creek unless otherwise directed by a law enforcement officer.
  - (2) **Crossing at Crosswalks.** No pedestrian shall cross at a crosswalk except on the right half thereof whenever practicable. 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. 10.62 MOTOR VEHICLES ON PEDESTRIAN WAYS; USE OF HIGHWAYS.

- (a) **Pedestrian Ways.** No person shall operate or park any motor vehicle on any pedestrian way within the City of Oak Creek except maintenance vehicles.
- (b) **Use of Highways.** No person shall drive a vehicle onto or from a street, highway or roadway except through an opening provided for that purpose. No person shall operate a vehicle in or across drainage ditches or green strips adjacent to public streets, highways or roadways except for openings provided for vehicular traffic.

### SEC. 10.63 RAILROAD TRAINS NOT TO BLOCK CROSSINGS.

No person shall operate, permit to be operated, or stop any railroad train, locomotive or car upon or across any highway or street crossing, or leave the same standing upon such crossing longer than five (5) minutes, except in cases of accident or mechanical breakdown. In cases of accident or mechanical breakdown, upon order of the Oak Creek Police, Fire or

Highway Department, the train shall promptly be separated to clear the street or highway crossing.

#### **SEC. 10.64 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 Oak Creek.
- (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. 10.65 JUNKED MOTOR VEHICLES.**

- (a) **Purpose.** Damaged, partially dismantled or junk motor vehicles upon private premises constitute an eyesore and tend to depreciate property values contrary to the public welfare. Whenever such vehicles are junk motor vehicles or are partially dismantled, are unsafely elevated, are parked on unapproved surfaces or are rendered favorable to the harborage of rodents and insects, they may create a health or safety hazard or create a threat to the public welfare and as such constitute a public nuisance.
- (b) **Definitions.** In this section:
  - 1. "Inoperable" means a motor vehicle that is incapable of being propelled under its own power including, but not limited to, a motor vehicle meeting any of the following criteria:
    - a. Is missing an engine.
    - b. Is missing a battery.
    - c. Is missing a transmission.
    - d. Is missing a wheel.
    - e. Is elevated on blocks or other objects.
    - f. Is missing a tire or has a deflated tire.
  - 2. "Junk motor vehicle" means a motor vehicle meeting any three of the following criteria:
    - a. Has not been moved for 30 consecutive days.
    - b. Is partially dismantled.
    - c. Is inoperable.
    - d. Is parked on a surface that is not an approved surface.
    - e. Is unregistered or improperly registered.
  - 3. "Partially dismantled" means, but is not limited to, a motor vehicle meeting any of the following criteria:
    - a. Is missing a door, fender or hood.

- b. Is missing a windshield or window or has a broken windshield or window.
- 4. "Premises" means all or part of a platted lot, an un-platted lot or parcel of land or a plot of land either occupied or unoccupied by any building or structure, equipment or property of any kind.
- 5. "Premises owner" means any person who alone or jointly with others has legal title to any facility or premises with or without having actual occupancy; or who has charge, care or control of the facility or premises as owner or agent of the owner or as executor, administrator, trustee or guardian of the estate of the owner.
- 6. "Public view" means storing outside of a fully enclosed code compliant building.
- 7. "Vehicle" means a motor vehicle as defined in Sec. 340.01(35), Wis. Stats.

- (c) **Certain Vehicles Prohibited.** Except where permitted by a valid occupancy permit, no premises owner or vehicle owner may allow any of the following on a premises owner's private premises.

- 1. A vehicle that is damaged in a manner that would adversely affect its operation or partially dismantled.
- 2. A vehicle that is unsecured or unsafely elevated on blocks or other objects so as to constitute a threat to the public welfare.
- 3. A vehicle whose condition renders it favorable to the harborage of rodents and insects so as to constitute a threat to the public welfare and a health and safety hazard.
- 4. A vehicle that constitutes an eyesore and tends to depreciate property values and is a threat to the public welfare so as to constitute a public nuisance.
- 5. A vehicle that is in such condition or parked in such a way to render such vehicle a health and safety hazard.

- (d) **Junk Motor Vehicle as Threat to Public Welfare.** A junk motor vehicle, as defined in Sub. (b)(2), constitutes a threat to the public welfare.

- (e) **Condemnation of Vehicles.** Whenever the building commissioner believes or has reasonable grounds to believe any vehicle on private premises is a junk motor vehicle or to be in such condition or parked in such a way so as to render such vehicle a health or safety hazard or a threat to the public welfare, the building commissioner may condemn the vehicle in accordance with the following procedures:

- 1. **Order.** The building commissioner shall, through personal delivery or the regular mail, serve a written order of condemna-

- tion on the owner of the premises at the owner's last known address, if ascertainable.
2. **Format.** The order shall:
    - a. Include a description of the premises and vehicle.
    - b. Include an explanation for the issuance.
    - c. Include a statement concerning the time period by which the vehicle must be removed or its condition corrected.
    - d. Include a statement of the consequences if the City removes the vehicle.
    - e. Include an explanation of the right to petition the building commissioner for a hearing within ten (10) days and a statement that any vehicle owner or premises owner who does not file a petition for a hearing within ten (10) days of the order waives the right to assert that the vehicle did not meet the criteria for a vehicle that is subject to removal under this section.
  3. **Notice and Placard.** Whenever the building commissioner issues such an order:
    - a. The building commissioner shall through personal delivery or regular mail, serve a notice of condemnation on the last registered owner of the vehicle at the owner's last known address if ascertainable.
    - b. The building commissioner shall provide notice of condemnation on a placard that bears the word "Condemned" and post a copy of the placard in a conspicuous place on the vehicle. The placard may be posted at any time after the commissioner determines that the vehicle constitutes a nuisance.
- (f) **Hearing.** A request for a hearing before the building commissioner must be filed within ten days (10) from the time the vehicle has been condemned and be in writing, explaining why the vehicle should not be removed from the premises.
1. Upon receipt of the request for a hearing, the building commissioner shall halt the condemnation of the vehicle, pending the decision of the building commissioner.
  2. If the building commissioner upholds the condemnation of the vehicle, the premises owner or the vehicle owner may appeal the decision to the Small Claims Committee of the Common Council within seven (7) days from receipt of the decision of the building commissioner. If the premises owner or the vehicle owner fails to file an appeal in writing within seven (7) days, the building commissioner's decision shall be final.
- Whenever a vehicle owner or premises owner does not file a request for a hearing under Sub. (f), he or she waives the right to assert that the vehicle did not meet the criteria for a vehicle that is subject to removal under this section.
- (g) **Removal of Condemned Vehicles.** Not less than ten (10) days after the mailing or service and posting of an order and notice if no petition for a hearing has been filed, or not less than ten (10) days after the building commissioner's decision if a request for hearing is filed or not less than ten (10) days after the decision of the Small Claims Committee if an appeal has been filed, and if the vehicle has not been removed or its condition corrected, the building commissioner may have the vehicle removed and destroyed at the City's expense. The costs of such action shall be collected from the owner of the premises at which the vehicle had been stored, from the owner of the vehicle or may be charged against the premises and assessed as other special charges are, upon notification by the building commissioner to the City Clerk.
  - (h) **Exceptions.** This section shall not apply to a vehicle in an enclosed building or if the vehicle is stored on the premises of an auto repair business, a service station, a junk yard or other such business, as long as the business is licensed and operated according to the law, or to a vehicle which is in an appropriate storage place maintained by the City or allowed under Wis. Stats. Sec. 341.266.
  - (i) **Enforcement.**
    1. The building commissioner shall enforce this section.
    2. In addition to other applicable enforcement procedures and pursuant to Sec. 66.0113, Wis. Stats., City personnel may issue citations pursuant to the citation procedure in Sec. 1.20 to 1.26 to any person violating this section.
  - (j) **Penalties.**
    1. **Violations.** Any person convicted of violating this section shall be subject to a forfeiture under Sec. 1.07. Each day of violation shall be a separate offense.
    2. **Citations.** In addition to other applicable enforcement procedures and pursuant to Sec. 66.0113, Wis. Stats., City personnel may issue citations pursuant to the citation procedure in Sec. 1.20 to 1.26 to any person violating this section.

*Ordinance 2371, A 11/1/05, Sec. 10.65*

**SEC. 10.66: INOPERABLE AND UNREGISTERED VEHICLES.**

- (a) Definition. In this section, “Inoperable” means a motor vehicle that does not meet the standards for motor vehicle equipment as outlined in Wisconsin Administrative Code Chapter Trans 305 or any future amendments thereto.
- (b) Violation. No premises owner or occupant or vehicle owner may allow an inoperable vehicle on the owner’s property for more than ten consecutive days unless the vehicle is stored inside a garage or other similar structure.
- (c) Enforcement. The Police Department shall enforce this section.
- (d) Penalties.
  - (1) Violations. Any person convicted of violating this section shall be subject to a forfeiture under Section 1.07. Each day of violation shall be a separate offense.
  - (2) Citations. In addition to other applicable enforcement procedures and pursuant to Section 66.0113, Wis. Stats., City personnel may issue citations pursuant to the citation procedure in Section 1.20 to 1.26 to any person violating this section.

*Ordinance # 2412, A 6/6/06, Sec. 10.66*

*Ordinance #2521, A 10/07/08, Sec. 10.66*

## ENFORCEMENT AND PENALTIES

### SEC. 10.80 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 therefor and having jurisdiction of the case, be imprisoned until such forfeiture, costs and assessment are paid, but not exceeding ninety (90) days.
- (b) **Other Sanctions.**
- (1) **By Court.** Nothing herein shall preclude or affect the power of the sentencing court to exercise additional authorities granted by the Wisconsin Statutes to suspend or revoke the operating privileges of the defendant, order the defendant to submit to assessment and rehabilitation programs or to attend traffic safety school in addition to payment of a monetary penalty or in lieu 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 10.01 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, except where specifically provided in this Chapter.

(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 10.01 as described in Chapter 341 to 349, Wis. Stats., shall be as found in the current edition of the Revised Uniform State Traffic Deposit Schedule.
- (2) **Handicapped Parking.** Any person who shall violate Section 10.42 regulating the parking of vehicles in places reserved for vehicles used by a physically disabled person shall be subject to the following penalties:
- a. If paid within ten (10) days after the date and time specified on the citation - Forty-five Dollars (\$45.00).
- b. If paid after fifty-eight (58) days of the date and time specified on the citation - Sixty-five Dollars (\$65.00).
- (3) **Other Parking Violations.** Any person who shall violate any provision of this Chapter not adopted by reference by Section 10.01 regulating the parking of motor vehicles shall be subject to the following penalties:
- a. **Stipulation.** If the alleged violator enters into a stipulation of guilt or no contest:
1. If paid within ten (10) days after the date and time specified on the citation - Ten Dollars (\$10.00).
2. If paid after ten (10) days of the date and time specified on the citation - Twenty Dollars (\$20.00).
3. If paid after twenty-eight (28) days of the date and time specified on the citation - Forty-five Dollars (\$45.00).
- b. **Court Appearance.** If the alleged violator appears in court and is adjudged guilty, not more than One Hundred Dollars (\$100.00) plus the costs of prosecution, and in default of payment thereof, not more than five (5) days in the Milwaukee County House of Correction until said forfeiture and costs are paid.

- (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 as provided in Section 1.07 of this Code of Ordinances.

**SEC. 10.81 ENFORCEMENT.**

**(a) Enforcement Procedures.**

- (1) How Enforced. This Chapter shall be enforced in accordance with Section 66.12, Sections 345.20 to 345.53 and Chapter 800, Wis. Stats., and other 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 the 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. The City Attorney and Chief of Police shall recommend to the Common Council a citation for use in enforcing the non-moving traffic offenses in this Chapter. Such citation 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 10.01 and all provisions regarding non-moving traffic violations in this Chapter. The citation 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 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. *Notification.* The arresting officer or the person receiving the deposit shall notify the arrested person, orally or in writing, that:
    - 1. If a person fails to appear in court at the time fixed in the citation, he will be deemed to have tendered a plea of no contest and submitted to a forfeiture plus costs not to exceed the amount of the deposit; or
    - 2. If a person fails to appear in court at the time fixed in the citation, the court may enter a default judgment finding the person guilty of the offense or issue a warrant for his arrest.
  - c. *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 and approved by the Common Council. Deposits may be brought or mailed to the Police Department up to the date of scheduled court appearance.
- (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 to the Police Department

- up to the date of scheduled court appearance 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 non-moving 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. *Bond.* Any official authorized to accept deposits under Sec. 345.26, Wis. Stats., or this Section, shall qualify by taking the oath prescribed by Sec. 19.01, Wis. Stats.
- (3) Notice of Demerit Points and Receipt. Every officer accepting a forfeited penalty or money deposit under this Section shall receipt therefor in triplicate as provided in Sec. 345.26(3)(b), Wis. Stats. Every officer accepting a stipulation under the provisions of this Section shall comply with the provisions of Sections 343.27, 343.28, 345.26(1)(a) and 345.27(2), Wis. Stats., 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, Wis. Stats.
- (4) 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 Chief of Police 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 Chief of Police 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. The Chief of Police is hereby authorized to assign a member of the Police Department to perform such acts as are necessary to effectuate this Subsection.
- d. 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 Judge or Police Department 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.
- e. 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.

## BICYCLES AND PLAY VEHICLES

### SEC. 10.100 DEFINITIONS.

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

- (a) **Bicycle.** For the purpose of registration requirements, every device propelled by the feet acting upon pedals with wheels, any two (2) of which are not less than fourteen (14) inches in diameter.
- (b) **Bicycle Path.** Any bicycle lane, bicycle way or highway which has been designated by the City and which is identified by appropriate signs or markings.
- (c) **Play Vehicle.** A coaster, skateboard, roller skis, roller skates, roller blades, sled, toboggan, unicycle or toy vehicle upon which a person may ride.

### SEC. 10.101 BICYCLE REGISTRATION.

- (a) **License Required.**
  - (1) Except as provided in Subsection (a)(3) below, no person shall operate or use any bicycle upon any of the streets, alleys, sidewalks or parking lots open to public use within the City unless the bicycle is properly licensed.
  - (2) The bicycle license sticker shall be applied on the portion of the frame which extends vertically below the seat post and must be unobstructed at all times.
  - (3) A person who resides outside the City and whose municipality does not require licensing of bicycles is exempt from this requirement.
- (b) **Application for License.** Bicycle licenses shall be issued by the Police Department upon the filing of a bicycle license/registration form by a bicycle owner. The form will be provided by the Police Department.
- (c) **Serial Number or Owner Applied Number Required.** Owner must provide either the manufacturer applied serial number for registration or engrave an owner-applied number onto the bicycle prior to issuance of the license. Engraving tools will be supplied by the Police Department as needed.
- (d) **Term of License.** A bicycle license shall be issued for use on a specific bicycle and shall be non-expiring.
- (e) **Bicycle License Fee.** The fee for a bicycle license or a replacement bicycle license shall be as set forth in Section 3.40.
- (f) **Change in Ownership of a Registered Bicycle.**

- (1) Upon transfer of ownership of any bicycle registered by the City, the registered owner shall notify the Police Department of the ownership change.
- (2) If a person obtains a bicycle which was previously registered in the City, that person must register the bicycle in his name if the person is a resident of the City. If the bicycle license sticker which was originally applied to this bicycle is unreadable, a new sticker shall be issued and applied to this bicycle. The owner shall pay the registration fee listed in Section 3.40.

- (g) **Records.**

- (1) The Police Department shall keep the records of every bicycle registered and licensed.
  - (2) The record shall consist of the name, address and phone number of the bicycle owner, a description of the bicycle, including its serial number and the license number issued for the bicycle.
  - (3) The Police Department shall provide a duplicate registration card to the bicycle owner.
- (h) **Tag Not to Be Mutilated.** It shall be unlawful for any person to willfully or maliciously remove, destroy, mutilate or alter the number of any bicycle frame licensed pursuant to this Section. Within seven (7) days after any bicycle registered hereunder shall change ownership or be dismantled and taken out of operation, the person in whose name the bicycle has been registered shall report such information to the Police Department.

### SEC. 10.102 EQUIPMENT REQUIRED.

- (a) No person shall operate a bicycle upon any street, alley, bicycle path or on any parking lot open to the public at any time unless the bicycle is equipped with either caliper brakes or coaster brakes which are in proper working order and are capable of stopping the bicycle.
- (b) During hours of darkness, no person shall operate a bicycle upon any street, alley, bicycle path, or on any parking lot open to the public unless, in addition to brakes, the bicycle is equipped with a lamp emitting a white light visible from a distance of at least five hundred (500) feet to the front of a bicycle or the bicycle operator is wearing such a lamp and a red reflector that has a diameter of at least two and one-half (2-1/2) inches of surface area mounted and maintained on the rear of the bicycle, which is visible at all distances from fifty (50) to five hundred (500) feet to the rear of the bicycle when directly in front

of lawful upper beams or motor vehicle headlamps.

**SEC. 10.103 AUTHORITY TO CONFISCATE.**

Any unregistered bicycle found on any street or public place in the City of Oak Creek, or any bicycle being used in violation of any ordinance of the City of Oak Creek, may be confiscated by the Police Department for a period not to exceed thirty (30) days, at the discretion of the Chief of Police. Any bicycle so confiscated for non-registration may be recovered by the owner thereof at any time prior to the expiration of thirty (30) days by having the same registered in accord with the provisions of Section 10.101 hereof. Disposition of any bicycle held for more than thirty (30) days will fall under authority of the City's ordinance on the disposition of abandoned and unclaimed personal property.

**SEC. 10.104 RULES OF THE ROAD.**

The provisions of Chapters 346 and 347, Wis. Stats., and applicable City Ordinances shall govern the operation of bicycles where appropriate. Every person driving a bicycle upon a roadway shall be granted all the rights and shall be subject to all the duties applicable to the driver of a vehicle by the laws of the State declaring rules of the road applicable to vehicles or by the traffic ordinances of the City applicable to the driver of the vehicle, except as to those provisions of laws and ordinances which by their nature can have no application.

**SEC. 10.105 REGULATION OF SKATEBOARDS, ROLLER SKATES AND INLINE SKATES.**

- (a) **Regulations.** It shall be unlawful for any person to operate or ride a play vehicle in any of the following places:
  - (1) On any City streets, except while crossing a roadway at a crosswalk.
  - (2) On a privately owned parking lot, sidewalk or walkway without the owner's written consent where the owner or lessee posts a sign on the property containing of play vehicles.
  - (3) On a publicly owned parking lot where a sign is posted on said parking lot prohibiting such activity.
- (b) **Yield to Pedestrians.** Operators or riders of play vehicles shall yield the right-of-way to other pedestrians using City sidewalks, and shall not otherwise endanger or interfere with normal pedestrian traffic on those sidewalks.
- (c) **Play Vehicles Not To Be Pulled By Moving Vehicles.** No person riding upon any play vehi-

cle shall attach the same or himself to any vehicle upon a roadway.

**SEC. 10.106 GENERAL BICYCLE REGULATIONS.**

- (a) **Street Operation.**
  - (1) Unless preparing to make a left turn, every person operating a bicycle upon a roadway carrying two-way traffic shall ride as near as possible to the right edge of the unobstructed traveled roadway. On one-way roadways, the operator of the bicycle shall ride as near as possible to the right edge or left edge of the unobstructed traveled roadway. Every person operating a bicycle upon a roadway shall exercise due care when passing a standing vehicle or one proceeding in the same direction, allowing a minimum of three (3) feet between his bicycle and the vehicle. Operators or riders of bicycles shall yield the right-of-way to other pedestrians and shall not otherwise endanger or interfere with normal pedestrian traffic.
  - (2) Every person when operating a bicycle upon a roadway shall ride such bicycle in single file.
  - (3) It shall be unlawful for any person riding upon a bicycle to cling to or attach himself or the bicycle to any other moving vehicle upon a street or highway.
  - (4) No bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped. Infant seats are permitted if securely attached to the frame at the top mount and to the axle and frame at the rear bottom mount and if provided with hand holds, foot rests, foot guards and safety belt. The use of a back pack for carrying an infant is permitted. Persons are not permitted to be located on a bicycle in front of the operator of the bicycle.
  - (5) No person operating a bicycle shall carry any package, bundle or article which prevents the safe operation of the bicycle with at least one hand on the handlebars at all times.
  - (6) No rider of a bicycle shall remove both hands from the handlebars or feet from the pedals, or practice any acrobatic or dangerous riding on any street.
  - (7) Whenever a usable path for bicycles has been provided adjacent to a roadway, bicycle riders shall use such path and shall not use the roadway.

- (8) No person may operate a bicycle or moped upon a roadway where a sign is erected indicating that bicycle riding is prohibited.
- (b) **Bicycle Parking.** No bicycle shall be parked in front of or adjacent to any commercial establishment unless the bicycle is parked on the sidewalk parallel to the street and as close as possible to the curb, or in a bicycle rack. 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.
- (c) **Bicycles Not to be Pulled by Moving Vehicles.** 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 play vehicle on such highway.
- (d) **Speed.** No bicycle shall be operated upon any public street at a speed faster than is reasonable and proper under traffic conditions at the time, and every bicycle shall be operated with due regard to the safety of the operator and other persons upon the streets and sidewalks.
- (e) **Bicycle Operation While Hearing Obstructed.** No person may operate a bicycle upon a highway while such operator is using any audio device attached directly to ear or ears of such operator that materially impairs the ability of such operator to hear audio signals or warnings.
- (f) **Mopeds Prohibited on Bicycle Ways.** No person may ride a moped or motor bicycle with the power unit in operation upon a bicycle way.
- (g) **Riding Bicycle on Bicycle Lane.**
- (1) Unless two-way traffic is authorized by the Common Council on any portion of a roadway which it has set aside as a bicycle lane and appropriate traffic signs are installed, every person operating a bicycle upon a bicycle lane shall ride in the same direction in which vehicular traffic on the lane of the roadway nearest the bicycle lane is traveling.
  - (2)
    - a. Unless otherwise provided under Subsection (g)(2)b below, a person operating a bicycle may enter or leave a bicycle lane only at intersections or at driveways adjoining the bicycle lane.
    - b. A person may leave a bicycle at any point by dismounting from the bicycle and walking it out of the lane. A person may enter a bicycle lane at any point by walking his bicycle into the lane and then mounting it.
  - (3) Every person operating a bicycle upon a bicycle lane shall exercise due care and give an audible signal when passing a bicycle rider proceeding in the same direction.
- (4) Every operator of a bicycle entering a bicycle lane shall yield the right-of-way to all bicycles in the bicycle lane. Upon leaving a bicycle lane, the operator of a bicycle shall yield the right-of-way to all vehicles and pedestrians.
- (h) **Riding Bicycle on Bicycle Way.**
- (1) Every person operating a bicycle upon a bicycle way shall:
    - a. Exercise due care and give an audible signal when passing a bicycle rider or a pedestrian proceeding in the same direction.
    - b. Obey each traffic signal or sign facing a roadway which runs parallel and adjacent to a bicycle way.
  - (2) Every person operating a bicycle upon a bicycle way open to two-way traffic shall ride on the right side of the bicycle way.
  - (3) Every operator of a bicycle entering a bicycle way shall yield the right-of-way to all bicycles and pedestrians in the bicycle way.
- (i) **Turns.** Every person riding a bicycle upon any public street shall turn only at intersections as permitted, signal for all turns and stops, and pass to the left when passing vehicles or bicycles. Every person shall keep both hands on the handlebars when operating a bicycle.
- (j) **Rentals.** A rental agency shall not rent or offer any bicycle for rent unless the bicycle is licensed and a license sticker or plate is attached thereto as provided herein and such bicycle is equipped with equipment required in this Chapter.

#### SEC. 10.107 BICYCLE PENALTIES.

- (a) Any person sixteen (16) years of age or older who shall violate any provision of this Chapter may be issued a Uniform Traffic Citation and be subject to the penalties provided by the Uniform State Traffic Deposit Schedule.
- (b) Any person fourteen (14) years of age through fifteen (15) years of age who shall violate any provisions of this Chapter may be issued a citation and be subject to the penalties provided by the Deposit Schedule and, upon conviction thereof, may be required to forfeit not more than Twenty-five Dollars (\$25.00), together with the cost of the prosecution and, in default of such payment, the Court may suspend the child's operating privileges, as defined in Sec. 340.01, Wis. Stats., for not less than thirty (30) days nor more than ninety (90) days.

- (c) Any person under fourteen (14) years of age who shall violate any provision of this Chapter may be issued a special Bicycle Violation Warning Notice along with the following additional actions:
  - (1) First offense in one (1) year: A warning letter sent to the parent or guardian.
  - (2) Second offense in the same year: Vehicle license stickers shall be invalidated by the Chief of Police for a period of not longer than fifteen (15) days as said officer may deem necessary. The owner of said vehicle shall neither use this vehicle nor any other vehicle during said suspension.
  - (3) Third offense in the same year. Vehicle license stickers shall be invalidated by the Chief of Police for a period of not less than fifteen (15) days nor more than thirty (30) days as said officer may deem necessary. The owner of said vehicle shall neither use this vehicle nor any other vehicle during said suspension.
  - (4) Fourth and subsequent offense in the same year: Mandatory referral to Milwaukee County Juvenile Court.
- (d) All violations shall be determined based on the preceding twelve (12) month period to establish which violation has occurred.
- (e) 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 provisions of Sections 346.77 and 346.82(1), Wis. Stats.

child to violate any of the provisions of this Chapter may be subject to the provisions of Sections 346.77 and 346.82(1), Wis. Stats.

**SEC. 10.108 PLAY VEHICLE PENALTIES.**

- (a) Any person fourteen (14) years of age and over who shall violate any provisions of this Chapter may be issued a citation and be subject to the penalties provided by the deposit schedule and, upon conviction thereof, may be required to forfeit not more than Twenty-five Dollars (\$25.00), together with the costs of prosecution.
- (b) Any person under fourteen (14) years of age who shall violate any provisions of this Chapter may receive an officer's report warning notice along with the following additional actions:
  - (1) First offense in one (1) year: A warning letter sent to the parent or guardian.
  - (2) Second or third offense in the same year: The play vehicle may be impounded by law enforcement authorities.
  - (3) Fourth and subsequent offense in the same year: Mandatory referral to Milwaukee County Juvenile Court.
  - (4) Any parent or guardian of any child who authorizes or knowingly permits such

# SNOWMOBILES

## SEC. 10.120 STATE SNOWMOBILE 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. The statutory sections adapted by reference herein shall be designated as part of this Code by adding the prefix "10.120-" to each statute section number.

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
350.07	Driving Animals
350.08	Owner Permitting Operation
350.09	Head Lamps, Tail Lamps and Brakes, Etc.
350.10	Miscellaneous Provisions for Snowmobile Operation
350.101	Intoxicated Snowmobiling
350.102	Preliminary Breath Screening Test
350.1025	Application of Intoxicated Snowmobiling Law
350.103	Implied Consent
350.104	Chemical Tests
350.106	Report Arrest to Department
350.107	Officer's Action After Arrest for Operating a Snowmobile While Under the Influence of an Intoxicant
350.108	Public Education Program
350.12	Registration of Snowmobiles
350.125	Completion of Application for Registration by Snowmobile Dealers
350.13	Uniform Trail Signs and Standards
350.135	Interference with Uniform Trail Signs and Standards

350.15	Accidents and Accident Reports
350.155	Coroners and Medical Examiners to Report; Require Blood Specimens
350.17	Enforcement
350.18	Local Ordinances
350.19	Liability of Landowners
350.99	Parties to a Violation

## SEC. 10.121 APPLICABILITY OF TRAFFIC REGULATIONS TO SNOW- MOBILES.

No person shall operate a snowmobile upon any street, highway or alley within the City of Oak Creek 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. Any future amendments, revisions or modifications of the Statutes incorporated herein by reference are intended to be made part of this Code.

## SEC. 10.122 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. 10.123 OPERATION ON PUBLIC PROPERTY.

- (a) Except as provided in Secs. 350.02 and 350.03, Wis. Stats., no person shall operate a snowmobile upon any public right-of-way, in any public park, golf course or on any other public property in the City except property designated by the designated authority.
- (b) Snowmobiles operated on designated snowmobile routes over public highways shall observe the rules of the road for motor vehicles set forth in Chapter. 346, Wis. Stats. Any act required to be performed or prohibited by such laws is required or prohibited by this Section

## SEC. 10.124 SPEED; HOURS OF OPERATION; UNATTENDED SNOWMOBILES.

- (a) **Speed.** No person shall operate a snowmobile upon any public highway within the City at a speed in excess of that permitted or posted.
- (b) **Operation of Sidewalks or Malls Prohibited.** No person shall operate a snowmobile on any sidewalk or pedestrian way within the City.
- (c) **Operation on Private Premises Restricted.** No person shall operate a snowmobile on any private property not owned or controlled by him

within the City without the express consent or permission of the owner.

- (d) **Snow Cover.** No person shall operate a snowmobile within the City in any previously designated area in the absence of an average snow cover in that area of less than three (3) inches.
- (e) **Written Consent of Owner Required.** The consent required under Secs. 350.10 (6), (11) and (13), Wis. Stats., shall be written consent dated and limited to the year in which the consent is given. If the property is owned or leased by more than one person, the consent of each person must be obtained.
- (f) **Hours of Operation.** No person shall operate a snowmobile upon any public highway or other public property, public or private recreational or upon any private property open to the public for snowmobile within the City between 12:00 a.m. and 6:00 a.m. except on Saturdays, Sundays and holidays when the hours shall be from 2:00 a.m. to 6:00 a.m.

# ALL-TERRAIN VEHICLES AND OFF-ROAD MOTOR VEHICLE OPERATIONS

## SEC. 10.140 STATE ALL-TERRAIN VEHICLE LAWS ADOPTED.

The provisions describing and defining regulations with respect to all-terrain vehicles in the following- enumerated Subsections of Sec. 23.33, Wis. Stats., and any future amendments or revisions, are hereby adopted by reference and made part of this Section as if fully set forth herein. The statutory sections adopted by reference herein shall be designated as part of this Code by adding the prefix “10.140” to each statute section number. Any acts required to be performed by the following Statutory Subsections or which are prohibited by such Statutory Subsections are required to be performed by this Section or are prohibited by this Section:

- 23.33(2) Registration
- 23.33(3) Rules of operation [including Subsections (a) through (i)]
- 23.33(4) Operation on or near highway [including Subsections (a) through (e)]
- 23.33(5)(a)(c) Age restrictions
- 23.33(6) Equipment requirements [including Subsections (a) through (e)]
- 23.33(7) Accidents [including Subsections (a) and (b)]
- 23.33(1) Definitions [including Subsections (a) through (n)]

## SEC. 10.141 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. Without the express written 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. Any location which:
  - a. Is not a paved or maintained public street or alley; or
  - b. Is not used or maintained by the owner or lessee of land as a driveway, parking lot or other way for motor vehicles; or
  - c. Is a private trail for use only by the owner or his permittees for recreational or other vehicular use. Off-road shall not include any creekbed, riverbed or lake provided, however, that this Subsection shall not apply to snowmobiles or other vehicles being operated on the ice covering such creekbed, riverbed or lake.
- (3) Operation. The physical manipulation or activation of any of the controls of a motor vehicle necessary to put it in motion.
- (4) Motor Vehicle. 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, dirt bikes 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 Common Council, 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.
- (3) No person shall operate a motor or power driven cycle, including the type commonly known as mini-bikes, or a motor or power driven mini-motor vehicle, including the type commonly known as dune buggies, go-karts and other all-terrain or off-road motor-vehicle:
  - a. On the property of another without his written consent.
  - b. Between the hours of 9:00 p.m. and 8:00 a.m. within fifty (50) feet of a dwelling.
  - c. On the shoulders or in the drainage ditches of public streets, highways or public rights-of-way or on public sidewalks.
  - d. In excess of 25 m.p.h.
  - e. With more than one (1) passenger.
  - f. Without protective headgear.
  - g. On a public street or highway unless the driver has an operator's license, and the vehicle is licensed by and meets the equipment requirements of the State of Wisconsin.
  - h. Who is under twelve (12) years of age.
  - i. So as to race the engine, or otherwise cause unnecessary or unusual noise which annoys, disturbs, injures or endangers the comfort, health, peace or safety of others.
  - j. In a City park, except where designated by the Parks and Recreation Commission.

(d) **Parental Responsibility.** The parent or parents or guardian having legal custody of an unemancipated minor child shall be liable for penalties

and costs imposed for violations of this Section, where such minor is unable to pay the same, including the jail sentence imposed for non-payment thereof.

## PENALTY

### SEC. 10.150 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 Five Hundred Dollars (\$500.00), together with the costs of prosecution, and, in default of payment thereof, may be imprisoned in the County House of Corrections 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.

### SEC. 10.151 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) **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.
- (c) **Police Department to Receive Stipulations and Penalties.** Stipulations, forfeited penalties and deposits for obtaining release from arrest authorized under this Chapter may be accepted at the Police Department offices.
- (d) **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 Common Council.