

Ordinance No. 2010-006

**AN ORDINANCE TO CREATE  
SECTION 10.05(14) OF THE TOWN OF DELAFIELD  
MUNICIPAL CODE RELATED TO PUBLIC NUISANCES  
ARISING FROM USE OF OFF-THE-ROAD VEHICLES**

WHEREAS, the Town Board has received complaints regarding noise, dust and other disturbances related to dirt bikes and other off-road vehicles being driven on private property within the Town of Delafield; and

WHEREAS, the Town Board has also received complaints that off-road vehicles have damaged public property within the Town of Delafield; and

WHEREAS, the Town currently regulates off-road vehicles to some extent, however the Town Board finds that additional regulation is required in order to preserve the health, safety and welfare, peace and good order of the Town of Delafield.

NOW, THEREFORE, the Town Board of the Town of Delafield, Waukesha County, Wisconsin DOES HEREBY ORDAIN AS FOLLOWS:

**SECTION 1:** Chapter 10 of the Town of Delafield Municipal Code entitled "Public Nuisances," Section 10.05 entitled "Public Nuisances Affecting Peace and Safety," Section 10.05(14) entitled "Off-the-Road Vehicle Violations," is hereby created as follows:

10.05(14) **OFF-THE-ROAD VEHICLE VIOLATIONS**

Use of an off-the-road vehicle, as defined in Section 7.12 of this code, in a manner which violates Section 7.12 of this code is hereby declared to be a public nuisance.

**SECTION 2: SEVERABILITY**


The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and shall not affect the validity of any other provisions, sections or portions thereof of the ordinance. The remainder of the ordinance shall remain in full force and effect. Any other ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

**SECTION 3: EFFECTIVE DATE**


This ordinance shall take effect immediately upon passage and posting or publication as provided by law.

This ordinance passed this 28<sup>th</sup> day of September, 2010.

BY THE TOWN BOARD OF THE  
TOWN OF DELAFIELD:

  
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Paul L. Kanter, Town Chairman

ATTEST:

  
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Mary T. Elsner, CMC, WCMC  
Town Clerk

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