

**VILLAGE OF PARDEEVILLE
PUBLIC PROTECTION COMMITTEE
MEETING AMENDED AGENDA
Village Hall – 114 Lake Street, Pardeeville
Friday, July 7, 2023 at 1:00 PM**

- I. Call to Order
- II. Roll Call
- III. Verification of the Posting of Agenda
- IV. Agenda Approval
- V. Minutes Approval
- VI. Comments from the Floor
- VII. NEW BUSINESS
 - i. Ord 4-34; Restrictions on special Class “B” fermented malt beverage license
 - ii. Ord 4-35; Beer garden permits required for outdoor consumption at Class “B” premises
 - iii. Commercial vehicles ord. – compare to Rio’s
- VIII. ADJOURN

Kayla Lindert, Clerk/Treasurer
Posted: 06/29/2023

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The Village Hall is accessible to the handicapped. If you require additional assistance, please contact the village office no later than 48 hours prior to the meeting date. Phone 608-429-3121. If members are present from other recognized Boards, Commissions or Committees which may constitute a quorum, the meeting is presumed to be for the above-stated agenda/purpose. An updated agenda may be posted 24 hours before meeting time.

**VILLAGE OF PARDEEVILLE
PUBLIC PROTECTION COMMITTEE
MEETING MINUTES
Village Hall – 114 Lake Street, Pardeeville
Tuesday, June 6, 2023 at 6:15 PM – 7:00 PM**

Call to Order – Pufahl called the meeting to order at 6:23 PM

Roll Call – All members present with Engelmann attending virtually. Also present is Salmon, DPW/Administrator, Lindert Clerk/Treasurer, Bob Abrath, President Haynes, Trustee Griepentrog, Tim Kath, Lt. Jordan Haueter, Trustee Babcock, Jim Buckley and Doug Trombower. Trustee Henslin joined at 6:37 PM. Nina Grasse joined at 6:46 PM.

Verification of the Posting of Agenda – Lindert stated posted in all 3 public places as well as Village website

Agenda Approval – Motion to approve agenda Engelmann/Taylor. Motion carries unanimously.

Minutes Approval – Motion to approve minutes as printed Engelmann/Taylor. Motion carries unanimously.

Comments from the Floor - none at this time

NEW BUSINESS

Ord 34-184; Private Disposal System

-Discussion on reason for agenda item and discussion on possible changes and removing the 500 feet

-Motion to recommend to full Village Board to add “on the existing street” and remove the 500 feet to ord 34-184 Taylor/Engelmann. Pufahl opposed. Motion carries

Review of Ord. Article III - Well Abandonment and Permitting a Drilled Well or Sandpoint Well

- Pufahl opened up agenda item and what was included in packet

-Discussion on Dollar Tree/Family Dollar coming into town which could change the way this committee looks at this ordinance

-Committee would rather not change the ordinance and deal with individual situations

-Motion to recommend to full Village Board to not change the ordinance and deal with individual matters as they come up. This language also needs to be added to this ordinance stating “case by case” Pufahl/Engelmann. Motion carries unanimously

-Abrath commented about Schwantz Road and similar situation on this road

Dumpster for public use; location at yard waste site

- Pufahl explained reason for agenda item. Engelmann questioned what type of dumpster will be at the yard waste site. Decided it needs to be a metal dumpster.

-Discussion on probationary period and discussion on hours. Pufahl does not like that the yard waste site is not open during winter hours and residents cannot access the dumpster

-Discussion on possible signage we could put out there

-Motion to recommend to the full Village Board to try this metal dumpster until the yard waste site is closed for the season of 2023 Engelmann/Taylor. Motion carries unanimously.

-Went back to agenda item #1 and also added a sentence at the end stating “any exceptions to this ordinance shall be brought to the Village Board for consideration.” Adding this language to agenda #2 as well.

-Pufahl stated again the meeting date he desires for July; date and time

ADJOURN – Pufahl adjourned meeting at 6:50 PM

Kayla Lindert, Clerk/Treasurer

Approved:

Sec. 4-34. Restrictions on special Class "B" fermented malt beverage license.

Conditions and regulations regarding beverage picnic or special event licenses are as follows:

- (1) *General conditions of license.* Groups that have been granted a special Class "B" fermented malt beverage license shall comply with the following conditions of license:
 - a. *Licensed operators.* There shall be at least one person properly licensed as an operator under this chapter on the premises at all times to supervise the service of beverages.
 - b. *Compliance with laws.* Holders of special Class "B" fermented malt beverage licenses shall fully comply with all provisions of this Code and state statutes.
 - c. *Suitable facilities.* For indoor events, the structure used must have suitable exits and open spaces to accommodate anticipated attendance. It should contain adequate sanitary facilities to accommodate the size of the group.
 - d. *Posting of license.* The special Class "B" fermented malt beverage license shall be posted in a conspicuous place and shall specify the dates and hours for which the license is issued.
 - e. *Insurance.* The applicant for a special Class "B" fermented malt beverage license may be required to indemnify, defend, and hold the village and its employees and agents harmless against all claims, death of any person or any damage to property caused by or resulting from the activities for which the permit is granted. As evidence of the applicant's ability to perform the conditions of the permit, the applicant may be required to furnish a certificate of comprehensive general liability insurance with the village. The applicant may be required to furnish a performance bond prior to being granted the permit.
- (2) *Regulations concerning the sale or drinking of fermented malt beverages in parks.*
 - a. All organizations issued a license under section 4-22(e) shall post in a conspicuous location at the main point-of-sale facility and at all remote sales facilities a sufficient number of signs disclosing that no fermented malt beverage shall be served to any underage person or without proper age identification.
 - b. ~~All organizations shall install a double fence around the main point of sale facility.~~ All organizations shall install and be completely enclosed with a fence or wall not less than six feet in height. Age gating and Wrist bands or similar will need to be enforced to control ingress and egress and shall station a licensed operator or police officer at the entrance. after 9:00 p.m. ??? for the purpose of checking age identification.
 - c. The sale of fermented malt beverages is to remain at the main point-of-sale facility, and sale of fermented malt beverages is to end [one] half-hour after the special event ends and no later than 11:00 p.m.
 - d. No underage persons shall be allowed to assist in the sale of fermented malt beverages at any point-of-sale, however they are allowed in the beer tent with a parent/guardian, with identification of underage wristbands.
 - e. A licensed operator shall be stationed at all points-of-sale at all times.
 - f. No more than six operator's licenses shall be issued in conjunction with the issuance of the special Class "B" license, unless the village board, for good cause shown, elects to issue additional operator's licenses, not to exceed eight in total.

(Code 1986, § 7-2-16; Ord. of 8-16-2022(3))

Revised 07/11/23

Sec. 4-35. Beer garden permits required for outdoor consumption at Class "B" premises.

- (a) *Required for outdoor consumption.* No licensee shall permit the consumption of alcohol beverages on any part of the licensed premises not enclosed within the building, except under permit granted by the village board. The permits are a privilege in which no rights vest and, therefore, may be revoked by the village board at its pleasure at any time, or shall otherwise expire on June 30 of each year. No person shall consume or have in his possession alcohol beverages on any unenclosed part of a licensed premises which is not described in a valid beer garden permit.
- (b) *Limitations on issuance of beer garden permits.* The following conditions apply to beer garden permits:
 - (1) No permit shall be issued for a beer garden if the beer garden area is greater than 50 percent of the gross floor area of the adjoining licensed premises. Each applicant for a beer garden permit shall accurately describe the area intended for use as a beer garden and shall indicate the nature of fencing or other measures intended to provide control over the operation of the beer garden.
 - (2) Every beer garden shall be completely enclosed with a fence or wall not less than six feet in height.
 - (3) No amplified sound or music is permitted outside the enclosed (building) premises. Amplified sound or music is not permitted in the beer garden.
 - (4) There shall be a licensed operator within the beer garden at all times the beer garden is in operation **if they are serving within the beer garden.**
- (c) *Adjoining property owners to be notified of pendency of applications.* All property owners within 100 feet of the proposed beer garden shall be notified of the pendency of application for a beer garden permit by first class mail.
- (d) *State statutes enforced within beer garden.* Every permittee under this section shall comply with and enforce all provisions of Wis. Stats. ch. 125 applicable to Class "B" licensed premises, except insofar as such provisions are clearly inapplicable. Violation of the provisions of Wis. Stats. ch. 125 shall be grounds for immediate revocation of the beer garden permit by the village board.

(Code 1986, § 7-2-17)

Revised 07/11/2023

From: [Erin Salmon](#)
To: [Brock, Chase](#); [Kayla Lindert](#); [Jody Hardwick](#)
Cc: [Beaumont, Angela](#); [Elson, Matthias](#); [Haueter, Jordan](#)
Subject: RE: Ord. on Commercial Vehicles
Date: Monday, June 26, 2023 12:37:27 PM

Thanks for the Lodi comparison, Chase! We will use this as reference for July 7th meeting.

Thanks much!

Erin M. Salmon, P.W.M.

Village Administrator & Director of Public Works
Village of Pardeeville/Pardeeville Public Utilities
114 Lake St.
Pardeeville, WI
P: 608-429-3121
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"A mistake which makes you humble, is much better than an achievement that makes you arrogant."

From: Brock, Chase <Chase.Brock@columbiacountywi.gov>
Sent: Friday, June 23, 2023 12:19 PM
To: Erin Salmon <dpw@villageofpardeeville.net>; Kayla Lindert <clerk-treasurer@villageofpardeeville.net>; Jody Hardwick <deputy-clerk@villageofpardeeville.net>
Cc: Beaumont, Angela <Angela.Beaumont@columbiacountywi.gov>; Elson, Matthias <Matthias.Elson@columbiacountywi.gov>; Haueter, Jordan <Jordan.Haueter@columbiacountywi.gov>
Subject: RE: Ord. on Commercial Vehicles

Out of curiosity, I checked Lodi's as well. Mentions parking but not servicing.

Commercial vehicle parking in residential areas. None of the following shall be parked or stored in any area of the City which is zoned residential (R-A, R-1, R-2 and R-3 Districts) except when loading, unloading or rendering a service:

(1)

Truck tractors and/or semitrailers as defined in § 340.01, Wis. Stats., except that truck tractors are permitted to be parked in residential districts for a period not to exceed four hours during daylight hours while being cleaned.

(2)

Other motor vehicles over 12,000 pounds' licensed gross weight which are designed or used for **commercial** purposes, including school buses.

(3)

Trailers designed or used for **commercial** purposes for which a license is required by the Wisconsin Statutes.

Chase R. Brock #3348

Columbia County Sheriff's Office
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Portage, WI 53901
608-742-4166 (Ext. 1 for dispatch, Ext. 3348 for VM)
chase.brock@columbiacountywi.gov



From: Erin Salmon <dpw@villageofpardeeville.net>
Sent: Thursday, June 22, 2023 5:08 PM
To: Kayla Lindert <clerk-treasurer@villageofpardeeville.net>; Jody Hardwick <deputy-clerk@villageofpardeeville.net>
Cc: Beaumont, Angela <Angela.Beaumont@columbiacountywi.gov>; Brock, Chase <Chase.Brock@columbiacountywi.gov>; Elson, Matthias <Matthias.Elson@columbiacountywi.gov>; Haueter, Jordan <Jordan.Haueter@columbiacountywi.gov>; pvillepresident (pvillepresident@gmail.com) <pvillepresident@gmail.com>
Subject: [EXTERNAL] Ord. on Commercial Vehicles

Kayla/Jody,

After today's experience at 101 Schneider St. - the DNR warden wanted me to explore our Ord. on Commercial Vehicles.

Can you two please research Rio's Ord. on Commercial Vehicles regarding storing and servicing commercial vehicles in their Village? I'd like to use this as a guide or template. Then, compare to ours. I want to take to Public Protection in July. Please compile for me.

Thanks much!

Erin M. Salmon, P.W.M.

Village Administrator & Director of Public Works
Village of Pardeeville/Pardeeville Public Utilities
114 Lake St.
Pardeeville, WI

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“A mistake which makes you humble, is much better than an achievement that makes you arrogant.”

Notice: This email is on a publicly owned system, subject to open records (sec. 19.21, et seq.) and archival (sec. 16.61, et seq.) requirements under Wisconsin State Law.

Sec. 58-160. Off-street parking restrictions in residential areas.

- (a) Where permitted. Unless the district regulations provide otherwise, off-street vehicle parking is permitted in the following yards of property in a residentially zoned district:
 - (1) A rear yard.
 - (2) A side yard not adjoining a street.
 - (3) A front yard:
 - a. On one paved or graveled driveway parked not nearer than five feet to a front property line or three feet to a side lot line.
 - b. On a front yard not nearer than five feet to a front property line or three feet to a side lot line for the purpose to advertise the sale of a vehicle that is legally registered to a resident of the property; the sale vehicle may be parked in the front yard no longer than 14 days.
- (b) Vehicle limitations.
 - (1) In a residential district, accessory off-street parking facilities provided for uses listed herein shall be solely for the parking of vehicles of patrons, occupants or employees and not more than one truck limited to five tons or less capacity. Three licensed vehicles may be parked on the rear or side yard of a residential lot. Vehicles are limited in size to a maximum one ton capacity. Vehicles parked on a residential lot shall be in condition for safe and effective performance of the function for which they are designed.
 - (2) All motor vehicles parked on a residential lot shall display current license plates.

(Code 1986, § 10-1-65; Ord. of 1-19-2021(1))

Sec. 32-154. - Parking of vehicles over 10,000 pounds or 16 feet restricted.

No person owning or having control of any truck, trailer, truck power unit, tractor, bus or recreation vehicle in excess of 10,000 pounds gross weight, shall park in the business district between 2:30 a.m. and 6:00 p.m. except that one-hour parking will be allowed between 7:00 a.m. and 6:00 p.m. The provisions of this subsection shall not be deemed to prohibit the lawful parking of such equipment upon any street, avenue or public way in the village for the actual loading or unloading of goods, wares or merchandise; provided, however, the loading and unloading shall be limited to the actual time consumed in such operation. The village board may, in its discretion, designate specific truck parking zones.

(Code 1986, § 8-1-6)

Kayla Lindert

To: Erin Salmon
Subject: RE: Ord. on Commercial Vehicles

From: Jody Hardwick <deputy-clerk@villageofpardeeville.net>
Sent: Friday, June 23, 2023 12:32 PM
To: Brock, Chase <Chase.Brock@columbiacountywi.gov>; Erin Salmon <dpw@villageofpardeeville.net>; Kayla Lindert <clerk-treasurer@villageofpardeeville.net>
Cc: Beaumont, Angela <Angela.Beaumont@columbiacountywi.gov>; Elson, Matthias <Matthias.Elson@columbiacountywi.gov>; Haueter, Jordan <Jordan.Haueter@columbiacountywi.gov>
Subject: RE: Ord. on Commercial Vehicles

I know this came up earlier this year as Rio was looking to pass an ordinance against parking such vehicles in their Village, and we did not have any type in our books. I searched again this morning and came up empty in our ordinances.

This is what Rio adopted:

Sec. 10-1-28 Parking of Vehicles Over 15,000 Pounds or 24 Feet Restricted. (a) Parking. (1) General On-Street Limitations. No person owning or having control of any commercial motor vehicle, such as a road tractor, semitrailer, trailer or truck tractor, motor home, bus, recreational vehicle, or a combination of vehicles weighing in excess of fifteen thousand (15,000) pounds gross weight, or over twenty-four (24) feet in length (including accessories, racks, or other physical extensions), or having an enclosed area height of more than eight (8) feet from the roadway, shall park the same upon any street, avenue, or public way for more than two (2) hours. The provisions of this Subsection shall not be deemed to prohibit the lawful temporary parking of such equipment upon any street, avenue, alley or public way in the Village of Rio for the actual loading or unloading of goods, ware or merchandise, providing, however, the "loading" and "unloading," as used in this Section, shall be limited to the actual time consumed in such operation.

(d) Storage of Trucks, Semi-Trailers, Tractors and Road Machinery on Private Property. Unless enclosed within a building, no person, firm, company or corporation shall park, keep or maintain on property zoned for residential use the following types of vehicles: a truck with a gross vehicle weight in excess of fifteen thousand (15,000) pounds or over twenty-four (24) feet in length, truck tractors, semi-trailers, tractortrailers, semi-tractors, farm tractors in excess of six (6) feet in width, dump trucks, auto wreckers, construction equipment, and road machinery. Said vehicles shall not be kept or parked outside of a building on said residential premises, except temporarily for the purposes of unloading, cleaning or servicing such vehicles for a period not exceeding three (3) days within a fifteen (15) day period

Jody Hardwick

Jody Hardwick
Deputy Clerk / Administrative Assistant
Village of Pardeeville

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Pardeeville, Wi 53954
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Sec. 10-1-28 Parking of Vehicles Over 15,000 Pounds or 24 Feet Restricted.

(a) **Parking.**

(1) **General On-Street Limitations.** No person owning or having control of any commercial motor vehicle, such as a road tractor, semitrailer, trailer or truck tractor, motor home, bus, recreational vehicle, or a combination of vehicles weighing in excess of fifteen thousand (15,000) pounds gross weight, or over twenty-four (24) feet in length (including accessories, racks, or other physical extensions), or having an enclosed area height of more than eight (8) feet from the roadway, shall park the same upon any street, avenue, or public way. The provisions of this Subsection shall not be deemed to prohibit the lawful temporary parking of such equipment upon any street, avenue, alley or public way in the Village of Rio for the actual loading or unloading of goods, ware or merchandise, providing, however, the "loading" and "unloading," as used in this Section, shall be limited to the actual time consumed in such operation.

(2) **Designated Truck Parking Spaces.** The Village Board may designate specific truck parking zones/lots. This prohibition on the parking of large trucks shall not apply to such designated truck parking zones/lots. Large truck, bus, trailer and semi-trailer parking is limited to Village of Rio residents and then only in designated parking spots as follows:

- a. Three (3) spaces on the east side of Viking Circle, north of Angel Way, as indicated by signs erected in that area.
- b. Parking of large trucks and/or trailers shall be by permit only on the above designated spaces, which shall be obtained at the Village office. The fee for such permit shall be established by the Village Board and revised from time to time per Section 1-3-1.

(b) **Municipal Equipment Exception.** Municipal vehicles or public works equipment are excepted from the provisions of Subsection (a) above.

(c) **Bus Parking.** No operator of a school bus or other bus, regardless of its size, shall park such vehicle in any residential district – on the street, on a lawn, in the alley, in a driveway or anywhere else – except for such time as is reasonably necessary to facilitate the loading or unloading of the vehicle, except that school buses may park at any school when required.

(d) **Storage of Trucks, Semi-Trailers, Tractors and Road Machinery on Private Property.** Unless enclosed within a building, no person, firm, company or corporation shall park, keep or maintain on property zoned for residential use the following types of vehicles: a truck with a gross vehicle weight in excess of fifteen thousand (15,000) pounds or over twenty-four (24) feet in length, truck tractors, semi-trailers, tractor-trailers, semi-tractors, farm tractors in excess of six (6) feet in width, dump trucks, auto wreckers, construction equipment, and road machinery. Said vehicles shall not be kept or parked outside of a building on said residential premises, except temporarily for the purposes of unloading, cleaning or servicing such vehicles for a period not exceeding three (3) days within a fifteen (15) day period.

(e) **Parking and Storage of Major Recreational Equipment.**

- (1) **Definition.** For purposes of this Subsection, "major recreational equipment" is defined as including boats; boat trailers; all-terrain and utility terrain vehicles and their trailers; snowmobiles and their trailers; travel trailers; recreational vehicles; motorized dwellings; recreational vehicles; pickup campers; tent trailers; coaches designed to be mounted on a motor vehicle; horse trailers; utility trailers; and cases and boxes used for transporting recreational equipment (whether or not such equipment is stored therein or not).
- (2) **Restrictions.** No major recreational equipment shall be parked or stored on any parcel zoned R-1, R-2 or R-3 Residential except as follows:
 - a. **Enclosed Storage.** Storage of major recreational equipment is permitted if stored within a fully enclosed building or structure.
 - b. **Permissible Outside Storage.** Outside storage of major recreational equipment is permitted if said equipment is parked within a side or rear yard area behind the principal structure (house).
 - c. **Exceptions.**
 1. Major recreational equipment may otherwise be temporarily parked or stored outside for a period not to exceed forty-eight (48) hours.
 2. Residents may apply for a permit to park one (1) major recreational equipment unit in their driveway if adverse conditions are present which makes it extremely difficult to park the unit in the side or rear yard. A permit is issued on a yearly basis and is valid from April 1 to November 1. The major recreational equipment unit shall be operable and registered when required by the State of Wisconsin. The permit is issued by the Village Board.
 - d. **Residency.** No major recreational equipment shall be used for as a place of non-permanent residency or for sleeping and/or housekeeping purposes when parked or stored in any zoning district in the Village.

- (f) **Parking of Construction Trailers and Other Construction Equipment.** The parking of construction trailers and other construction equipment unattached to a motor vehicle is prohibited on any street, avenue, alley or highway in the Village of Rio. This restriction shall include any device that is propelled, pulled or towed on a roadway or a construction site by attachment to a motor vehicle. However, construction trailers and other construction equipment in use during normal, customary periods of operation may be parked on Village streets, avenues, alleys and highways upon obtaining a temporary permit from the Police Department governing the length of such stay, provided proper warning devices, such as barricades, warning signs, flags or cones, are in place.

- (g) **Removal.** Any vehicle unlawfully parked under Subsection (a), (c), (d) or (e) above may be removed from the street by order of a law enforcement officer, pursuant to Section

10-1-35, and the expense of so moving and storing such vehicle shall be paid by the operator or owner of said vehicle as a forfeiture in addition to the penalties hereafter prescribed.

- (h) **Penalty.** The penalty for violation of any provision of this Section shall be as provided in Section 10-1-50, together with the costs of prosecution and applicable penalty assessment.

Sec. 10-1-29 Parking Prohibited Regulations; Seasonal Restrictions.

- (a) **Posted No Parking Spaces.** When signs are erected in any block giving notice thereof, no person shall park or leave standing any vehicle for longer than the period specified upon such highways, streets or parts thereof, except temporarily for the purpose of and while actually engaged in receiving or discharging passengers.
- (b) **Miscellaneous No Parking Areas.**
- (1) No person shall stop or leave standing upon any portion of Lincoln Avenue from Harvey Street to Rio Street for more than fifteen (15) minutes from 2:30 a.m. to 6:00 a.m. and no more than three (3) hours between the hours of 6:00 a.m. to 8:00 p.m..
 - (2) If a vehicle becomes disabled while on the streets, in such a manner or to such an extent that it is impossible to avoid stopping or temporarily leaving the vehicles parked on the said streets; or the stopping of the vehicle parked on the said streets; or the stopping of the vehicle is necessary to avoid conflict with other traffic, or to comply with traffic regulations, or the directions of a traffic officer or traffic control sign, or signal; or a vehicle bearing a special registration plate issued to a disabled person may be so parked, and said parking privilege granted hereunder by this Subsection is limited to the person to whom the special plate was issued and to qualified operators acting under his/her express direction with the disabled person present.
- (c) **Parking in Alleys.** No person shall park any vehicle in any alley within the Village of Rio at any time, except that delivery trucks may park in any alley, but only for the sole purpose of making a delivery and such delivery truck must be removed from the alley as soon as the delivery is complete.

State Law Reference: Sec. 349.13, Wis. Stats.

Sec. 10-1-30 Winter Parking Restrictions.

- (a) **Winter Parking Restrictions.** The Village Board hereby declares that a snow removal and public safety emergency exists in the Village of Rio whenever there is a snowfall. Except as otherwise provided in this Chapter, no person shall leave any vehicle parked on any Village street during snowfall and twenty-four (24) hours following such snowfall.

(b) **Enforcement.**

- (1) The Police Department shall cause the removal of any vehicle parked so as to impede snow clearance or be a hazard to moving traffic in violation of this Section.
- (2) The cost of towing any vehicle removed under the provisions of this Section shall be assessed to the owner of such vehicle. In addition, the violator shall be subject to a citation and penalties.

Sec. 10-1-31 Habitual Parking Violators; Vehicle Removal, Immobilization, Impoundment or Disposal.

(a) **Definitions.** The following definitions are applicable in this Section:

- (1) **Habitual Parking Violator.** A person who has received, more than sixty (60) days previously, five (5) or more citations for nonmoving traffic violations that remain unpaid and which the person has not scheduled an appearance in court in response to the citations.
- (2) **Immobilization Device.** Has the meaning given in Sec. 341.65(1)(a), Wis. Stats.
- (3) **Nonmoving Traffic Violation.** Has the meaning given in Sec. 345.28(1)(c).
- (4) **Owner.** Has the meaning given in Sec. 341.65(1)(am), Wis. Stats.
- (5) **Parking Enforcer.** A traffic officer or any other person who enforces nonmoving traffic violations and who is employed by the Village of Rio.

(b) **Existence of Violations; Notices; Enforcement.** A vehicle owned by a habitual parking violator may be removed, immobilized, impounded and/or disposed of as provided by this Section, provided that all of the following criteria exist:

- (1) **Existence of Habitual Parking Violations.** The Village of Rio has cited the owner of the motor vehicle for five (5) or more nonmoving traffic violations that, at the time of the vehicle's removal or immobilization, occurred more than sixty (60) days previously and for which the owner has neither paid the forfeiture for each of these violations nor scheduled an appearance in court in response to each of these citations.
- (2) **Notice of Violations.**
 - a. The Village of Rio has mailed to the last known address of the vehicle's owner a minimum of one (1) notice that specifies, for each citation counted under Subsection (b)(1) above:
 1. The date on which the citation was issued, the license plate number or vehicle identification number of the vehicle involved;
 2. The place where the citation may be paid;
 3. The amount of forfeiture; and
 4. The means by which the citation may be contested.
 - b. The notice shall also inform the owner that any motor vehicle owned by him/her may be immobilized with an immobilization device or removed and impounded

if, within sixty (60) days after the owner has received five (5) or more citations and at the time the vehicle is immobilized or removed and impounded, the owner has neither paid the forfeiture for each violation that occurred more than sixty (60) days previously nor scheduled an appearance in court in response to each citation issued more than sixty (60) days previously for which the forfeiture has not been paid.

- c. The notice under this subparagraph may be combined with any other notice provided by the Village to the owner.
- (3) **Authorization to Impound or Immobilize.** Any law enforcement officer who discovers any motor vehicle to which Subsections (b)(1) and (2) applies that is legally or illegally parked on any portion of a street, highway, or publicly owned or leased parking facility within the Village to cause the motor vehicle to be immobilized with an immobilization device or removed to a suitable impoundment location or both. Upon immobilization or removal of the motor vehicle, the parking enforcer shall follow the notification procedure specified in Sec. 341.65(2)(b), Wis. Stats.
- (4) **Use of Removal Service.** The Village of Rio may utilize the services of a third-party removal service for the performance of services related to immobilization or removal of motor vehicles. The services shall be rendered only at the request of a parking enforcer.
- (5) **Removal Fees; Towing and Storage Costs.**
 - a. The Village of Rio may charge a reasonable removal fee that will be charged to remove an immobilization device placed on a vehicle pursuant to this Section.
 - b. The Village shall require the payment from the vehicle owner the payment of towing and/or storage charges associated with the removal and/or impoundment of a vehicle, and of reasonable charges associated with disposal of a vehicle, under this Section.
- (6) **Immobilization Notice.** If a motor vehicle is immobilized, the parking enforcer or an authorized third-party contractor shall place in a highly visible location and in a reasonably secure manner on the vehicle, at the time of immobilization, a written notice that does all of the following:
 - a. Warns any driver of the vehicle that the immobilization device has been placed on the vehicle.
 - b. Specifies, for each citation counted under Subsection (b)(1) above, the license number or vehicle identification number of the vehicle involved, the place where the citation may be paid, and the means by which the citation may be contested, or provides a telephone number at which an individual is available to provide this information twenty-four (24) hours a day.
 - c. States the amount of the device removal fee under Subsection (b)(5)a above that is in addition to any amount required to be paid as specified in the notice under Subsection (b)(2)a above.

- (7) **Additional Parking Citations While Immobilized.** If the motor vehicle is immobilized in a time-limited legal parking space, the Village of Rio shall not issue, after the vehicle's immobilization, any citation for a time-limited nonmoving traffic violation for the vehicle within the first four (4) hours after the vehicle is immobilized.
 - (8) **Removal of Immobilization Device Upon Notice.** When a motor vehicle has been immobilized, the Village or its third-party contractor shall remove, or provide sufficient information to allow the vehicle owner to remove, the immobilization device without undue delay, not to exceed three (3) hours, after receiving notice that the person has satisfied the requirements for release of the motor vehicle under Subsection (c).
- (c) **Securing Vehicle Release.**
- (1) **Impoundment or Immobilization Time.** Any motor vehicle immobilized or impounded as provided in this Section shall remain immobilized or impounded until lawfully claimed or disposed of as provided in Subsection (d) below.
 - (2) **Securing Release – Immobilization.** The owner of a motor vehicle that is immobilized under Subsection (b) may secure release of the motor vehicle by doing all of the following:
 - a. Paying any removal fee provided under Subsection (b)(5)a.
 - b. Paying all forfeitures specified in each notice under Subsection (b)(2) for, or scheduling an appearance in court in response to, or a combination of paying forfeitures and scheduling appearances with respect to, all citations counted under Subsection (b)(2).
 - c. When a person has satisfied the requirements for release of a motor vehicle under this Subsection, such person shall promptly give notice to the Village and/or third-party contractor of having done so.
 - (3) **Securing Release – Impoundment.** The owner of a motor vehicle that is removed and impounded under Subsection (b) may secure release of the motor vehicle by doing all of the following:
 - a. Paying any removal and impoundment fees provided under Subsection (b)(5)b.
 - b. Paying all forfeitures specified in each notice under Subsection (b)(2) for, or scheduling an appearance in court in response to, or a combination of paying forfeitures and scheduling appearances with respect to, all citations counted under Subsection (b)(2).
 - c. When a person has satisfied the requirements for release of a motor vehicle under this Subsection, such person shall promptly give notice to the Village and/or third-party contractor of having done so.
 - (4) **Failure to Make Court Appearance.** If an owner secures release of a motor vehicle under Subsections (c)(2) or (3) by scheduling an appearance in court and thereafter fails to appear or fails to comply with any court order with respect to any citation counted under Subsection (b)(2) for which the forfeiture has not been fully paid,

- including failure to satisfy in full any court-ordered payment plan or other agreement approved by the court, the court may order a law enforcement officer, or an authorized employee or contractor of the Village, to immobilize the motor vehicle involved in the nonmoving traffic violations or the Village may cause the motor vehicle to be immobilized or removed and impounded as provided under Subsection (b). If the court orders the motor vehicle immobilized, upon compliance with the court order, the court shall order a law enforcement officer, or an authorized employee or contractor of the Village, to remove the immobilization device.
- (5) **Unregistered or Abandoned Vehicles.** Notwithstanding Subsection (c)(1), if any motor vehicle immobilized or impounded is an unregistered motor vehicle for purposes of Sec. 341.65, Wis. Stats., or an abandoned motor vehicle for purposes of Sec. 342.40, Wis. Stats., the Village of Rio may take any action authorized under Secs. 341.65 or 342.40, Wis. Stats., or Title 10, Chapter 5 of this Code of Ordinances. Any vehicle immobilized under this Section for longer than the period specified in Sec. 342.40(1m), Wis. Stats., shall be considered abandoned for purposes of Sec. 342.40, Wis. Stats.
- (d) **Motor Vehicle Owner Responsible for Charges.** The owner of any motor vehicle immobilized or removed and impounded as provided under this Section is responsible for all charges associated with immobilizing, removing, impounding, and disposing of the motor vehicle, as provided herein. Charges not recovered from the sale of the motor vehicle may be recovered in a civil action by the Village against the owner.
- (e) **Applicable Statutory Procedures for Impoundment and Disposal.**
- (1) The procedures and provisions of Sec. 341.65(2)(f) to (h), Wis. Stats., shall apply with respect to the impoundment and disposal of motor vehicles authorized to be removed, impounded, and disposed of under this Section to the same extent as these provisions apply to the impoundment and disposal of unregistered motor vehicles that are removed under authority of Sec. 341.65, Wis. Stats., except that reclamation of the motor vehicle by the owner requires compliance with Subsection (3) of that Statute rather than Sec. 341.65(2)(e), Wis. Stats. The provisions of Sec. 349.13(5)(b), Wis. Stats., shall apply with respect to vehicles removed or stored under this Section to the same extent as these provisions apply with respect to vehicles removed and stored under authority of Sec. 349.13, Wis. Stats.
- (2) Sec. 349.137, Wis. Stats., does not apply to the use of motor vehicle immobilization devices under this Section.
- (f) **Removal of Immobilization Device Prohibited.** No person may remove, disconnect, tamper with, or otherwise circumvent the operation of an immobilization device installed under this Section except upon release of the motor vehicle to the owner or to make necessary repairs to a malfunctioning immobilization devices.

State Law Reference: Sec. 349.139, Wis. Stats.

Sec. 10-1-32 Unlawful Removal of Parking Citations.

No person other than the owner or operator thereof shall remove a Village of Rio parking citation from a motor vehicle.

Sec. 10-1-33 Operation of Motor Vehicles in Public Parking Lots.

- (a) **Unlicensed Operators Prohibited.** No person who does not hold a valid operator's license shall operate a vehicle in any public parking lot or ramp or in any private parking lot or ramp held out for the use of parking for the general public.
- (b) **Traffic Regulations Applicable.** All provisions of Section 10-1-1 of this Chapter and of the Wisconsin Statutes and laws incorporated herein by reference shall be applicable on any public parking lot or ramp and on any private parking lot, road or ramp held out for use for the general public for parking or vehicular traffic.

Sec. 10-1-34 Unregistered Motor Vehicles Prohibited On Streets.

- (a) **Definitions.** For purposes of this Section, "unregistered motor vehicle" means any motor vehicle that is not currently registered and which is located upon a street, highway or municipal lot in the Village of Rio for such time and under such circumstances as to cause the motor vehicle to reasonably appear to have been unregistered for not less than thirty (30) days.
- (b) **Violations.** No person shall cause any unregistered motor vehicle to be located upon any street, highway or municipal lot within the Village of Rio.
- (c) **Enforcement; Impoundment.**
 - (1) In addition to issuance of a forfeiture, any law enforcement or parking enforcement officer who discovers any unregistered motor vehicle located upon any street, highway or municipal lot within the Village may cause the motor vehicle to be removed to a suitable place of impoundment.
 - (2) The owner of any unregistered motor vehicle is responsible for all costs of towing, impounding and disposing of the motor vehicle. Disposal will be conducted pursuant to the procedures in Title 10, Chapter 5 of this Code of Ordinances.
- (d) **Exceptions.** A person charged with violating Subsection (b) above may not be convicted if he/she produces in court satisfactory evidence that, at the time of the issuance of the citation, either:
 - (1) A complete application for registration for the motor vehicle, including evidence of inspection prescribed by Section 110.20, Wis. Stats., when required, accompanied by

- the required registration fee had been delivered to the Wisconsin Department of Transportation or deposited in the mail properly addressed with postage prepaid; or
- (2) The motor vehicle was exempt from registration pursuant to Chapter 341, Wis. Stats.
- (e) **Release of Impounded Vehicles.** The owner of an unregistered motor vehicle that has been impounded under this Section may secure release of the motor vehicle by paying any forfeiture imposed for a violation of this Section, including but not limited to any towing forfeiture charged under this Code of Ordinances and the reasonable costs of impounding the motor vehicle and providing satisfactory evidence of one (1) of the following:
- (1) That the motor vehicle is currently registered in the State of Wisconsin;
- (2) That a complete application for registration of the motor vehicle, including evidence of inspection under Section 110.20, Wis. Stats., when required, accompanied by the required registration fee, has been delivered to the Wisconsin Department of Transportation or deposited in the U.S. Mail properly addressed with required postage; or
- (3) That the motor vehicle is exempt from registration under Chapter 341, Wis. Stats.

Sec. 10-1-35 Removal of Illegally Parked Vehicles.

- (a) **Hazard to Public Safety.** Any vehicle parked, stopped or standing upon a highway or public parking lot or ramp in violation of any of the provisions of this Chapter is declared to be a hazard to traffic and public safety.
- (b) **Removal by Operator.** Such vehicle shall be removed by the operator in charge, upon request of any law enforcement officer or duly authorized Village official, to a position where parking is permitted or to a private or public parking or storage premises.
- (c) **Removal by Law Enforcement Officer.** Any law enforcement officer or duly authorized Village official may issue a citation for illegal parking, stopping or standing of an unattended vehicle in violation of this Chapter, and/or is authorized to remove such vehicle to a position where parking is permitted if it is deemed to be a hazard, at the owner's expense.
- (d) **Removal by Private Service.** The officer or duly authorized Village official may order a motor carrier holding a permit to perform vehicle towing services, a licensed motor vehicle salvage dealer or a licensed motor vehicle dealer who performs vehicle towing services to remove and store such vehicle in any public storage garage or rental parking grounds or any facility of the person providing the towing services.
- (e) **Towing and Storage Charges.** In addition to other penalties provided in this Chapter, the owner or operator of a vehicle so removed shall pay the actual cost of moving, towing and storage. If the vehicle is towed or stored by a private motor carrier, motor vehicle salvage dealer or licensed motor vehicle dealer, actual charges regularly paid for such services shall be paid. If the vehicle is stored in a public storage garage or rental facility, customary

charges for such storage shall be paid. Upon payment, a receipt shall be issued to the owner of the vehicle for the towing or storage charge.

Sec. 10-1-36 Inoperable, Wrecked or Discarded Vehicles.

- (a) **Storage Prohibited.** No person owning or having custody of any partially dismantled, nonoperable, wrecked, junked or discarded motor vehicle shall allow such vehicle to remain on any public street or highway, parking lot or ramp longer than forty-eight (48) hours after notification thereof by a law enforcement officer or duly authorized Village official. Any such vehicle not removed within forty-eight (48) hours is declared to be a public nuisance and may be removed as provided in Section 10-1-35.
- (b) **Exemptions.** This Section shall not apply to a motor vehicle in an appropriate storage place or depository maintained in a lawful place and manner authorized by the Village of Rio.

Cross-Reference: Sections 10-5-1 through 10-5-8.

Sec. 10-1-37 Traffic and Parking Regulations on School District Grounds.

Pursuant to the provisions of Sec. 118.105, Wis. Stats., the following regulations shall apply to any grounds of the School District located within the Village of Rio:

- (a) **Parking.** No person shall park any vehicle in any vehicular traveling area or parking area of the School District, except in conformity with posted parking regulations set forth for such vehicular travel and parking areas.
- (b) **Speed Limits.** No person shall, at any time, operate a motor vehicle upon any School District grounds at a speed in excess of fifteen (15) miles per hour.
- (c) **Vehicles Prohibited at Specified Times.** No person shall, at any time, operate a motor vehicle other than a school bus or emergency vehicle, in or upon any drive designated for buses only during the hours of 7:00 a.m. to 9:00 a.m., and during the hours of 3:00 p.m. to 4:30 p.m. on any weekday during the months school is in session.
- (d) **State Traffic Forfeiture Laws Adopted.** All provisions of Chs. 340 to 349, Wis. Stats., describing and defining regulations with respect to vehicles and traffic for which the penalty is a forfeiture only, including penalties to be imposed and procedures for prosecution, are hereby adopted and by reference made a part of this Section as if fully set forth herein. Such statutory sections shall be designated as part of this Code of Ordinances by adding the prefix "10-1-37-" to each state statute section number. Any act required to be performed or prohibited by any statute incorporated herein by reference is required or prohibited by this Section.

(e) **Miscellaneous Rules.**

- (1) No person shall operate a motor vehicle on such school premises at a rapid or sudden acceleration with the intent of squealing tires or leaving tire marks.
- (2) No person shall operate a motor vehicle on such premises across parking lot islands or parking lot dividers.

Sec. 10-1-38 and Sec. 10-1-39 Reserved for Future Use.