

# **ORDINANCE # 33**

## **AN ORDINANCE RELATING TO PARKING RESTRICTIONS AND TO REGULATING NUISANCE OR JUNKED MOTOR VEHICLES.**

The Common Council of the City of Fountain City, Buffalo County, Wisconsin do ordain as follows:

### **ARTICLE I. EXISTING ORDINANCE NO. 33 DATED 1/5/82 IS RESCINDED**

The existing Ordinance No. 33 dated 1/5/82 is rescinded in its entirety and said Ordinance No. 33 is replaced with this new Ordinance dated June 2, 1998.

### **ARTICLE II. PARKING RESTRICTIONS**

#### **SECTION 1. Parking in Excess of 48 hours Prohibited**

No person shall park any vehicle on any City Street or City Parking Lot or on any other public or private property within the City Limits, without the permission of the owner of such property, for more than Forty-Eight (48) consecutive hours. Any vehicle so parked for at least Seventy-Two (72) consecutive hours is an abandoned vehicle and constitutes a public nuisance. A motor vehicle shall not be considered an abandoned vehicle when it is out of ordinary public view, or when parked as a aforesaid in such manner and under such circumstances as to not cause the vehicle to reasonably appear to have been abandoned, or when designated as not abandoned by the Police Chief or his authorized representative pursuant to this Ordinance.

#### **SECTION 2. Double Parking Prohibited.**

No person shall double park any vehicle on any City Street at any time except for commercial delivery vehicles making deliveries. Double parking is defined as parking a vehicle in the traveled roadway portion of the street rather than alongside of the curb.

#### **SECTION 3. Improper Parking Prohibited.**

No person shall improperly park any vehicle on any City Street at any time. Improper parking is defined as parking contrary to marked parking lines on the city streets.

#### **SECTION 4. Parking in a No Parking Zone Prohibited.**

No person shall park any vehicle in a No Parking Zone within the City Limits at any time. A No Parking Zone shall either be designated by a No Parking Zone sign or by the curb being painted yellow.

SECTION 5. Parking in Private Driveway or in Front of Private Garage Prohibited.

No person shall park any vehicle in any private driveway or in front of any private driveway or private garage in any manner that will block the same within the City Limits at any times without the specific permission of the owner of such property.

SECTION 6. Parking on the Wrong Side of Street Prohibited.

No person shall park any vehicle on the wrong side of the street within the City Limits at any time. Parking on the wrong side of the street is defined as parking a vehicle with the vehicle facing in a direction opposite to the direction of the normal traffic flow on that side of the street.

SECTION 7. Parking in a Handicapped Parking Spot Prohibited Unless Driver of Vehicle is, in fact, Handicapped and has a Handicapped Sticker on Vehicle.

No person shall park any vehicle in a Handicapped Parking Spot within the City Limits at any time unless the driver of that vehicle is, in fact, handicapped and has a handicapped sticker on the vehicle. A Handicapped Parking Spot shall be identified either with a sign so designating it or by a painted notice on the pavement itself.

SECTION 8. Parking contrary to Temporary City No Parking Signs Prohibited.

No person shall park any vehicle within the City Limits on streets where the city has posted temporary No Parking signs for whatever reason. This shall include the posting of such temporary No Parking signs for snow removal, street cleaning, street repairs, street parking line painting and any other reasons for posting said signs.

Section 9. Penalties For Violation of Article II.

Whenever any motor vehicle is illegally parked in violation of any of the provisions of Article II of this Ordinance, the owner of such vehicle shall be issued a municipal Traffic Violation Summons or Citation and, in addition, said vehicle may be towed away. The fine for violating Sections 1, 2, 3, 4, 5, 6 and 8 of Article II of this Ordinance shall be Ten (10) Dollars per violation. The fine for violating Section 7 of Article II of this Ordinance, shall be Twenty-Five (25) Dollars per violation. In addition, the owner of such vehicle shall be responsible for paying any court costs and shall be held liable for the payment of any expenses incurred by the City of Fountain City, Wisconsin in removing or towing and storing said vehicle. Each day that the violation continues after the date the citation is issued shall constitute a separate violation and may give rise to separate fines. Each motor vehicle involved shall constitute a separate offense and violation. All citations or municipal Traffic Violation Summons must be paid within ten (10) days from the date of issuance, or the fines automatically double in amount. If a citation still

hasn't been paid after thirty (30) days from the date of issuance, then the citation is sent to the Wisconsin Department of Transportation for suspension of registration of the vehicle. In addition to the fine itself, the owner of such vehicle shall be responsible for all added costs incurred by the City of Fountain City, WI in processing this citation through the Wisconsin Department of Transportation. All fines under Article II of this Ordinance shall be paid to the City Clerk of Fountain City, Wisconsin.

### ARTICLE III. NUISANCE VEHICLES AND JUNKED MOTOR VEHICLES PROHIBITED.

SECTION 1. Nuisance vehicles and junked motor vehicles are prohibited on property within the City Limits or the City of Fountain City, Wisconsin unless located within a fully enclosed building.

#### SECTION 2. Definitions:

(a) A "nuisance vehicle" is any vehicle which is inoperable or unroadworthy, or which is a salvage vehicle or junk vehicle, as these terms are defined in Chapter 340 of the 1995-96 Wis. Stats., as from time to time amended, repealed, or modified by the Wisconsin Legislature. In addition, this term shall also apply to any junked, disassembled, inoperable or unlicensed motor vehicle in whole or in parts located outside of a fully enclosed building on property within the City Limits of the city of Fountain City, Wisconsin.

(b) A "vehicle" is every device in, upon, or by which any person or thing is or may be transported or drawn upon a highway, including automobiles, motor trucks, trailers, motorcycles, motor homes, camping trailers, farm trucks, farm trailers, semi-trailers, school buses, and motor buses as these devices are defined in Chapter 340 of the 1995-96 Wis. Stats., as from time to time amended, repealed, or modified by the Wisconsin Legislature. In addition, bicycles, mopeds, snowmobiles, all-terrain vehicles, boats and road machinery shall also be considered as "vehicles" for the purposes of this ordinance.

#### SECTION 3. Penalties For Violations for Article III.

(a) First Citation: Any owner of real property who shall continue to violate this ordinance or permit such violation to occur on his property after having been given notice by city officials of the existence of such violation, shall be issued a citation and shall be fined \$50.00 plus court costs and, in addition, shall be held liable for the payment of expenses incurred by the City of Fountain City, Wisconsin in removing the nuisance or junked vehicle. Each day that the violation continues after the date the citation is issued shall constitute a separate violation and may give rise to a separate fine. Each motor vehicle

involved or each part of such motor vehicle involved as set forth in this ordinance shall constitute a separate offense.

(b) Second and Subsequent Citations. If an owner of real property receives an additional citation or citations within a period of one (1) year from the issuance of the first citation for a vehicle or vehicles unrelated in time to the first citation, then the fine shall be increased to \$100.00 plus court costs and, in addition, the owner shall be liable for the payment of expenses incurred by the City of Fountain City, Wisconsin in removing the nuisance or junked vehicle. Again, each day that the violation continues after the date the citation is issued shall constitute a separate violation and may give rise to a separate fine at the increased rate of \$100.00 and each motor vehicle involved or each part of such motor vehicle involved as set forth in this ordinance shall constitute a separate offense at the increased rate of \$100.00.

#### SECTION 4. Enforcement by Citation of Article III Violations.

(a) Authorization and adoption of enforcement by citation. The City Council hereby adopts and authorizes the use of a citation to be issued for all violations of Article III of this ordinance.

(b) Form of citation. The form of citation shall provide the following:

- (1) The name and address of the alleged violator.
- (2) The factual allegations describing the alleged violation.
- (3) The time and place of offense.
- (4) The section of the ordinance violated.
- (5) A designation of the offense in such manner as can be readily understood by a person making a reasonable effort to do so.
- (6) The time at which the alleged violator may appear in court. The court of record shall be the Buffalo County Court, Civil Branch, Courthouse, Alma, Wisconsin.
- (7) A statement which in essence informs the alleged violator:
  - (a) That the alleged violator may make a cash deposit of a specified amount to be mailed to the Buffalo County Clerk of Court, Courthouse, 407 South Second, Alma, WI 54610, within fifteen (15) days of the date of the citation.
  - (b) That if the alleged violator makes such a deposit, he or she need not appear in court unless subsequently summoned.
  - (c) That if the alleged violator makes a cash deposit and does not appear in court, either he or she will be deemed to have tendered a plea of no contest and submitted to forfeiture, a penalty assessment imposed by s. 165.87 and a jail assessment imposed by s. 302.46 (1) not to exceed the amount of the deposit or will be

summoned into court to answer the complaint if the court does not accept the plea of no contest.

(d) That if the alleged violator does not make a cash deposit and does not appear in court at the time specified, an action may be commenced against the alleged violator to collect the forfeiture, the penalty assessment imposed by s. 165.87 and the jail assessment imposed by s. 302.46 (1).

(8) A direction that if the alleged violator elects to make a cash deposit, the alleged violator shall sign an appropriate statement, which accompanies the citation to indicate that he or she read the statement required under subd. (g) above and shall send the signed statement with the cash deposit.

(9) Such other information as may be deemed necessary.

(c) Who may issue citations. Law enforcement officers of the City of Fountain City, Wisconsin, are authorized to issue citations for all violations of this ordinance.

(d) Additional costs and penalties. In addition to the basic penalties in the various ordinances listed above, the violator shall pay a penalty assessment imposed by Wis. Stats. Sec. 302.46 (1) and all court costs and assessments.

(e) Where penalties and cost paid. All penalties and costs imposed as a result of a violation of any provision of the ordinances listed above all deposits shall be paid to the Buffalo County Clerk of Court, Courthouse, 407 South Second, Alma, WI 54610.

(f) Receipts for cash deposits. All persons who make cash deposits to cover payment for penalties and costs imposed for violations of the ordinances listed above shall be given a receipt therefore.

This Ordinance shall be in force and effect upon its passage, posting and/or publication as required by law. Dated this 2<sup>nd</sup> day of June, 1998.

Carl Btommerich

MAYOR

Janet LaDuke

CLERK-TREASURER

This Ordinance was unanimously passed and adopted at a regular meeting of the Common Council of the City of Fountain City, Wisconsin, on June 2, 1998. Published on June 11, 1998.

