

CHAPTER 7

TRAFFIC CODE

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Amendments - #2, 3-7-1995; #116, 6-20-2018; #119, 05-15-2019; #122, 12-18-2019, #129/131, 1-20-2021, #134 12-15-2021; #144, 4-21-2026

7.01 - STATE STATUTES ADOPTED BY REFERENCE (Ord. No. 179, Am. #2, § 2, 3-7-95)

Except as otherwise specifically provided in this chapter, all provisions of Chs. 340 to 348 and §941.01(1), Wis. Stats., describing and defining regulations with respect to vehicles and traffic, and Ch. 350, snowmobiles, including penalties to be imposed and procedure for prosecution, are adopted and by reference made a part of this chapter as if fully set forth in this section. Any act required to be performed or prohibited by any statute incorporated in this section by reference is required or prohibited by this chapter. Any future amendments, revisions or modifications of the statutory regulations in Chs. 340 to 348 and 350 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. To this extent, should any provisions of this chapter be in conflict with any future amendments, revisions or modifications to the statutes cited above, the language in the State Statutes shall control and act to repeal or modify provisions of this chapter, to the extent of any such conflict.

7.02 - ACCIDENT REPORTS

The operator of any vehicle involved in an accident shall, within 10 days after such accident, file with the Sheriff's Department a copy of the report required by §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 in §§346.70(4)(f) and 346.73, Wis. Stats.

7.03 - OFFICIAL TRAFFIC SIGNS AND SIGNALS

- (1) The County Highway Department is authorized and directed to procure, erect and maintain appropriate standard traffic signs, signals and markings conforming to the rules of the State Department of Transportation, giving such notice of the provisions of this chapter as required by State law. Signs shall be erected in such locations and manner as the Highway Department determines will best affect the purpose of this chapter and give adequate warning to users of the street or highway.
- (2) The Highway Department shall have the authority granted by §349.09, Wis. Stats., and is directed to order the removal of a sign, signal, marking or device placed, maintained or displayed in violation of this chapter or §346.41, Wis. Stats. Each such sign, signal, marking or device is hereby declared to be a public nuisance. With respect to each such nuisance, the Highway Department may notify in writing the owner or occupant of the premises upon which the nuisance exists or the person causing or maintaining the nuisance to remove the same. If such nuisance is not removed within 30 days after such notice is given, the Highway Department may cause the nuisance to be removed and collect the expense of removal from the person notified to remove it. As a complete alternative to collecting the expense of removal from such person, its expense

may be charged against the premises upon which it is located and, upon certificate of the Highway Department having caused its removal, such expenses shall be assessed in the same manner as are other special taxes. (Ord. No. 179, Am. #2, § 2, 3-7-95)

7.04 - SNOWMOBILE TRAILS

- (1) SNOWMOBILE DEFINED. "Snowmobile" means any engine-driven vehicle of any type which utilizes sled-type runners, skis, an endless-belt tread or any combination of these or other similar means of contact with the surface upon which it is operated.
- (2) USE RESTRICTIONS.
 - (a) No person shall travel upon any County-designated snowmobile trail by any means other than a snowmobile or a vehicle being used for trail grooming and maintenance during the time of the year that such trail is in use as a snowmobile trail.
 - (b) A landowner or any person authorized by the landowner is exempted from this section with respect to those portions of the trail on the landowner's property.
 - (c) Pedestrians and cross-country skiers and those vehicles named in §14.07(4) of this Code of Ordinances traveling upon the 6.6 mile County operated segment of the Chippewa River State Trail are exempt from this section. (Ord. No. 179, Am. #55, § 2, 12-15-04)
- (3) DAMAGING SURFACE OF TRAIL PROHIBITED. No person shall damage, mar or deface the surface or any other part of any County designated snowmobile trail.
- (4) DEFACING OR REMOVING SIGNS PROHIBITED. No person shall deface, destroy or remove any snowmobile trail signs from any County designated snowmobile trail.
- (5) AUTHORIZATION. (Ord. No. 179, Am. #2, § 2, 3-7-95) Section 350.18, Wis. Stats., authorizes counties to regulate snowmobile operation on trails maintained by or on snowmobile routes designated by the County.

7.05 - HARMFUL OPERATION OF MOTOR VEHICLES

- (1) DEFINITIONS. The following words and terms have the meanings indicated:
 - Drive or operate.* Exercising physical control over the vehicle's speed and direction while in motion.
 - Motor vehicle.* Any self-propelled, motorized device by which a person or property is or may be transported upon a highway.
 - Public highway.* Has the meaning designated in §340.01(22), Wis. Stats.
 - Unnecessary and annoying noise.* Any sound or noise produced by a motor vehicle, which noise exceeds in duration or intensity that attending the routine and safe acceleration and operation of a motor vehicle.

- (2) UNNECESSARY AND ANNOYING NOISE. No person shall make unnecessary and annoying noise with a motor vehicle by squealing tires, excessive acceleration of the engine or by emitting unnecessary and loud exhaust system noises.
- (3) INTENTIONAL DEFACING OF PUBLIC HIGHWAY. No person shall intentionally drive or operate a motor vehicle in such a manner as to deface or mar the surface or shoulder of a public highway.

7.06 - ABANDONMENT OF VEHICLES

- (1) PROHIBITED. No person shall leave unattended any motor vehicle, trailer, semitrailer or mobile home on any public highway or private or public property for such time and under such circumstances as to cause the vehicle to reasonably appear to have been abandoned. Whenever any vehicle has been left unattended on any highway or public or private property within the County without the permission of the owner for more than 48 hours, the vehicle is deemed abandoned and constitutes a public nuisance.
- (2) VEHICLE NOT CONSIDERED ABANDONED. A motor vehicle shall not be considered an abandoned motor vehicle when it is out of ordinary public view or when designated as not abandoned by the Sheriff or his authorized representative.
- (3) REMOVAL AND IMPOUNDMENT. Any vehicle in violation of this section shall be impounded until lawfully claimed or disposed of under subs. (4) through (6). If it is deemed by the Sheriff or his authorized representative that the cost of towing and storage charges for the impoundment would exceed the value of the vehicle, the vehicle may be disposed of by the County by direct sale to a licensed salvage dealer, by sealed bid sale or by auction sale prior to expiration of the impoundment period upon determination by the Sheriff that the vehicle is not stolen or otherwise wanted for evidence or other reason. All substantially complete vehicles in excess of 19 model years of age shall be disposed of in accordance with subs. (4) through (6).
- (4) STORAGE AND NOTICE. Any vehicle deemed abandoned by the Sheriff or his authorized representative and not disposed of under sub. (3) shall be retained in storage for a minimum period of 10 days after certified mail notice has been sent to the owner and lienholders of record to permit reclamation of the vehicle after payment of accrued charges. Such notice shall set forth the year, make, model and serial number of the abandoned motor vehicle, place where the vehicle is being held and shall inform the owner and any lienholders of their right to reclaim the vehicle. The notice shall state that failure of the owner or lienholders to exercise their rights to reclaim the vehicle under this chapter shall be deemed a waiver of all right, title and interest in the vehicle and a consent to the sale of the vehicle. Each retained vehicle not reclaimed by its owner or lienholder may be sold.
- (5) DISPOSAL AND SALE PROCEDURE.
 - (a) The County shall dispose of the vehicle by sealed bid sale or by auction sale. At such sale the highest bid for any such motor vehicle shall be accepted unless the same is deemed inadequate by the Sheriff or his authorized representative, in which event all bids may be rejected. If all bids are rejected

or no bid is received, the County may either re-advertise the sale, adjourn the sale to a definite date, sell the motor vehicle at a private sale or sell the motor vehicle by direct sale to a licensed salvage dealer. Any interested person may offer bids on each abandoned vehicle to be sold.

- (b) The Sheriff or his authorized representative shall advertise each such sale by posting a public notice at the office of the Sheriff. The Sheriff or his authorized representative shall provide public notice of each such sale by posting a public notice at the office of the Sheriff. The posting of the notice at the office of the Sheriff shall be in the same form as the certified mail notice sent to the owner or lienholders of record.

(6) SALE OF VEHICLE.

- (a) Upon the sale of an abandoned vehicle, the County shall supply the purchaser with a completed form designed by the State Department of Transportation, Division of Motor Vehicles, enabling the purchaser to obtain a regular certificate of title for the vehicle. The purchaser shall have 10 days to remove the vehicle from the storage area, but shall pay a reasonable storage fee established by the County for each day the vehicle remains in storage after the second business day subsequent to the sale date. Ten days after the sale, the purchaser shall forfeit all interest in the vehicle and the vehicle shall be deemed to be abandoned and may be sold again.

- (b) Any listing of vehicles to be sold by the County shall be made available to any interested person or organization which makes a written request for such list. The County shall charge a nominal fee for the list.

(7) DISPOSITION OF PROCEEDS OF SALE. After deducting the expenses of towing, impoundment and sale, the balance of the proceeds, if any, shall be paid into the County treasury.

(8) COUNTY TO ADVISE STATE. Within 5 days after the sale or disposal of a vehicle as provided above, the County shall advise the State Department of Transportation, Division of Motor Vehicles, of the sale or disposition on a form supplied by the State Department of Transportation, Division of Motor Vehicles.

(9) OWNER RESPONSIBLE FOR COSTS. The owner of any abandoned vehicle, except a stolen vehicle, is responsible for the abandonment and all costs of impounding and disposing of the vehicle, provided no such costs shall be imposed without notice thereof to the owner and an opportunity for the owner to be heard thereon. Costs not recovered by the sale of the vehicle may be recovered in a civil action by the County against the owner. Whether or not the County recovers the cost of towing and enforcement, the County shall be responsible to the towing service for requisitional towing service and reasonable charges for impoundment.

7.07 - ALL TERRAIN/ UTILITY TASK VEHICLE ROUTES (ATV/UTV)

(Ord. No. 179 Am. #116, 06-20-2018; Am. #119, 05-15-2019; Am. # 122, 12-18-2019, replaced all of 7.07 with Am#134-12-15-2021; Am #144, 4-21-2026)

- (1) **STATUTORY AUTHORIZATION.** This ordinance is adopted pursuant to the authority of Wis. Stat. §§ 23.33(4)(d)3b, 23.33(8)(b), 23.33(11), 23.33(11)(am)3 and 59.02, as each may be amended. In addition, the provisions of Wis. Stat. § 23.33 and the provisions of Wisconsin Administrative Code Ch. NR 64 regulating ATV operations are hereby adopted and incorporated herein as each may be amended.
- (2) **PURPOSE AND INTENT.** Pepin County adopts the following ATV/UTV routes for the operation of ATV/UTVs upon the roadways listed in Section 3. Following consideration of the recreational value of ATV/UTV use to Pepin County and the potential impacts to the public's health, safety, and welfare, this Ordinance is created and adopted
- (3) **ROUTES.**

A. All County Roads in Pepin County are ATV/UTV routes unless otherwise posted. The Highway Commissioner shall have the authority to temporarily close routes for safety, maintenance, or any other appropriate reasons (such as repeated complaints from residents, or damage caused by ATV/UTVs). Such closures shall be subject to review and final determination by the Pepin County Highway Committee at the next regularly-scheduled County Highway Committee meeting. The Pepin County Highway Department shall erect signage indicating route closure. A copy of a map showing the routes with closures shall be kept on file at the Pepin County Highway Department.

B. U.S. HIGHWAY 10 BRIDGE CROSSING

Under WI. Statute 23.33(4)(d)3.b and 23.33(11)(am)3, Pepin County authorizes the operation of all-terrain vehicles (ATV) and Utility terrain vehicles (UTV) to cross U.S. Highway 10 Bridge, DOT #B460041.

The Access point to the U.S. Highway 10 bridge from the City of Durand is the intersection of U.S. Highway 10 and East Main Street. Continue East onto the U.S. Highway 10 bridge and exit to the left at the first Intersection, County Road P and U.S. Highway 10.

The Access point to the U.S. Highway 10 bridge from the Town of Waubeek is the intersection of U.S. Highway 10 and County Road P. Continue west onto the U.S. Highway 10 bridge and exit at the first intersection, U.S. Highway 10 and East Main Street.

Any person crossing such bridge shall comply with the following:

- 1) Cross the bridge in the most direct manner practicable and at a place where no obstruction prevents a quick and safe crossing.
 - 2) Stay as far to the right of the roadway or shoulder as practicable.
 - 3) Stop the vehicle prior to entering the roadway.
 - 4) Yield the right-of-way to other vehicles, pedestrians, and electric personal assistive mobility devices using the roadway or shoulder.
 - 5) Exit the highway as quickly and safely as practicable after crossing the bridge.
- (4) CONDITIONS. The operation of ATVs and UTVs on any portion of a Pepin County Trunk Highway designated as an ATV/UTV route shall be subject to the following:
- A. Operation shall be subject to all provisions of Wis. Stat. § 23.33., which is adopted and incorporated as part of this ordinance by reference to Wis. Stat. § 23.33(11).
 - B. All ATV/UTV operators shall observe a speed limit of not more than 35 MPH or the posted roadway speed limit, whichever is lower.
 - C. All ATV/UTV operators shall ride single file on the extreme righthand portion of road. (not the ditch).
 - D. All ATV/UTV operating on Pepin County roads must display a lighted headlamp and tail lamp at all times.
 - E. All ATV/UTV operators born on or after January 1, 1988 shall possess a valid DNR issued ATV Safety Certificate.
 - F. On all roads shared with another jurisdiction the most restrictive ordinance shall apply.
 - G. All ATV/UTV drivers must comply with the age restrictions as set forth under Wis. Stat. § 23.33(5)
 - H. The Pepin County ATV/UTV Club is responsible for purchasing and paying for maintenance of signage. Pepin County is responsible for installing signs at the Club's expense.
 - I. All ATV and UTV operators and passengers under the age of 18 must wear helmets as required by Wis. Stat. § 23.33(3g).
 - J. Operating while under the influence of an intoxicant is prohibited per Wis. Stat. § 23.33(4c).
 - K. Pepin County, as the unit of government that designates the routes, is responsible by statute to post the proper route signs. Route signage must be

clearly understandable. The Pepin County Highway Department, as the maintaining authority of the highway's designated ATV/UTV routes, shall initially install the legally required signage.

L. All ATV and UTV operators and passengers shall comply with all regulations set forth in the Wisconsin Statutes and the Wisconsin Administrative Code, as each may be amended, while operating in Pepin County.

(5) **ENFORCEMENT.** This ordinance shall be enforced by any law enforcement officer authorized to enforce the laws of the State of Wisconsin.

This ordinance or designated portions of any routes may be cancelled at any time by a majority decision of the Pepin County Board.

(6) **PENALTIES.** The State of Wisconsin All-Terrain Vehicle penalties as found in Wis. Stat. § 23.33(13)(a), are adopted by reference.

(7) **SEVERABILITY.** The provisions of this ordinance shall be deemed severable, and it is expressly declared that Pepin County would have passed the other provisions of this ordinance irrespective of whether or not one or more provisions may be declared invalid. If any provision of this ordinance or the application to any person or circumstances is held invalid, the remainder of the ordinance and the application of such provisions to other person's circumstances shall not be deemed affected.

(8) **EFFECTIVE DATE.** This ordinance becomes effective upon the passage by the Pepin County Board of Supervisors and publication by the Pepin County Clerk as required by Wis. Stat. § 59.14.

7.08 DISORDERLY CONDUCT WITH A MOTOR VEHICLE (Ord No. 179 Am. #129, 1-20-2021, Am. # 131, 2-17-2021(changing Section Number)

(1) **AUTHORITY AND PURPOSE.** This Ordinance is enacted under of Section 59.03 Wis. Statutes.

(2) That the Code of Ordinance of the County of Pepin be amended by adding the Section 7.08 as follows:

(a) **DEFINITIONS:** The following terms are defined for the purpose of this ordinance:

1. "Disorderly Conduct with a "Motor Vehicle" means the operation of a motor vehicle in a manner that is unnecessarily, unreasonably, and excessively dangerous, violent, abusive, maneuvered, or accelerated in such a manner so as to disturb, annoy or endanger any person or property in any public or private area in Pepin County. It includes, but is not limited to the unnecessary, unreasonable, and excessive spinning of wheels, squealing of tires, accelerating the engine or

vehicle or both, raising one or more wheels off the surface of the highway, use of the horn, loud playing of radios or audio entertainment, emission of smoke, gases or other foul odors that are disagreeable, leaving the highway to travel across property to avoid an intersection, official traffic control sign, signal or other device, and deliberately causing the engine to backfire. For the purpose of this definition, operation of a motor vehicle does not require the motor vehicle to be moving at the time of commission of the conduct included under this term.

2. "Highway" shall have the meaning given to such term in Wis. Stat. § 340.01(22) as amended.
3. "Motor Vehicle" shall have the meaning given to such term in Wis. Stat. § 340.01(35) as amended.
4. "Vehicle" shall have the meaning given to such term in Wis. Stat. § 340.01(74), as amended.

(b) No person shall operate a Motor Vehicle in Pepin County in a manner constituting Disorderly Conduct with a Motor Vehicle.

(c) PENALTY.

Any person who violates this Section 7.06 is subject to penalty under § 25.04 of this Code of Ordinances.

(d) EFFECTIVE DATE.

This ordinance becomes effective upon the passage by the County Board of Supervisors and publication by the County Clerk as required by § 59.14, Wis. Stats.

7.10 - PENALTY

The penalty for violation of any provision of this chapter, including those provisions of the Wisconsin Statutes, Wisconsin Administrative Code or other materials which are incorporated by reference, shall be a forfeiture and penalty assessment if required by §165.87, Wis. Stats., a jail assessment if required by §53.46(1), Wis. Stats., plus any applicable fees prescribed in Ch. 814, Wis. Stats.

- (1) STATE FORFEITURE STATUTES. (Ord. No. 179, Am. #2, § 2, 3-7-95) Any forfeiture for violation of the State Statutes adopted by reference in §7.01 of this chapter shall conform to the forfeiture permitted to be imposed for violation of such statutes as set forth in the State of Wisconsin Revised Uniform State Traffic Deposit Schedule of the Wisconsin Judicial Conference, including any variations or increases for subsequent offenses. Said schedule and any amendments thereto adopted subsequent to the adoption of this ordinance is adopted by reference and incorporated herein.

- (2) STATE FINE STATUTES. The forfeiture for violation of any statute adopted by reference hereunder for which the penalty is a fine shall not exceed the maximum fine permitted under such statute.
- (3) LOCAL REGULATIONS. The penalty for violation of §§7.02 through 7.06 of this chapter shall be as provided in §25.04 of this Code of Ordinances.

7.11 - ENFORCEMENT

- (1) ENFORCEMENT PROCEDURE. This chapter shall be enforced according to §§23.33, 66.12, 345.11 to 345.61, 350.17 and Ch. 799, Wis. Stats.
- (2) DEPOSIT.
 - (a) Any person arrested for a violation of this chapter may make a deposit of money as directed by the arresting officer at the Sheriff's Department or the office of the Clerk of Court or by mailing the deposit to such places. The arresting officer or the person receiving the deposit shall notify the arrested person, orally or in writing, that:
 - 1. If the person makes a deposit for a violation of a traffic regulation, the person need not appear in court at the time fixed in the citation and the person will be deemed to have tendered plea of no contest and submitted to a forfeiture and penalty assessment if required by §165.87, Wis. Stats., a jail assessment if required by §53.46(1), Wis. Stats., plus any applicable fees prescribed in Ch. 814, Wis. Stats., not to exceed the amount of the deposit that the court may accept as provided in §345.37, Wis. Stats.
 - 2. If the person fails to make a deposit for a violation of a traffic regulation or 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.
 - (b) The amount of the deposit shall be determined in accordance with the State of Wisconsin Revised Uniform State Traffic Deposit Schedule established by the Wisconsin Judicial Conference and shall include the penalty assessment established under §165.87, Wis. Stats., jail assessment and court costs. If a deposit schedule has not been established, the arresting officer shall require the alleged offender to deposit the forfeiture established by the Sheriff, which shall include the penalty assessment established under §165.87, Wis. Stats. Deposits for nonmoving violations shall not include the penalty assessment.
 - (c) The arresting officer or the person receiving the deposit shall issue the arrested person a receipt therefor as required by §345.26(3)(b), Wis. Stats.
- (3) PETITION TO REOPEN JUDGMENT. Whenever a person has been convicted in this State on the basis of a forfeiture of deposit or a plea of guilty or no contest and the person was not informed as required under §345.27(1) and (2), Wis. Stats., the person may, within 60 days after being notified of the revocation or suspension of the operating privilege, petition the court to reopen the judgment and grant him an

opportunity to defend on merits. If the court finds that the petitioner was not informed as required under §345.27(1) and (2), the court shall order the judgment reopened. The court order reopening the judgment automatically reinstates the revoked or suspended operating privilege.

- (4) NOTICE OF DEMERIT POINTS AND RECEIPT. (Ord. No. 179, Am. #2, § 2, 3-7-95) Every officer accepting a forfeited penalty or money deposit under this chapter shall receipt therefor in triplicate as provided in §345.26(3)(b), Wis. Stats. Every officer accepting a stipulation under the provisions of this chapter shall comply with the provisions of §§343.27, 345.26(1) and 345.27(1), 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 §345.11, Wis. Stats.
- (5) NONMOVING VIOLATIONS. In addition to other penalties provided in this code and by State statute, the Sheriff or his designee is authorized, according to §345.28 Wis. Stats., and any amendments thereto, to request suspension of the registration of any vehicle involved in the violation of a nonmoving traffic regulation or parking regulation of the County or request refusal of registration of any vehicle owned by the violator. The Sheriff is also authorized to do all acts necessary in connection with implementation and enforcement of §345.28, Wis. Stats. and any amendments thereto including, but not limited to, recovery of such vehicle registration and the person charged with a nonmoving traffic violation shall be liable for the cost of using the traffic violation and registration program.