

**CHAPTER FIFTEEN  
PUBLIC WORKS**

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**CHAPTER 15  
PUBLIC WORKS**

ARTICLE I. GENERAL PROVISIONS

**Sec. 15-1 Director of Public Works.**

The Director of Public Works shall perform such duties as prescribed in the job specification on file in the office of the county clerk.

(Ord. No. 155-69, § X, 10/24/00)

ARTICLE II. ROADS AND BRIDGES

Division 1 In General

**Sec. 15-2 Right-of-way permit fees.**

Fees for Right of Way permits shall be specifically identified in the budget book document during the annual budget process and shall be on file in the Office of the Director of Public Works.

(Ord. No. 142-138, §1, 2-16-88; Ord. No. 146-135, § 1, 3-17-92; Ord. No. 149-93, §1, 12-13-94; Ord. No. 152-11, §1, 05-13-97; Ord. No. 155-116, §1, 02/13/2001; Ord. No. 158-146, 03-23-04; Ord. No. 160-127, 04/03/06; Ord. No. 163-76, 02-04-09; Ord. No. 163-84, 02-24-09, effective 1/1/2010.)

**Cross reference** - Fees to be charged for permits relative to access to and work within county trunk highways, §15-51.

**Secs. 15-3 - 15-25 Reserved.**

Division 2 Highway Widths

**Cross references** - Park and planning commission, § 4-200 et seq.  
**State law reference** - Authority to adopt such an ordinance, Wis. Stat. § 30-64.

**Sec. 15-26 Territorial applicability.**

This article is effective as to streets or highways in any municipality as designated on the map attached to the ordinance adopted on March 21, 1978 and on file in the office of the county clerk upon the filing with the county clerk of the approval thereof by the governing board of such municipality, which approvals shall be recorded in the office of the register of deeds as received.

(Ord. of 6-18-54, § 7; Ord. of 3-21-78, § II)

**Sec. 15-27 Amendments.**

This article may be amended in accordance with section 66.1031, Wisconsin Statutes. Any proposed amendment to the established widths within a given municipality prior to or subsequent to approval by such municipality, shall be submitted to the county board for approval, and where such amendment affects the

established width within another municipality, all affected municipalities shall approve the amendment before it is effective.

(Ord. of 6-18-54, § 6)

**Sec. 15-28 Map adopted.**

The map annexed to the ordinance from which this article is derived, marked "Established Street and Highway Width Map of Waukesha County," and as amended through the adoption date of this Code on which widths have been established pursuant to section 66.1031, Wisconsin Statutes, showing the name, location and width hereby established, is adopted as and shall be the established widths of each of the streets and highways designated and shown thereon.

**Sec. 15-29 Widths established.**

(a) In order to promote the general welfare, to provide for safe and convenient public travel, and to ensure the stability and economy of future development widths are established as indicated for the streets and highways shown on the established street and highway width map

(b) One-half of such width shall be on each side of the centerline of the street or highway as now located or as the same may be hereafter located.

(Ord. of 6-18-54, §§ 1, 2)

**Sec. 15-30 Encroachments into highway prohibited.**

No zoning, building or occupancy permit shall be granted for a structure within the area set forth as the established width of the highways in this article, except that a structure already existing on June 18, 1954 may continue to exist. In addition, no plat shall be approved which does not provide for the street or highway widths herein established. It is anticipated that the local municipalities will adopt provisions in their zoning ordinances and subdivision control ordinances which will provide a means of implementing the requirements of this article along with appropriate appeal provisions to resolve hardships and practical difficulties which may be imposed on landowners in the lateral enforcement of the provisions herein established.

(Ord. of 6-18-54, § 3; Ord. of 3-21-78, § 1)

**Sec. 15-31 Acquisition of excess widths.**

Any excess width shown on the map adopted in this article need not immediately be acquired for highway purposes, but may be acquired at any time, either in whole or in part, by the county or by the municipality in which it is located. No part shall be acquired in less than the full extent, in width, of the excess width to be made up of land on the same side of such highway, nor for less than the full distance, in length, of such excess width lying within the limits of contiguous land owned by the same owner, unless the owner and the public authorities purchasing the land shall agree to a lesser width or length, or such acquisition for the full width and length shall require the purchase or removal of buildings or incur unreasonable costs for other reasons, in which case the public authorities may acquire a lesser width or length. Any land so acquired, whether the excess width is acquired for the full length of the highway or not, shall at once become available for public highway purposes.

### Division 3 Culvert Pipes

#### **Sec. 15-32 Culvert Pipes-Installation, Repair and Replacement.**

(a) *In General.* This regulation is promulgated for the purpose of providing for proper roadway drainage and perpetuation of highway ditches and water flow therein. Driveway, field entrance and side street culverts convey water under access points and side streets. Failure to keep these culverts free of debris and in good condition results in blocked drainage ways, flooding of the highway and adjacent property, and jeopardizes public safety.

(b) *Definitions.*

1. *Department* shall mean the Waukesha County Public Works Department.
2. *Director* shall mean the Waukesha County Director of Public Works or designee.
3. *Engineer* shall mean that Waukesha County Engineering Services Manager or designee.
4. *Maintaining Authority* shall mean, for a public street, the city, town or village having responsibility for roadway maintenance and, for a private driveway or field entrance, the property owner whose driveway crosses the culvert.
5. *Driveway* shall mean any entrance upon a County highway whether improved or not and shall include field entrances.

(c) *Initial Installation.* No person shall install a culvert pipe or any other pipe or device which could or may obstruct or increase the volume (i.e. running drain tile into ditch) of the free flow of water without a valid permit for same obtained from the Department.

(d) *Inspection.* The property owner for a driveway or field entrance culvert or the maintaining authority for a side street culvert shall periodically inspect said culvert. They shall keep the culvert pipe free of debris that may block the free flow of water.

(e) *Replacement.* The property owner shall be responsible for the replacement of any failed, blocked or otherwise unusable culvert pipe so that the free flow of water can be maintained. The cost of said replacement shall be borne by the property owner or maintaining authority.

The property owner, prior to replacing the culvert, shall apply for a proper permit from the Department for such work.

(f) *Department Inspection and Order.* The Department may investigate complaints of blocked culverts. If the culvert is blocked by debris, silt, or other material, the Department may order the owner to clear the blockage. If the owner fails to comply, the Department or its contractor may do the work and bill the owner for the costs therefore. If the Department finds that a culvert is blocked due to collapse of the pipe, it may order the owner to replace the culvert pipe. The notice shall be in written form and delivered to the reported property owner. The owner shall, within ten (10) days, submit a written plan to the Department indicating how and when the culvert will be replaced. The department shall issue a permit for said work and inspect same. Based upon its investigation, the Department may order that a larger size pipe be installed due to changed hydraulic conditions or other conditions requiring a larger size pipe than was previously installed.

(g) *Contract with Department.* The property owner may choose to have the Department install a culvert pipe to be supplied by the owner. The culvert pipe will be installed, at the owner's expense, by the Department following the culvert permit process.

(h) *Failure to Comply.* If the owner fails to submit a plan of compliance within the time frame specified above, the Department may install a culvert of the proper size and charge the cost of same to the property owner. The Department will not restore the driveway surface and will not be liable for the costs of restoration incurred by the property owner.

(Ord. 152-15, § 1, 05/27/97)

**Secs. 15-33 - 15-50. Reserved.**

Division 4 Access to and Alterations in County Trunk Highways

**Sec. 15-51 Purpose, fees.**

This Article is promulgated for the purpose of designating standards within which the county will issue permit pursuant to section 86.07(2), Wisconsin Statutes, for placing, constructing or altering driveways, for movement of traffic between county trunk highways and abutting property or otherwise making excavations or fills, installing culverts or making other alterations in any county trunk highway or in other manner disturbing any such highway or bridge thereon. The purpose of the design standards herein prescribed is to promote the orderly and safe movement in and out of private properties in such manner as will constitute a minimum of interference to through highway traffic, and to control the use of drainage structures and appurtenances as may be necessary to preserve the physical structure of the highway. The Department of Public Works shall charge the fee allowed by Section 15-2 of the Code of Ordinances for each permit granted under this Article.

(Ord. No. 146-56, § 1(a), 9-10-91; Ord. No 156-62, adopted 10-23-2001, but repealed and recreated by recodification ordinance of 157-105, adopted 1-23-2003.)

(Section 15-51 was amended by Enrolled Ordinance 173-032, effective 09/08/18.)

**Sec. 15-52 Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this article, except where the context clearly indicates a different meaning:

1. *Access Point:* A constructed vehicular pathway to a single parcel of land adjacent to the highway or to many parcels of land all of which are adjacent to the constructed vehicular pathway (public or private street). The term "Access Point" shall be considered as synonymous with the terms point of access, private drive, residential driveway, commercial driveway, street opening or any similar term.
2. *Department of Public Works:* The Waukesha County Department of Public Works.
3. *Director:* The director of the Waukesha County Department of Public Works.

4. *Engineer*: The Engineering Services Manager of the Waukesha County Department of Public Works.

(Ord. No. 146-56, § 1(b), 9-10-91; Ord. No 156-62, adopted 10-23-2001, but repealed and recreated by recodification ordinance of 157-105, adopted 1-23-2003.)

(Section 15-52 was amended by Enrolled Ordinance 173-032, effective 09/08/18.)

**Sec. 15-53 Permit Required.**

(a) No person shall construct an Access Point within the meaning of this article until or unless a valid permit has been obtained from the Department of Public Works. In addition, no person shall alter, in any way, existing appurtenances or features within the highway right-of-way including but not limited to, ditches, drainage ways, culverts, bridges, signs, berms, fences, landscaping, retaining walls or pavement surfaces (including existing Access Points) until a proper permit therefore has been obtained.

(b) Any change of a property's use may require a permit, alterations and/or limitations to existing Access Points.

(c) A permit may not be granted for the purpose of parking or servicing vehicles or for advertising, storage, or merchandising of goods on the highway right-of-way.

(Ord. No. 146-56, § 1(c), 9-10-91; Ord. No 156-62, adopted 10-23-2001, but repealed and recreated by recodification ordinance of 157-105, adopted 1-23-2003.)

(Section 15-53 was amended by Enrolled Ordinance 173-032, effective 09/08/18.)

**Sec. 15-54 Access Point design criteria.**

(a) For a land use of a single-family home with private access, a sixteen-foot minimum width shall be required. For a single-family home with a shared access, a twenty-two to twenty-four-foot width shall be required.

(b) The design criteria of Access Points for mixed developments shall be determined on a per-case basis by the Department of Public Works as part of the permitting process.

(c) For other land uses, the following design criteria shall be applied to Access Points serving the delineated land uses: (references to types are to specific drawings available through the Department of Public Works from its "Intersection Details" materials.)

<i>I. Multi-Family</i>	<i>Type</i>
a. Less than 10 Units	C
b. 10-20 Units	B

- |                                 |             |
|---------------------------------|-------------|
| c. More than 20 units           | A, D        |
| 2. <i>Subdivisions</i>          | <i>Type</i> |
| a. Up to 50 Units               | B, D        |
| b. Greater than 50 Units        | A, D        |
| 3. <i>Commercial Industrial</i> | <i>Type</i> |
| a. Up to 25,000 sq. ft.         | C           |
| b. Greater than 25,000 sq. ft.  | A, B, D     |

(d) In the event that the applicant proposes a use not enumerated herein, the Engineer shall make the determination of the applicable criteria based upon the need to preserve highway capacity and safety.

(e) A bypass lane shall be required for all “T” type intersections when traffic on the adjacent county highway exceeds two thousand five hundred (2,500) vehicles per day and a bypass lane is ordered by the engineer.

(Ord. No. 146-56, § 1(d), 9-10-91; Ord. No 156-62, adopted 10-23-2001, but repealed and recreated by recodification ordinance of 157-105, adopted 1-23-2003.)

(Section 15-54 was amended by Enrolled Ordinance 173-032, effective 09/08/18.)

**Sec. 15-55. Location and Construction Requirements**

(a) The location, design, and construction of an access point shall conform to the following:

1. An Access Point shall be located and restricted as to width as necessary so that the entire Access Point or roadway and its appurtenances are contained within the frontage along the highway of the property served. The Engineer may permit the use of highway rights-of-way to complete construction of the Access Point where said construction would otherwise be outside the boundaries of applicant's property. At public highway intersections, an Access Point shall not provide direct ingress or egress to or from the public highway intersection area and shall not encroach on or occupy areas of the roadway or right-of-way deemed necessary for effective traffic control or for highway signs or signals.
  
2. An Access Point shall be so located and constructed that vehicles either approaching it or using it will have adequate sight distance in both directions along the highway. This adequate sight distance shall be defined as follows:
  - A. For developments of four (4) units or less, the sight distance shall be equal to the stopping sight distance for the posted speed on the county highway immediately in front of the property.

- B. For developments of more than four (4) residential units and for all other developments, the sight distance shall be at least equal to the 1990 AASHTO Design Guide Curve B-2.
3. Except on a controlled-access highway, the number of Access Points permitted serving single property frontage prior to any land division along a county trunk highway shall be the minimum deemed necessary by the Engineer for reasonable service to the property without undue impairment of safety, convenience, and utility of the highway. Successive land divisions shall not increase the number of Access Points permitted. However, the number of Access Points permitted shall not be greater than the following:

Distance	Number of Access Points
Less than 600 ft.	1
600 ft. – 1,499 ft.	2
1,500 ft. – 2,500 ft.	3
Greater than 2,500 ft.	4

In addition, a minimum distance of five hundred (500) feet shall be maintained from the intersection of any federal highway, state highway, county trunk highway, or other public or private side road. Such distance shall be measured from the centerline of the Access Point to the nearest edge of pavement of the federal highway, state highway, county trunk highway or other public or private side road.

- (b) When a property seeking access to a county trunk highway also has frontage on a city, village or town road, then the access to the property shall be from the city, village or town road. In exceptional circumstances, the Department of Public Works will allow access to the county trunk highway but these requests will be reviewed on a case-by-case basis.
- (c) For Access Points other than private driveways, vision corner easements shall be provided if deemed necessary by the Department of Public Works. Vision corner easements shall begin at a point along the side road (or driveway) centerline one hundred (100) feet from the centerline of the adjoining county trunk highway and shall traverse diagonally to a point one hundred fifty (150) feet along the centerline of the county trunk highway from the center of the side road. Within the area of the vision corner easement, the height of all plantings, berms, fencing, signs or any other structure shall be limited to twenty-four (24) inches above the intersection elevation. No roadway access is permitted over the vision corners from the adjacent lots.
- (d) Preliminary Survey/Plat Review.
1. Preliminary or conceptual certified survey maps and subdivision plats which are adjacent to a county trunk highway shall be sent to the Department of Public Works during the review process by the local municipality. The Department of Public Works will undertake a preliminary review of the map or plat to determine its compliance with the access control requirements of this Article.
  2. Failure of an owner to obtain a preliminary review of a certified survey map or



subdivision plat when adjacent to a county trunk highway may prohibit the issuance of an access permit from any parcels created as set forth in this Article.

3. The preliminary approval by the Department of Public Works is based on terms of this Article, topographic conditions, traffic conditions, speed limits, other access locations and geometric standards which are existing at the time that such approval is given.
  4. The issuance of a permit to construct a driveway will be based upon conditions present at the time that the driveway permit is applied for. Therefore, the preliminary approval may not guarantee the issuance of an access permit when the permit is applied for.
- (e) The island area on the right-of-way between successive Access Points or adjoining an Access Point and between the highway shoulder and right-of-way line shall remain unimproved for vehicular travel or parking. Such areas shall be considered as restricted and may be filled in or graded down only as provided by this Article.
  - (f) The surface of the Access Point connecting with rural-type highway sections shall slope down and away from the edge of pavement a sufficient amount and distance to preclude ordinary surface water drainage from the Access Point area flowing onto the highway roadbed.
  - (g) The Access Point shall not obstruct or impair drainage in highway side ditches or roadside areas. Access Point culverts, where necessary, shall be adequate for surface water drainage along the highway and in no case less than the equivalent of a fifteen (15)-inch diameter pipe. The distance between culverts under successive Access Points shall be not less than ten (10) feet except as such restricted area is permitted to be filled in under the provisions of this ordinance. The Department of Public Works may opt to require that all culvert pipes for single family home Access Points be installed by Department of Public Works personnel unless the Engineer approves installation by the property owner's contractor after notice to the Department of Public Works by the contractor or property owner. In the event that installation is performed by the permittee or contractor, prior to backfilling, the Department of Public Works must inspect and approve the installation. Culvert pipes installed by the Department of Public Works shall be supplied by the permittee.
  - (h) When any curb or gutter is removed for constructing an Access Point, the new connections shall be of equivalent acceptable material and curb returns provided or restored in a neat, workmanlike manner. The Access Point surface shall connect with the highway pavement and the sidewalk, if any, in a neat, workmanlike manner. The Access Point construction shall include replacement of sidewalk areas which are inadequate or become damaged by reason of vehicular travel across the sidewalk.
  - (i) Any highway surfaces, shoulders, ditches and vegetation that are disturbed by the construction of the Access Point shall be restored to the equivalent of the original condition by the permittee. In the event that the permittee fails to comply with this section and the Department of Public Works must engage in restoration work, the permittee shall be charged an hourly rate in addition to the cost of necessary supplies used in such work.
  - (j) The restricted area between successive Access Points may be filled in or graded down only when the following requirements are fully complied with:

1. The filling in or grading down shall be to grades approved by the Engineer and except where highway drainage is by means of curb and gutter, water drainage of the area shall be directed away from the highway roadbed in a suitable manner.
2. Culvert extension under the restricted area shall be of like size and equivalent acceptable material of the Access Point culvert and intermediate manholes adequate for clean-out purposes may be required where the total culvert length exceeds one hundred (100) feet.
3. Where no highway side ditch separates the restricted area from the highway roadbed, permanent provision may be required to separate the area from the highway roadbed, to prevent its use for Access Point or parking purposes, by construction of a border, curb, rail or posts deemed adequate by the Engineer.

(Ord. No. 146-56, §1(e), 9-10-91; Ord. No. 149-93, §2, 12-13-94; Ord. No 156-62, adopted 10-23-2001, but repealed and recreated by recodification ordinance of 157-105, adopted 1-23-2003.)

(Section 15-55 was amended by Enrolled Ordinance 173-032, effective 09/08/18.)

**Sec. 15-56 Public Works Department authority, permit requirements and application process.**

- (a) The applicant shall complete the required permit forms as supplied by the Department of Public Works. They shall be submitted to the Department of Public Works along with supplemental information required by this Article.
- (b) Applications shall be accompanied by a subdivision plat, certified survey map, plat of survey or proposed site plan showing the location of the Access Point desired.
- (c) The applicant shall stake the location or centerline of the proposed Access Point in the field with surveying lath and an identifying colored ribbon.
- (d) Applicants for access to developments with more than one hundred (100) residential units or fifty thousand (50,000) square feet of building area for commercial, industrial or institutional development or any combination thereof, shall be required to submit a traffic impact study in a form as specified by the Department of Public Works. The Department of Public Works reserves the right to require a traffic study for any development or may require an abbreviated traffic study if deemed necessary.
- (e) Applicants must represent all parties in interest to the land and the Department of Public Works shall provide a permit form which requires the applicant to affirmatively state that they represent all parties in interest.
- (f) Before a permit is issued, the Department of Public Works may require that the permittee show to the Engineer's satisfaction:
  1. That the type of construction and materials to be used by the applicant are suitable and appropriate for the intended purpose of the applicant; and,
  2. That the permittee has a plan to make the installation of the Access Point without jeopardy to or interference with traffic using the highway.

- (g) No relocations, revisions or additions shall be made to the proposed or existing access point or its appurtenances on the right-of-way without the written permission of the Engineer. Upon completion and approval of the Access Point, no revisions may be made without the prior written approval of the Engineer.
- (h) All permittees must agree, on the form supplied by the Department of Public Works, to hold the county harmless against any action for personal injury or property damage sustained by reason of the issuance or exercise of the permit.
- (i) The Department of Public Work's authorization to issue permits pursuant to this Article is limited to permits for placing, constructing and altering private Access Points, with and without pipes, for the movement of traffic between county trunk highways and abutting property, and to landscaping or other minor grading or alterations in roadway slopes and embankments on county trunk highways adjacent to lands owned by the permittee.
- (j) Permits for such installations or alterations within the limits and conditions established hereby shall be issued by the Engineer and permits for such installations or alterations exceeding the limits or conditions established hereby shall be issued only on specific approval of the Director.
- (k) No permit shall be issued or be valid for construction of an Access Point connecting adjacent lands directly with the through roadway of a controlled-access highway unless and until such Access Point is authorized and approved by the Director.

(Ord. No. 146-56, § 1(f), 9-10-91; Ord. No 156-62, adopted 10-23-2001, but repealed and recreated by recodification ordinance of 157-105, adopted 1-23-2003.)

(Section 15-56 was amended by Enrolled Ordinance 173-032, effective 09/08/18.)

**Sec. 15-57 Appeal of denial of permit.**

Any applicant for a permit under this Article is entitled to pursue an appeal pursuant to Chapter 18, Miscellaneous Provisions, Article IV. Municipal Appeals of the Waukesha County Code of Ordinances.

(Ord. No. 146-56, § 1(g), 9-10-91; Ord. No 156-62, adopted 10-23-2001, but repealed and recreated by recodification ordinance of 157-105, adopted 1-23-2003.)

(Section 15-57 was amended by Enrolled Ordinance 173-032, effective 09/08/18.)

**Sec. 15-58 Violations.**

(a) Any Access Point which is found to have been constructed in violation of these regulations shall be declared illegal. The illegal Access Point shall be treated as follows:

1. The violator shall be notified, in writing, that he has an illegal Access Point and must apply for a permit.
2. The violator shall be given ten (10) business days within which to file a proper application.
3. The violator's application shall be reviewed and either a permit issued or a notice of correction

issued.

4. The violator shall have twenty (20) business days to submit a plan of corrections and timetable for building same for approval by the Engineer.
5. If the violator fails to apply for a permit or submit a plan of corrections, or implement the plan in accordance with the timetable, the Access Point shall be removed or rendered unusable by the Department of Public Works. Costs associated with said removal or obstruction shall be charged to the violator.

(b) Any person, firm or corporation who fails to comply with the provisions of these regulations shall, upon conviction thereof, forfeit not less than twenty-five dollars (\$25.00) nor more than two hundred dollars (\$200.00) and the cost of prosecution for each violation, and in default of payment of such forfeiture and costs shall be imprisoned in the county jail until payment thereof, but not exceeding thirty (30) days. Each day a violation exists or continues shall constitute a separate offense. Compliance therewith may also be enforced by court-ordered injunction at the suit of the county as provided by law.

(Ord. No. 146-56, § 1(h), 9-10-91; Ord. No 156-62, adopted 10-23-2001, but repealed and recreated by recodification ordinance of 157-105, adopted 1-23-2003.)

(Section 15-58 was amended by Enrolled Ordinance 173-032, effective 09/08/18.)

#### **Sec. 15-59 Conditions related to reconstruction of county trunk highways.**

Should the permittee desire to reconstruct a portion of the county trunk highway in order to comply with the provisions of this Chapter, the following additional conditions may be imposed by the Director prior to issuing any permit:

1. Undertake soil borings and a soil report prepared by an approved firm. Prepare a pavement design based on the soil boring data and the existing ADT (Average Daily Traffic) plus a ten (10) percent increase. The design must use WDOT pavement design methods. The minimum typical section allowed will be six (6) inches of asphaltic concrete pavement, HMA Pavement Type 4 MT 58-28S on a base of twelve (12) inches of crushed aggregate base course.
2. Utility coordination must be completed prior to approval of plans. The coordination includes documentation showing utility agreements and time schedule for relocation of any utilities. The copies of utility agreements must be attached to the final plans and are required prior to issuing any permits or the beginning of construction.
3. The permittee will hold public information meetings at which the proposed work will be presented and public comments can be received. The process will give the opportunity for written comments. Comments will be reviewed by the Department of Public Works and the Department of Public Works may require changes to the proposed work based upon comments received.
4. All grading and paving work within the County highway right of way will be limited to the period between May 15 and October 15. Exceptions are landscaping and placement of incidental items (signs, guardrails, etc.).

5. Permittee is responsible for the placement and maintenance of all barricades and detours associated with the work. All detour routes must be approved in advance by the maintaining authorities.
6. A performance bond, letter of credit, or certified check sufficient to construct the entire project will be provided to the County and will be returned after the work is completed to the Department of Public Works' satisfaction. The Permittee will also provide appropriate liability insurance in amounts as determined by the Department of Public Works.
7. The Permittee and the Department of Public Works shall agree upon the need for and length of time for any road closure. This agreement shall be in writing and signed by both the Permittee and the Department of Public Works. Should the Permittee fail to complete work to the satisfaction of the Department of Public Works within the time agreed upon, a penalty may be imposed upon the Permittee. The penalty shall be calculated by multiplying the average daily traffic (ADT) on the road prior to the closure times the detour length in miles times the daily vehicle operating cost as determined by the Department of Public Works. The penalty shall be imposed for each and every day that the road remains closed beyond the agreed upon opening date. Should the Permittee fail to pay said penalty, he shall forfeit his performance bond in paragraph (6) above.

(Ord. 152-15, § 2, 05-27-97; Ord. 153-60, 8/11/98; Ord. No 156-62, adopted 10-23-2001, but repealed and recreated by recodification ordinance of 157-105, adopted 1-23-2003.)

(Section 15-59 was amended by Enrolled Ordinance 173-032, effective 09/08/18.)

**Secs. 15-60 - 15-80      Reserved.**

**ARTICLE III. TRAFFIC**

**Sec. 15-81 Traffic safety commission.**

- (a) There is a traffic safety commission.
- (b) The traffic safety commission shall be composed of the following:
  1. The director of public works or a designated representative;
  2. The county sheriff or his representative;
  3. The chief of the state patrol or his representative;
  4. The state highway engineer or his representative;
  5. One (1) representative from each of the following disciplines:
    - A. education;
    - B. medicine;

C. law.

The members listed in paragraph 5 shall be appointed by the county executive and confirmed by the county board.

(c) With the exception of any members who are also members of the Waukesha County Board, all members shall receive as compensation from the county whatever sum is available in reimbursement from the state, with any such payment which is received by the county highway commissioner or the chief county traffic law enforcement officer to be paid into the county treasury for any meeting which is held during their normal working hours. Members who are also members of the Waukesha County Board are subject to Section 7-94.

(Res. No. 115, 2-9-73)

**Cross reference** - Boards and commissions generally, § 4-95 et seq.

**State law reference** - Traffic safety commission, Wis. Stat. § 83.013.

**Sec. 15-82 State traffic laws adopted.**

(a) Except as otherwise specifically provided in this section, the statutory and administrative provisions in chapters 340 to 348, and sections 941.01, Wisconsin Statutes, describing and defining regulations with respect to vehicles and traffic, exclusive of any regulations for which the statutory penalty is a fine or term of imprisonment, and Chapters Trans. 305, Trans. 325, and Trans. 327, Wis. Admin. Code defining regulations regarding standards for vehicle equipment, motor carrier safety regulations, and motor carrier safety are hereby adopted and by reference made a part of this section as if fully set forth herein. Any acts required to be performed or prohibited by any regulation incorporated herein by reference is prohibited by this section. Any future amendments, revisions or modifications of the statutory regulations in chapters 340 to 348, and sections 941.01 or Chapters Trans. 305, Trans. 325, and Trans. 327, Wis. Admin. Code are intended to be made part of this section in order to secure, to the extent legally practical, statewide regulation of vehicle traffic on the highways, streets and alleys of the state.

(b) The penalty for violation of any provision of this section shall be a forfeiture as provided in this section together with costs under Chapter 346 of the Wisconsin Statutes. Except as otherwise provided, forfeitures for violation of this section shall conform to the forfeiture permitted to be imposed for violation of the statutes adopted by reference, including any variations or increases for subsequent offenses. The forfeiture for violation of any statute adopted by reference herein for which the penalty is a fine shall not exceed the maximum fine permitted under such statute.

(c) This section shall be enforced according section to 66.0114, chapter 299 and sections 345.20 to 345.53 of the Wisconsin Statutes. Any person arrested for a violation of this section may make a deposit of money as directed by the arresting officer at the police station or at the office of the clerk of court or by mailing the deposit to such places. If the deposit is mailed, the signed statement required under such section shall be mailed with the deposit. The arresting officer or the person receiving the deposit shall notify the arrested person, orally or in writing, that:

1. If he 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 he fails to appear in court at the time fixed in the citation and if the court does not accept the deposit as a forfeiture, he will be summoned into court to answer the complaint. The amount of the deposit shall be determined in accordance with the deposit schedule established by the board of county judges. The arresting officer or the person receiving the deposit shall issue the arrested person a receipt therefor as required by section 345.26(3)(b) of the Wisconsin Statutes;
3. If a deposit schedule has not been established, the arresting officer shall require the alleged offender to deposit not less than the maximum forfeiture permitted under this section.

(d) Implements of Husbandry. Except in circumstances excepted in Section 348.15(9), Wis. Stats., no person shall operate an implement of husbandry, including Category B implements of husbandry as defined in Section 340.01(24)1.b., Wis. Stats., on the Waukesha County trunk highway system which exceeds the weight limits imposed by Section 348.15(3)(g), Wis. Stats., unless the person operating the implement of husbandry possesses a valid no-fee permit issued by the county pursuant to authority granted under Section 348.27, Wis. Stats.

1. Permit applications for implements of husbandry to exceed weight limits on county trunk highways shall be made in conformance with the requirements of Section 348.27(19), Wis. Stats., and shall be submitted to the Director of Public Works on forms prescribed by the Wisconsin Department of Transportation.
2. The provisions of Section 348.27(19), Wis. Stats., shall apply to the review, approval or denial of permit applications, and to the appeal by the applicant of any adverse determination.
3. Any person who violates this subsection, including any violation of a permit issued pursuant hereto, shall be subject to penalties as set forth in Section 348.21, Wis. Stats., and is further subject to enforcement by injunction and/or revocation of any permit issued pursuant to this subsection.
4. This subsection shall be effective from January 1, 2015 through January 1, 2020.

(Ord. of 10-26-72, §§ 1-3; Ord. of 2-19-74, § 1; Ord. of 6-20-74, § 1; Ord. of 11-4-74, § 1; Ord. of 2-15-77, § 1; Ord. No. 142-36, § 1, 7-21-87; Ord. No. 158-120, 1-13-04; Ord. No. 169-86, 12/26/14.)

**Sec. 15-83. Abandoned motor vehicles.**

(a) No person shall leave unattended any motor vehicle, trailer, semi-trailer 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. Except as otherwise provided in this section, whenever any vehicle has been left unattended without the permission of the property owner for more than forty-eight (48) hours, the vehicle is deemed abandoned and is hereby declared to be a public nuisance and may be abated as hereinafter provided. A motor vehicle shall not be considered an abandoned motor vehicle when it is out of the ordinary public view, or when designated as not abandoned by the county sheriff's department.

(b) Any vehicle in violation of this section shall be impounded until lawfully claimed or disposed of under subsection c., except that if it is deemed by the sheriff that the costs of towing and storage charges for the impoundment would exceed the value of the vehicle, the vehicle may be junked or sold by the sheriff

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 nineteen (19) model years of age shall be disposed of in accordance with subsection c.

(c) Any abandoned vehicle shall be impounded at a suitable place of impoundment designated by the sheriff and disposed of as follows:

1. 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. Costs not recovered from the sale of the vehicle may be recovered in a civil action by the county against the owner;
2. Any vehicle which is deemed abandoned by the sheriff and not disposed of under subsection (b) shall be retained in storage for a minimum of ten (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 notices shall set forth the year, make, model and serial number of the abandoned motor vehicle, the 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 the failure of the owner or lienholders to exercise their rights to reclaim the vehicle under this section shall be deemed a waiver of all rights, title, and interest in the vehicle and a consent to the sale of the vehicle. Each retained vehicle not reclaimed by its owner or lienholders may be sold. The sheriff may dispose of the vehicle by sealed bid or auction sale. At such a sale the highest bid for any such motor vehicle shall be accepted unless the same is deemed inadequate by the sheriff, in which event all bids may be rejected. If all bids are rejected or if no bid is received, the sheriff may either readvertise the sale, adjourn the sale to a definite date, sell the motor vehicle at a private sale, or junk the motor vehicle. Any interested person may offer bids on each abandoned vehicle to be sold. Upon sale of an abandoned vehicle, the sheriff shall supply the purchaser with a completed form designated by the department of motor vehicles enabling the purchaser to obtain a regular certificate of title for the vehicle. The purchaser shall have ten (10) days to remove the vehicle from the storage area, but shall pay a storage fee of five dollars (\$5.00) for each day the vehicle remains in storage after the second business day subsequent to the sale date. Ten (10) 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. Any listing of vehicles to be sold by the sheriff shall be made available to any interested person or organization which makes a written request for such list. The sheriff may charge a fee for the list;
3. Within five (5) days after the sale or disposal of the vehicle as provided, the sheriff shall advise the department of motor vehicles of the sale or disposition on a form supplied by the department.

(d) The following penalties apply to this section:

1. Any person over the age of seventeen (17) years violating the provisions of this section shall be subject to a forfeiture of not less than twenty-five dollars (\$25.00) or more than two hundred dollars (\$200.00) plus costs, for each offense. Failure to pay any forfeiture hereunder shall subject any violator over the age of seventeen (17) years to be sentenced to the county jail until the forfeiture is paid, but for a period not to exceed ninety (90) days.
2. Any person between the ages of fourteen (14) and seventeen (17) violating the provisions of



this section shall be subject to a forfeiture of not less than ten dollars (\$10.00) or more than twenty-five dollars (\$25.00), plus costs, for each offense or shall be referred to the proper authorities as provided in chapters 48 and 938 of the Wisconsin Statutes.

3. Any person under the age of fourteen (14) violating any of the provisions of this section shall be referred to the proper authorities as provided in chapters 48 and 938 of the Wisconsin Statutes.

(e) It shall be the duty of the county sheriff and the district attorney to enforce the provisions of this section. Such enforcement shall be initiated by either a county ordinance citation being written, whose contents shall conform to the requirements found in section 800.02 (2) of the Wisconsin Statutes, or shall be referred to the district attorney's office where a county ordinance complaint shall be drafted and served upon the violator.

(Ord. of 10-27-81, §§ 25.05 (7), (8), 25.07; Ord. of 3-16-82)

**State law reference** - Authority to so provide, Wis. Stat. § 342.40.

### **Sec. 15-84 Snowmobiles.**

(a) The restrictions and prohibitions concerning the operation of snowmobiles together with the definitions of words and phrases found in chapter 350 of the Wisconsin Statutes, as now or hereinafter amended, are hereby adopted by reference and made a part of this section with the same force and effect as if fully set forth herein.

(b) The following penalties apply to violations of this section:

1. Any person over the age of seventeen (17) years violating the provisions of this section shall be subject to a forfeiture of not less than twenty-five dollars (\$25.00) or more than two hundred dollars (\$200.00), plus costs, for each offense. Failure to pay any forfeiture hereunder shall subject any violator over the age of seventeen (17) years to be sentenced to the county jail until the forfeiture is paid, but for a period not to exceed ninety (90) days;
2. Any person between the ages of fourteen (14) and seventeen (17) years violating the provisions of this section shall be subject to a forfeiture of not less than ten dollars (\$10.00) or more than twenty-five dollars (\$25.00), plus costs, for each offense or shall be referred to the proper authorities as provided in chapters 48 and 938 of the Wisconsin Statutes;
3. Any person under the age of fourteen (14) years violating any of the provisions of this section shall be referred to the proper authorities as provided in chapters 48 and 938 of the Wisconsin Statutes.

(c) It shall be the duty of the county sheriff's department and the district attorney to enforce the provisions of this section. Such enforcement shall be initiated by either a county ordinance citation being written, whose contents shall conform to the requirements found in section 800.02(2) of the Wisconsin Statutes, or shall be referred to the district attorney's office where a county ordinance complaint shall be drafted and served upon the violator.

(Ord. of 10-27-81, §§ 25.05(5), (8), 25.07; Ord. of 3-16-82; Ord. No. 142-36, § 2, 7-21-87)

**Sec. 15-85 Operation of motorized vehicles.**

(a) With the exception of motorized wheelchairs, scooters or other motorized vehicles used for the purposes of transporting an individual who needs assistance with walking because of disability, no self-propelled motor vehicle shall be operated on any county lands except on the traveled portion of any public thoroughfare and parking areas specifically designated for such traveling or parking.

(b) In this section:

1. Self-propelled motor vehicle includes any mini-bikes, trail bikes, or other all-terrain vehicle, but does not include snowmobiles.
2. Public thoroughfare includes any public road, street, alley, highway, freeway, interstate, county trunk highway, or public right-of-way.
3. Traveled portion or parking lot means the paved or otherwise surfaced portion of the roadway and the prepared shoulders, but does not include the grass areas within the statutory limits of the highways and contiguous to the traveled portion thereof.

(c) This section does not apply to land or property leased by persons or corporations from the county or land upon which permits for a specific limited use has been granted.

(d) The following penalties apply to violations of this section:

1. Any person over the age of seventeen (17) years violating the provisions of the section shall be subject to a forfeiture of not less than twenty-five dollars (\$25.00) or more than two hundred dollars (\$200.00), plus costs, for each offense. Failure to pay any forfeiture hereunder shall subject any violator over the age of seventeen (17) years to be sentenced to the county jail until the forfeiture is paid, but for a period not to exceed ninety (90) days;
2. Any person between the ages of fourteen (14) and seventeen (17) years violating the provisions of this section shall be subject to a forfeiture of not less than ten dollars (\$10.00) or more than twenty-five dollars (\$25.00), plus costs, for each offense or shall be referred to the proper authorities as provided in chapter 48 of the Wisconsin Statutes;
3. Any person under the age of fourteen (14) years violating any of the provisions of this section shall be referred to the proper authorities as provided in chapter 48 of the Wisconsin Statutes.

(e) It shall be the duty of the county sheriff and the district attorney to enforce the provisions of this section. Such enforcement shall be initiated by either a county ordinance citation being written, whose contents shall conform to the requirements found in section 800.02(2) of the Wisconsin Statutes, or shall be referred to the district attorney where a county ordinance complaint shall be drafted and served upon the violator.

(f) The restrictions and prohibitions concerning the operation of all-terrain vehicles along with the definitions of words and phrases found in section 23.33 of the Wisconsin Statutes, as now or hereinafter

amended, are hereby adopted by reference and made a part of this section with the same force and effect as if fully set forth herein. In the event any provisions of section 15-85 (a) through (e) conflict with this section, the provisions of this section shall supersede any conflicting provisions of section 15-85 (a) through (e).

(Ord. of 10-27-81, §§ 25.05(6)(a), (8), 25.07; Ord. of 3-16-82; Ord. No. 142-36, § 3, 7-21-87)

**Sec. 15-86 Parking generally.**

(a) The restrictions on stopping and parking vehicles found in section 346.50 through section 346.55 of the Wisconsin Statutes are hereby adopted by reference and made a part of this section with the same force and effect as if fully set forth herein. For the purpose of this section the definitions of words and phrases contained in chapter 346 of the Wisconsin Statutes are hereby adopted and by reference made a part hereof with the same force and effect as if fully set forth herein. In addition, any area marked temporarily by the sheriff's department with no parking and/or tow away signs shall be included in the areas where parking is prohibited as described in the below adopted references.

(b) Any person under the age of fourteen (14) years violating any of the provisions of this section shall be referred to the proper authorities as provided in chapter 48 of the Wisconsin Statutes. Any person violating the provisions of this section shall be subject to a forfeiture of not more than ten dollars (\$10.00) plus costs. In the event the vehicle must be towed, the cost of such towing will be at the owner's expense.

(c) It shall be the duty of the county sheriff and the district attorney to enforce the provisions of this section. Such enforcement shall be initiated by either a county ordinance citation being written, whose contents shall conform to the requirements found in section 800.02(2) of the Wisconsin Statutes, or shall be referred to the district attorney where a county ordinance complaint shall be drafted and served upon the violator.

(Ord. of 10-27-81, §§ 25.05(6)(b), (8), 25.07; Ord. of 3-16-82)

**Sec. 15-87 Parking at county courthouse and office building.**

(a) *Definitions.* All terms used in this section shall have the meaning as contained in section 340.01, Wisconsin Statutes with the following additions:

*Employee rideshare vehicle:* A motor vehicle occupied by two (2) or more county or other employees and used for the purpose of commuting to and from work.

(b) The county executive with the consent of the public works committee has the authority for establishing areas for land owned or leased by the county and for regulating, prohibiting, or restricting parking on such areas or parts of such areas. This includes, without limitation, establishing provisions which limit parking for certain purposes, which limit parking to only certain personnel, which limit parking to specific periods of time, or which require permits for parking in certain areas.

(c) No person shall park a motor vehicle on any portion of the county grounds or parking lots except in designated parking stalls. It shall be unlawful to park on any highway, within parking lots, or along any of the roadways or highways from the parking lot where such parking is prohibited by a posting or by yellow curb or roadway markings.

(d) No person shall, between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday exclusive of holidays, park a motor vehicle beyond the time permitted by posted signs in designated parking areas.

(e) No person shall park a motor vehicle in a parking stall designated for the disabled unless such vehicle displays special registration plates or a special identification card issued under section 341.14(1), (1a), (1e), (1m), or (1q), Wisconsin Statutes.

(f) No person shall park a motor vehicle in a parking space reserved for a particular county department unless such vehicle is a county-owned vehicle assigned to that department.

(g) No person shall park a motor vehicle in a parking space reserved for employee rideshare vehicles unless that vehicle is in use as an employee rideshare vehicle and has a required sticker identifying it as an employee ride share vehicle.

(h) Any person violating this section of the County Code shall be required to pay a forfeiture of not less than ten dollars (\$10.00) or more than fifty dollars (\$50.00). Each period of parking in violation of this section shall be considered a separate offense, regardless of whether or not more than one (1) day is involved.

(i) Any person charged with violating this section may post bail of ten dollars (\$10.00) with the clerk of the circuit court within forty-eight (48) hours of the time of the offense and shall thereupon be relieved of any further liability under this section.

(j) The county authorizes the use of a citation to be issued for violations of this section.

(k) Citations issued pursuant to this section shall conform to the requirements of section 66.0113, Wisconsin Statutes, and shall contain all information required by that statute, as it is from time to time amended.

(l) It shall be the duty of the parks and land use department to issue citations for violations of this section. The director of parks and land use may designate to employees employed as park rangers and park ranger coordinator the ability to issue citations authorized by this section.

(Ord No. 148-109, § 2, 12-17-93; Ord. No. 149-9, § 1, 5-24 94)

**State law reference** - Authority to regulate stopping, standing, and parking, Wis. Stat. § 349.13.

### **Sec. 15-88 Parking, etc., in county park/ride lots.**

(a) The following restrictions apply to parking and stopping in all park/ride lots under county jurisdiction:

1. No person shall stop or leave any tractor- trailer trucks at any time.
2. No persons shall stop or leave standing any vehicle for more than twenty-four (24) hours; any vehicle left for more than twenty-four (24) hours shall be considered abandoned and will be towed away.

(b) Any person violating this section shall be required to forfeit not less than twenty dollars (\$20.00) or more than forty dollars (\$40.00) for the first offense, and not less than fifty dollars (\$50.00) or more than

one hundred dollars (\$100.00) for the second or subsequent conviction within a one-year period.

(Ord. of 6-18-85)