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**Section 8.1.5 Penalties.**

**Section 8.1.6 Enforcement.**

**Section 8.1.1 State Traffic Laws Adopted.**

- a. Statutes adopted. Except as otherwise specifically provided in this Code, the statutory provisions in Chapters 340 to 349 of the Wisconsin Statutes, describing and defining regulations with respect to vehicles and traffic, for which the penalty is a forfeiture only, exclusive of any regulations for which the statutory penalty is a fine or term of only imprisonment or exclusively State charges, are hereby adopted and by reference made a part of this Code as if fully set forth herein. Any act required to be performed or prohibited by any regulation incorporated herein by reference is required or prohibited by this Code. Any future amendments, revisions or modifications of the statutory regulations in Chapters 340 to 348 incorporated herein are intended to be made part of this Code in order to secure to the extent legally practicable uniform State-wide regulation of vehicle traffic on the highways, streets and alleys of the State of Wisconsin. Any person who shall, within the Town of Oregon, Dane County, Wisconsin, violate any provision of any statute incorporated herein by reference shall be deemed guilty of an offense under this Section.
- b. Other State Laws Adopted. There also hereby adopted by reference the following sections of the Wisconsin Statutes, but the prosecution of such offenses under this Code 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:

1. 941.01 Negligent Operation of Vehicle Off Highway;
  2. 941.03 Highway Obstruction;
  3. 943.11 Entry into Locked Vehicle;
  4. 943.23 Operating Motor Vehicles Without Owner's Consent;
  5. 947.045 Drinking in Motor Vehicle on Highway.
- c. Statutes Specifically Incorporated by Reference. Whenever this Code incorporates by reference specific sections of the Wisconsin Statutes, such references shall mean the Wisconsin Statutes 1995-96, as from time to time amended, repealed or modified by the Wisconsin Legislature, and shall include subsequent session laws.
- a. General References. General references in this (Traffic) Code to Wisconsin statutory sections or chapters describing or defining procedures or authority for enactment or enforcement of local traffic regulations shall be deemed to refer to the most recent enactments of the Wisconsin Legislature describing or defining such procedures or authorities.

### **Section 8.1.2 State Administrative Code Provisions Adopted.**

- a. Administrative Regulations Adopted. The following administrative rules and regulations adopted by the Secretary of the 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.
1. Wis. Admn. Code - TRANS 146 Vehicle Registration and Fuel Trip Permits  
 [Penalties of Wis. Stats. Secs. 341.04(3) and  
 341.45(b) apply]
  1. Wis. Admn. Code - TRANS 302 Vehicle Marking
  1. Wis. Admn. Code - TRANS 305 Standards for Vehicle Equipment
  2. Wis. Admn. Code - TRANS 328 Motor Carrier Safety Requirements for  
 Intrastate Transportation of Hazardous  
 Material
  1. Wis. Admn. Code - TRANS 300 Transportation of School Children
  1. Wis. Admn. Code - TRANS 304 Slow Moving Vehicle Emblem

- b. Non-compliance prohibited. No person shall operate or allow to be operated on any highway, street or alley within the Town of Oregon a vehicle that is not in conformity with the requirements of Subsection (a) or the provisions of Wis. Stats. 110.075 and Chapter 347, incorporated by reference in Section 8.1.1 of this Code.
- a. 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 of the same as if he or she had operated the vehicle. The provisions of Wis. Stats. Section 347.04 relating to non-applicability of demerit points shall apply to owners convicted of a violation of this Section.
- b. Safety Checks.
  - 1. Operators to Submit to Inspection. When directed to do so by a 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 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 Wis. Stats. Section 110.075(5), and shall require the vehicle owner or operator to cause the repairs to be made and return evidence of compliance with the repair order to the Department of the issuing officer within the time specified in the order.
- e. Penalty. Penalty for violation of any provision of this Section, including the provisions of the Wisconsin Administrative Code, incorporated herein by reference, shall be as provided in the provisions of Wis. Stats. Section 110.075 and Wis. Stats. Chapter 347, and as provided in subsection (c) of this Section, together with the costs of the prosecution and applicable penalty assessment.

### **Section 8.1.3 Registration Record of Vehicle as Evidence.**

When any vehicle is found upon a street or highway in violation of any provision of this Code 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 code, and specifically Section 8.1.1, and shall be subject to the applicable forfeiture penalty; provided the defenses defined and described in Wis. Stats. Section 346.485(5)(b) shall be a defense for an owner charged with such violation.

#### **Section 8.1.4 School Bus Warning Lights.**

Notwithstanding the provisions of Wis. Stats. Section 346.48(2)(b)2., adopted by reference in Section 8.1.1 to the contrary and except as provided in Wis. Stats. Section 349.21(2), 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.

#### **Section 8.1.5 Penalties.**

- a. Forfeiture Penalty. The penalty for violation of any provision of this Code shall be a forfeiture as hereafter provided, together with court costs and fees prescribed by Wis. Stats. Sections 814.63(1) and (2) or 814.65(1), the penalty assessment and the jail assessment for moving traffic violations and the driver improvement surcharge imposed by Wis. Stats. Sections 165.87, 302.46, and 346.655, respectively, 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 Code 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 of imprisonment.
  2. By Municipality. Pursuant to Wis. Stats. Section 66.117, no person who has been convicted of a violation of any provision of this Code shall be issued a license or

permit by the Town until the forfeiture imposed for such violation and any assessments, court costs, fees or surcharge are 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 8.1.1 shall conform to the forfeiture penalty permitted to be imposed for violations of the comparable Wisconsin Statute, including any variations or increases for subsequent offenses; provided, however, that this Subsection shall not be construed to permit prosecution under this Code for any offense described in Wis. Stats. Chapters 341 to 348, for which an imprisonment penalty or fine may be imposed upon the defendant.
- a. Forfeitures for Parking Violations.
  - 1. Forfeitures for Uniform State-Wide Parking, Stopping and Standing Offenses. Minimum and maximum forfeiture for violation of non-moving traffic violations adopted by reference in Section 8.1.1 as described in Wis. Stats. Chapters 341 to 348 shall be found in the current edition of the Revised Uniform State Traffic Deposit Schedule.
- e. Other Violations. Any person who shall violate any provision of this Code for which a penalty is not otherwise established by this Section shall be subject to a forfeiture of not less than Ten Dollars (\$10.00) nor more than Two Hundred Dollars (\$200.00).

### **Section 8.1.6 Enforcement.**

- a. Enforcement Procedures.
  - 1. How enforced. This Code shall be enforced in accordance with the provisions of Wis. Stats. Sections 66.12, 345.20 to 345.53 and Chapter 800.
  - 2. Applicable Court Proceedings. 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 Circuit Court or the Town or Oregon Municipal Court.
  - 3. Authority of Law Enforcement Officers. Law enforcement officers authorized to enforce the provisions of this Code shall include any person employed by the Town of Oregon as a law enforcement officer or any person employed as a law enforcement officer by a municipally authorized to provide police services in the Town of Oregon pursuant to an Inter-municipal Agreement with the Town of Oregon.
- 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 Code except those provisions which describe or define non-moving traffic violations.

2. Parking Citations. The Town's Attorney shall recommend a citation for use in enforcing the non-moving traffic offenses in this Code. Such citation shall be used for enforcement of non-moving traffic regulations created or adopted by this Code, including violations of non-moving traffic regulations defined and described in the Wisconsin Statutes, adopted by the reference in Section 8.1.1, and all provisions regarding non-moving traffic violations in this Code. 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 the Town Constable.

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 Code 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 Code in accordance with Wis. Stats. Section 66.12(1)(b) whenever the provisions of Wis. Stats. Section 345.27 are inapplicable to such violations. Stipulations shall conform to the form contained in the uniform traffic citation and complaint under Wis. Stats. Section 345.11, and may be accepted within ten (10) days of the date of the alleged violation. Stipulations may be accepted by the Municipal Court.
- B. Delivery or Mailing of Deposit and Stipulation. Any person stipulating guilt or no contest under the preceding Subsection must make the deposit required under Wis. Stats. Section 345.26 or, if the deposit is not established under such statute, shall deposit a forfeited penalty as provided in the schedule established by the Municipal Court. Deposits may be brought or mailed to the Municipal Court within ten (10) days of the issuance of the citation in lieu of a court appearance. The official or person receiving the deposit shall furnish and deliver or mail an original receipt for such deposit to the alleged violator, and shall deliver the deposit and stipulation, and a copy of the receipt, within seven (7) days to the Municipal Court.

1. Non-Moving Traffic Offenses.

- A. Direct Payment of Penalty Permitted. Persons cited (summons not issued) for violation of non-moving traffic offenses described and defined in this Chapter may discharge the penalty thereof and avoid court prosecution by

mailing or forwarding within five (5) days of the issuance of the citation to the Town Clerk or the Municipal Court the minimum forfeiture specified for the violation. If not forwarded, the penalty may be discharged by forwarding within sixty (60) days of the date of citation. When payment is made as provided in this paragraph, no court costs shall be charged.

- B. Failure to Pay or Appear in Court. 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 Town may pursue the remedies available under Wis. Stats. Sections 345.28 and 345.34 to 345.47.
  - C. Deposits Returned to Town. Persons receiving deposits for non-moving traffic violations under this Subsection shall pay over such deposits to the Town Treasurer within seven (7) days of receipt. Such payment shall be accompanied by an itemized statement for each deposit of the offense charged and the name of the depositor.
  - D. Bond. Any person authorized to accept deposits under Wis. Stats. Section 345.26 or this Section shall qualify by taking the oath prescribed by Wis. Stats. Section 19.01.
1. Notices and Receipts. Every person accepting a forfeited penalty or money deposit under this Section shall comply with Wis. Stats. Section 345.26. Every person accepting a stipulation under the provisions of this Section shall comply with the applicable provisions of Wis. Stats. Sections 343.28, 345.26 and 345.27, 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 Wis. Stats. Section 345.11.
1. Registration Suspension Program.
- A. The Town shall participate in the Wisconsin Department of Transportation Traffic Violation and Registration Program as set forth in Wis. Stats. Section 345.28 and Wis. Adm. Code Trans. 128, and all amendments or changes thereto.
  - B. The Town Board shall designate a delegated authority for purposes of Wis. Stats. Sections 85.13 and 345.28 and Wis. Adm. Code Trans. 128 to perform, on behalf of the Town, all functions required of a local authority under said statutes and Code including, but not limited to:
    - i. Preparing and completing all forms and notices and notifying the Wisconsin Department of Transportation of unpaid citations for non-moving traffic violations;
    - ii. 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;



- iii. Determining the method by which the Town will pay the Wisconsin Department of Transportation for administration of the program and establishing the effective date for participation; and
- iv. Taking such other action as is necessary to institute and continue participation in the Wisconsin Department of Transportation Traffic Violation and Registration Program.
  - A. 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 Wis. Stats. Section 345.28(4)(d). Such costs include the prepayment required by the Department of Transportation under Wis. Stats. Section 85.13, as well as a Fifteen Dollar (\$15.00) fee for the Town's administrative costs in preparing the notices required by Wis. Stats. Section 345.28(3). The authority designated by the Town Board 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.
  - A. 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 Town's participation in such program shall be in addition to any and all other means legally available to enforce such citations.

*Original Ordinance #8 approved and passed August 7, 1972, posted August 15, 1972.*

*Ordinance #8 repealed by Ordinance #49 February 4, 1997.*

*Ordinance #49 adopted February 4, 1997, published March 20, 1997.*

*Ordinance #49 amended by Ordinance #52 October 15, 1997.*

*Ordinance #52 adopted October 6, 1997, published October 15, 1997.*

## **TITLE 8 - CHAPTER 2 Speed Limits.**

### **Section 8.2.1 Speed Limits within the Town of Oregon.**

### **Section 8.2.1 Speed Limits within the Town of Oregon.**

1. The speed limit on Netherwood Road (formerly known as Catholic Church Road), in the Town of Oregon, Dane County, Wisconsin, is as follows:
  - a. Twenty-five (25) miles per hour from its intersection with CTH "MM" (North Main Street), westerly for a distance of 0.3 of a mile.
  - b. Thirty-five (35) miles per hour from a point 0.3 of a mile west of its intersection with CTH "MM" (North Main Street), westerly to a point 1.3 miles west of its intersection with CTH "MM" (North Main Street).
  - c. Fifty (50) miles per hour from a point 1.3 miles west of its intersection with CTH "MM" (North Main Street), westerly to its intersection with CTH "D".
2. The speed limits on the following portions of roadways in the Town of Oregon, Dane County, Wisconsin, are twenty-five (25) miles per hour for all vehicles:
  - a. On French Glen from C.T.H. "A" northwest to Oregon Trail.
  - b. On Oregon Trail from C.T.H. "MM" west to the intersection with French Glen and French Court and from the intersection of French Glen and French Court southwest 0.08 miles.
  - c. On French Court from Oregon Trail northwest 0.04 miles.
  - d. Sheil Drive from Hillcrest Lane east 0.51 miles.
  - e. Della Road from Sheil Drive south 0.15 miles.
  - f. Ralph Road from Della Drive west 0.12 miles.
  - g. Wesley Road from Sheil Drive north 0.05 miles.
  - h. Jean Circle from Sheil Drive southwest 0.24 miles.
  - i. Marie Road from Jean Circle south 0.07 miles.
  - j. Twin Oaks Court from Partridge Hill Drive northwest 0.03 miles.
  - k. Grey Owl Court from Partridge Hill Drive northeast 0.15 miles.
  - l. Quail Court from Partridge Hill Drive east 0.09 miles.
  - m. Ravenoaks Trail from Sun Valley Parkway to Knollwood Drive.
  - n. Ahwahnee Court from 0.05 miles west to Ravenoaks Trail to 0.11 miles north of the north intersection with Ravenoaks Trail.
  - o. Knollwood Drive from the south intersection with Ravenoaks Trail to 0.11 miles north of the north intersection with Ravenoaks Trail.
  - p. Trail Ridge Court from Blue Heron Way northeast 0.13 miles.
  - q. Blue Heron Way from Ravenoaks Trail to Partridge Hill Drive.

- r. Owentsia from Knollwood Drive to Partridge Hill Drive and from Partridge Hill Drive west 0.02 miles.
  - s. Union Road from its intersection with Lincoln Road, northerly to its end.
  - t. Lincoln Road from a point 0.30 of a mile west of its intersection with Union Road, easterly to its intersection with Union Road.
3. Signs consistent with these speed limit declarations shall be erected at appropriate intervals on such Town highways in conformity with the Manual on Uniform Traffic Control Devices.
  4. Penalties. Any person operating a vehicle in excess of the fixed speed limits set forth in this Ordinance shall be required to pay a forfeiture calculated in accordance with Wis. Stats. Section 346.60(2)(a) or (3m)(a) (1997-1998), whichever is applicable, together with all applicable statutory assessments and court costs.

*Original Ordinance #12 passed and posted September 4, 1973.*

*Ordinance #12 amended by Ordinance #19 September 7, 1976.*

*Ordinance #12 and #19 amended by Ordinance #27 February 5, 1980.*

*Ordinance #27 passed February 5, 1980, posted February 6, 1980.*

*Ordinance #27 amended by Ordinance #54 October 5, 1999.*

*Ordinance #54 adopted October 5, 1999, published October 14, 1999.*