

TITLE 9

Motor Vehicles and Traffic

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CHAPTER 1

General Provisions

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SEC. 9-1-1 STATE TRAFFIC LAWS AND ADMINISTRATIVE CODE PROVISIONS ADOPTED

(a) **Statutes Adopted.** Except as otherwise specifically provided in this Code, the statutory provisions in Chapters 340 to 348 of the Wisconsin Statutes, regulating vehicles and traffic are hereby adopted and by reference made a part of this Chapter as if fully set forth herein. There are also hereby adopted by reference the following sections of the Wisconsin Statutes, but the prosecution of such offenses under this Chapter shall be as provided in Chapters 340 to 348 of the Wisconsin Statutes and the penalty for violation thereof shall be limited to a forfeiture as hereinafter provided in this Chapter:

- 941.01 Negligent Operation of Vehicle Off Highway
- 941.03 Highway Obstruction
- 947.045 Drinking in Motor Vehicle on Highway

(b) **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 - MVD 3 Reciprocity - Nonresident Motor Carriers [Penalties of Wis. Stats. Section 341.04 apply]
- Wis. Adm. Code - MVD 4 Lettering on Vehicle, Display of Evidence of Registration and Dual Permit
- Wis. Adm. Code - MVD 5 Standards for Motor Vehicle Equipment
- Wis. Adm. Code - MVD 6 Transportation of Explosives by Motor Vehicle
- Wis. Adm. Code - MVD 17 Transportation of Explosives by Motor Vehicle
- Wis. Adm. Code - MVD 18 Protective Headgear Standards and Specifications
- Wis. Adm. Code - MVD 22 Standards and Specifications- Design and Mounting SMV Emblem

SEC. 9-1-2 VEHICLE SAFETY AND EQUIPMENT

- (a) **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 Section 9-1-1(b), or the provisions of Section 110.075 and Chapter 347, Wis. Stats.
- (b) **Owner's Liability.** Any owner of a vehicle not equipped as required by this Section who knowingly causes or permits such vehicle to be operated on a highway in violation of this Section is guilty of the violation the same as if he or she had operated the vehicle. The provisions of Section 347.04, Wis. Stats., relating to non-applicability of demerit

points shall apply to owners convicted of a violation of this Section.

(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 Section 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.** Penalty for violation of any provision of this Section, including the provisions of the Wisconsin Administrative Code, incorporated herein by reference, shall be as provided in Subsection (c) of this Section, together with the costs of prosecution and applicable penalty assessment.

**SEC. 9-1-3 OFFICIAL TRAFFIC SIGNS AND CONTROL DEVICES;
PROHIBITED SIGNS, SIGNALS AND MARKERS**

- (a) **The City of Thorp to Erect and Install Uniform Traffic Control Devices.** Whenever traffic regulations require the erection of traffic control devices for enforcement, the City 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 regulations to the users of the streets and highways on which such regulations apply. Whenever state law grants discretion to local authorities in erection 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 City, will carry out the purposes of this Chapter and give adequate warning to users of the streets and highways of the City of Thorp.
- (b) **Code Numbers to be Affixed to Official Traffic Control Devices.** The Police Department 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 authorized employee of the City of Thorp 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 Thorp Police Department or, where applicable, the State Highway Commission. Any sign, signal, marker, mark or monument placed or maintained in violation of this Subsection shall be subject to removal as provided in Subsection (d).
- (d) **Removal of Unofficial Signs, Markers, Signals and Traffic Control Devices.** The Thorp Police Department or the Department of Public Works may remove any sign, signal, marking or other device which is placed, maintained or displayed in violation of this Chapter or state law. Any charge imposed against premises for removal of a prohibited or illegal sign, signal, marking or device shall be reported to the 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 a special charge.

State Law Reference: Sections 346.41, 346.065 and 349.09, Wis. Stats.

SEC. 9-1-4 REGISTRATION RECORD OF VEHICLE AS EVIDENCE

When any vehicle is found upon a street or highway in violation of any provision of this Chapter regulating the stopping, standing or parking of vehicles and the identity of the operator cannot be determined, the owner, as shown by the ownership registration of the vehicle supplied by the Wisconsin Department of Transportation, or a comparable authority of any other state, shall be deemed to have committed the violation for purposes of enforcement of this Chapter and shall be subject to the applicable forfeiture penalty, except that the defenses defined and described in Section 346.485(5)(b) Wis. Stats., shall constitute defenses for an owner charged with such violation.

SEC. 9-1-5 SCHOOL BUS WARNING LIGHTS

Notwithstanding the provisions of Section 346.48(2)(b)2. Wis. Stats., 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 where there are no crosswalks or traffic signals and pupils must cross the street or highway before being loaded or after being unloaded.

SEC. 9-1-6 BLUE WARNING LIGHTS ON POLICE VEHICLES

- (a) Pursuant to Sections 346.03(3), 346.94(14), 346.95(3) and 347.25(1), (1m)(a) and (b) and (4), Wis. Stats., a marked police vehicle under Section 340.01(3)(a), Wis. Stats., may be equipped with a blue light and a red light which flash, oscillate or rotate.
- (b) If the vehicle is so equipped, the lights shall be illuminated when the operator of the police vehicle is exercising the privileges granted under Section 346.03, Wis. Stats. The red light shall be mounted on the driver's side of the vehicle. The lights shall be designed and mounted so as to be plainly visible and understandable from a distance of five hundred (500)

feet during normal sunlight and during hours of darkness. No operator of a police vehicle may use the warning lights except when responding to an emergency call or when in pursuit of an actual or suspected violator of the law, when responding to an emergency call or when in pursuit of an actual or suspected violator of the law, when responding to but not upon returning from a fire alarm or when necessarily parked on a highway in a position which is likely to be hazardous to traffic using the highway.

- (c) The City shall give notice of its intent to equip its police vehicles with flashing, oscillating or rotating blue lights as a Class 2 notice under Chapter 985 and 947(1m)(c) Wis. Stats., at least ninety (90) days before so equipping the first police vehicle.

SEC. 9-1-7 ACCIDENT REPORTS

The operator of every vehicle involved in an accident shall immediately file with the Police Department a copy of the report required by Section 346.70 of the Wisconsin Statutes. 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 of the Wisconsin Statutes including the provision that accident reports filed with this Section shall be for the confidential use of the Department and shall not be open to public inspection except as permitted by Section 346.73, Wis. Stats.