

Article C: Parking Regulations

Sec. 10-1-20 Restrictions on Parking; Posting Limitations.

(a) **Forty-eight (48) Hour Limitation.**

- (1) No person, firm or corporation shall park or leave standing any automobile, truck, tractor, trailer or vehicle of any description on any public streets or public parking lots in the Village of Elk Mound for a period of forty-eight (48) or more consecutive hours in the same location at any time, except that where more restrictive parking limits have been established, the more restrictive limits shall apply.
- (2) Excepted from the forty-eight (48) hour parking limits of Subsection (a)(1) is any Village Board-designated truck parking area where trucks are permitted to park for seven (7) days.
- (3) When any law enforcement officer or other duly authorized Village official shall find a vehicle standing upon a public street or parking lot in violation of the provisions of this Section, he/she is authorized to move such a vehicle or to require the operator in charge thereof to move such vehicle to a position permitted under this Chapter, or to have the violating vehicle towed. The law enforcement officer or other duly authorized Village official may cause said vehicle to be removed to a proper impoundment and storage area where storage space is available and in such case the owner shall pay the costs of removing said vehicle and the storage fees on said vehicle before he/she may recover the possession thereof.

(b) **Off-Street Public Parking Areas.** It shall be unlawful to park or leave for storage any equipment or vehicle in any public off-street area designated for public parking purposes, in excess of forty-eight (48) hours without written permission for special, unique cause from the Police Department.

(c) **Posted Limitations.**

- (1) The Village Board may designate certain streets or portions of streets as no parking or no stopping or standing zones or as zones for parking by physically handicapped persons and may limit the hours in which the restrictions apply. The Village shall mark, by appropriate signs, each zone so designated in accordance with the provisions of Sec. 349.13, Wis. Stats.
- (2) Except when necessary to avoid conflict with other traffic or in compliance with the directions of a law enforcement officer or traffic control device, no person shall stop or park a vehicle in an established no stopping or standing zone when stopping or standing is prohibited. No vehicle shall be parked in a no parking zone during hours when parking is prohibited except physicians on emergency calls or as permitted by state law or elsewhere by this Code of Ordinances.
- (3) When authorized by the Village Board, the Public Works Department is hereby granted the authority, within the reasonable exercise of police power to prohibit, limit the time or otherwise restrict the stopping, standing or parking of vehicles beyond the

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provisions of Ch. 346, Wis. Stats.. The Public Works Department shall have the authority to restrict the turning or movement of heavy traffic and to impose special weight limitations on any highway or portions thereof which, because of the weakness of the roadbed due to deterioration or climatic conditions or other special or temporary conditions, would likely be seriously damaged or destroyed in the absence of any restrictions on heavy traffic movement or special weight limitations.

- (4) No prohibition, restriction or limitation on parking or restriction on movement or turning of heavy traffic and imposition of special weight limits is effective unless official traffic control devices have been placed or erected indicating the particular prohibition, restriction or limitation.
- (5) After the parking limitations on any given street have expired, any change of location of not more than one (1) stall following expiration of the parking period allowed shall be and constitute a violation of this Chapter.

Sec. 10-1-21 Parking Restrictions During Temporary Snow Removal or Street Maintenance.

- (a) **Street Maintenance.** Whenever it is necessary to clear or repair a Village of Elk Mound roadway or any part thereof, the Public Works Department and/or Police Department shall post such highways or parts thereof with signs bearing the words "No Parking -Street Maintenance Work." Such signs shall be erected at least two (2) hours prior to the time that street maintenance work is to be commenced. No person shall park a motor vehicle in violation of such signs.
- (b) **Temporary Parking Restrictions for Special Events.** For the period of time during which a temporary community event is being held and upon proper authorization of the Village Board, all or any portion of a street, adjacent to the area at which the community event is being held, may be designated as a temporary no-parking zone. All such temporary no-parking zones shall be properly designated by an official no-parking sign placed or erected pursuant to the authority and direction of the Village Board. The operator of any motor vehicle shall not park or allow such vehicle to stand in such temporary no-parking zone.
- (c) **Parking During Special Snow Removal.** No person shall park, place or leave standing any automobile, truck or other vehicle on any street or public way after one (1) hour from the time such area has been designated and marked with signs or barriers by the Public Works Department and/or Police Department of the Village indicating no parking due to special snow removal work.

Sec. 10-1-22 Stopping or Parking Prohibited in Certain Specified Places.

- (a) **Parking Prohibited at All Times.** Except temporarily for the purpose of and while actually engaged in loading or unloading or in receiving or discharging passengers or

property and while the vehicle is attended by a licensed operator so that it may be moved promptly in case of an emergency or to avoid obstruction of traffic, no person shall at any time park or leave standing any vehicle:

- (1) Within an intersection.
 - (2) On a crosswalk.
 - (3) On a sidewalk or terrace area, except when parking in such place is clearly indicated by official traffic signs or markers or parking meters. "Terrace or Sidewalk Area" means that area between the sidewalk and the nearest curb line running parallel or generally parallel thereto or in the absence of a sidewalk ten (10) feet beyond the curb line.
 - (4) Alongside or opposite any highway excavation or obstruction when such stopping or standing would obstruct traffic or when pedestrian traffic would be required to travel in the roadway.
 - (5) On the roadway side of any parked vehicle unless double parking is clearly indicated by official traffic signs or markers.
 - (6) Within a fire lane consisting of either the driveway between the front doors of the Fire Station and the public street or in such places properly designated and marked as fire lanes ordered by the Fire Chief.
 - (7) Upon any portion of a highway where and at the time when stopping or standing is prohibited by official traffic signs indicating the prohibition of any stopping or standing.
 - (8) In any place or manner so as to obstruct, block or impede traffic.
 - (9) Within ten (10) feet of a fire hydrant, unless a greater distance is indicated by an official traffic sign.
 - (10) Upon any portion of a highway where and at the time when parking is prohibited, limited or restricted by official traffic signs.
 - (11) Upon any bridge.
 - (12) Upon any street or highway within the Village limits any vehicle which faces a direction different from the direction of normal traffic flow for the lane of traffic in which said vehicle is stopped or standing.
 - (13) Upon any terrace or sidewalk in the Village at any time.
 - (14) In a loading zoning.
 - (15) Within six (6) feet of the entrance to an alley, private road or driveway.
 - (16) In any municipal park when said park is closed to the public.
- (b) **Parking in Driveways.** No person shall park or leave standing any motor vehicle in any private driveway without the permission of the owner or lessee of the property which such driveway is located, whether or not such driveway is posted to limit or restrict parking.
- (c) **Vehicles Not to Block Private Drive, Alley or Fire Lane.** No vehicle shall, at any time, be parked so as to unreasonably restrict the normal access to any private drive, alley or fire lane. Said access shall be deemed to be unreasonably restricted if any vehicle is parked within six (6) feet of either side of said access. Upon discovery by a law enforcement

officer or upon complaint by the owner of any such blocked drive, alley or fire lane, a law enforcement officer or other duly authorized Village official may order said vehicle towed from such position at the risk and expense of the owner of said vehicle.

(d) **Parking Vehicle for Repair or to Display for Sale Prohibited.**

(1) No person shall stand or park a vehicle on any street, alley, public right-of-way or municipal parking lot in the Village of Elk Mound for the purpose of repairing said vehicle or to display such vehicle for sale. No person shall park on any street or avenue any vehicles for the primary purpose of advertising.

(2) No person other than an owner and/or operator of a business located on business-zoned property engaged in the regular business of selling vehicles may display a vehicle for sale upon private premises unless the following conditions are met:

- a. Consent to display the vehicle has been given by the owner or lessee of the premises; and
- b. The owner of the vehicle is on the premises or resides there; and
- c. The vehicle displayed for sale is parked entirely on the premises; and
- d. The premises contains only one (1) vehicle displayed for sale; and
- e. The advertisement or sign for sale of the vehicle is not larger than two (2) square feet.

(e) **Vending From Parked Vehicles Restricted.** Except as authorized by Section 7-4-10, there shall be no parking on any street or portion thereof by any vehicle from which the operator or owner is engaged in vending goods, wares or merchandise, unless licensed to do so by the Village.

Cross-References: Title 7, Chapter 4; Title 10, Chapter 5.

Sec. 10-1-23 Parking of Vehicles Within Eight (8) Feet of a Mailbox.

(a) **Definition.** For purposes of this Section, "official mailbox" shall be defined as:

(1) Any public container which is maintained by the United States Postal Service (USPS) and is used primarily for depositing outgoing U.S. Mail with the intent of processing and distribution of said U.S. Mail by the United States Postal Service.

(2) Any private box which is maintained in accordance with USPS regulations by a private citizen and is used primarily for either of the following purposes, or both:

- a. The collection of incoming U.S. Mail as deposited by an official USPS employee; or
- b. The depositing of outgoing U.S. Mail by the owner of the box with the intention of collection of said outgoing U.S. Mail by a USPS employee.

(b) **Parking Prohibitions.** It shall be unlawful for any person to park or leave standing any vehicle of any kind, regardless of whether or not said person intended to park said vehicle for any extended period of time, directly in front of any official mailbox, or within eight (8) feet in any direction from the mailbox, between the hours of 7:00 a.m. and 5:00 p.m.,

or at any other time during which the daily U.S. Mail is actively being delivered, preventing the U.S. Mail from being delivered to and/or collected from said mailbox.

- (c) **Exemptions.** This Section shall not apply to vehicles belonging to the following individuals or entities:
- (1) The lawful owner of the official mailbox to which U.S. Mail is being prevented from being delivered;
 - (2) Any visitor to the residence or business for which the official mailbox is intended to serve, so long as the visitor has the prior consent of the lawful owner of the official mailbox to park in such a manner as to prevent U.S. Mail from being delivered to the owner's own mailbox; or
 - (3) Any emergency vehicle operator who is conducting official business within a reasonable distance of the official mailbox.
- (d) **Enforcement.**
- (1) **Removal by Operator.** Such vehicle shall be removed by the operator responsible for the vehicle upon request of a law enforcement officer to a position where parking is permitted.
 - (2) **Citation and Removal by a Law Enforcement Officer.** The Village of Elk Mound Police Department is authorized to issue an appropriate citation to any violator of Subsection (b) above for illegal parking. After issuing such a citation, the Village of Elk Mound Police Department is authorized to remove such vehicle to a position where parking is permitted.
 - (3) **Removal by Private Service.** After issuance of a citation to a violator of Subsection (b) above for illegal parking, the Village of Elk Mound Police Department is authorized to order a motor carrier empowered to perform vehicle towing services or a licensed motor vehicle dealer who performs vehicle towing services to remove and store such vehicle in any public storage facility or any storage facility of the person or entity providing the towing services. All cost incurred from the actual removal, towing and storage of such vehicle shall be paid by the registered owner or operator in charge of the vehicle in accordance with the regulations provided for in Section 10-1-34(e).

Sec. 10-1-24 Parking Reserved for Vehicles of Disabled.

- (a) Established is one (1) handicap parking stall to conform with State Statute, located in front of 207 University Street, Village of Elk Mound.
- (b) Except for a motor vehicle used by a physically disabled person as defined under Sec. 346.503(1), Wis. Stats., no person may park, stop or leave standing any vehicle, whether attended or unattended and whether temporarily or otherwise, upon any portion of a street, highway or parking facility reserved, by official traffic signs indicating the restriction, for vehicles displaying special registration plates issued under Sec. 341.14(1), (1a), (1m) or (1q), Wis Stats., or a special identification card issued under Sec. 343.51, Wis Stats., or vehicles registered in another jurisdiction and displaying a registration plate card or emblem

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issued by the other jurisdiction which designates the vehicle as a vehicle used by a physically disabled person.

- (c) The penalty for violation under this Section shall be that which is imposed in the Uniform State Traffic Deposit Schedule for violation of Sec. 346.505, Wis. Stats.

Sec. 10-1-25 Leaving Keys in Vehicle Prohibited; Parking Vehicles with Motor Running.

- (a) **Leaving Keys in Vehicle.** No person shall permit any motor vehicle to stand or remain unattended on any street, alley or other public area, except an attended parking area, unless either the starting lever, throttle, steering apparatus, gear shift or ignition of the vehicle is locked and the key for such lock is removed from the vehicle. Whenever any law enforcement officer or duly authorized Village official shall find any vehicle standing with the key in the ignition in violation of this Section, such officer is authorized to remove such key from the vehicle and deliver the key to the Police Department office or appropriate law enforcement agency for safe custody.
- (b) **Parking Vehicles With Motor Running.** No person shall park or leave standing any motor vehicle with the motor or refrigerator unit running for more than thirty (30) minutes within three hundred (300) feet of any residence within the Village of Elk Mound between the hours of 10:00 p.m. and 6:00 a.m.

Sec. 10-1-26 Unattended Motorized Machinery.

It shall be unlawful for any person, firm or corporation to permit any construction, compaction, earth-grading or farm machinery which is self-propelled and moves upon the surface of the earth and which is owned or controlled by him/her to stand for any period of time unattended without locking the ignition system or otherwise rendering said machinery inoperable so as to prevent any person unauthorized by the owner or individual in control thereof from starting said machinery.

Sec. 10-1-27 Angle Parking.

- (a) **Angle Parking Authorization.** The Village Board shall from time to time have certain streets or portions of streets marked with white lines to designate parallel or diagonal parking places. Angle parking or parking diagonally is prohibited on all the streets, alleys and highways of the Village of Elk Mound except as provided herein in designated angle parking stalls. All vehicles shall park parallel to and within one (1) foot of the curb except where streets and parking lots are so marked for angle parking.

- (b) **Prohibited Angle Parking.** No person shall at any time park any vehicle:
- (1) In any direction other than the designated parking angle, where angle parking spaces are so designated and provided by appropriate markings.
 - (2) Backwards into angle parking spaces so designated and provided by appropriate markings, unless actually engaged in unloading activity.
 - (3) With a trailer attached or any vehicle longer than twenty (20) feet on any street where angle parking is so provided and allowed.

Sec. 10-1-28 Parking of Vehicles Over 15,000 Pounds or 22 Feet Restricted.

- (a) **Parking.**
- (1) No person owning or having control of any commercial motor vehicle, such as a road tractor, semitrailer, trailer or truck tractor, motor home, recreational vehicle, or a combination of vehicles weighing in excess of fifteen thousand (15,000) pounds gross weight, or over twenty-two (22) 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 in areas zoned residential or primarily residential in nature. The provisions of this Subsection shall not be deemed to prohibit the lawful temporary parking of such equipment upon any street, avenue, or public way in the Village of Elk Mound 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) 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.
- (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, Trailers, Tractors and Road Machinery on Private Property.** Unless enclosed within a building, no person, firm or corporation shall park, keep or maintain on property zoned for residential use the following types of vehicles: trucks with a gross vehicle in excess of fifteen thousand (15,000) pounds or over twenty-two (22) 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

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- 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) **Trailer Parking.** It is unlawful to park an unattended, unattached trailer on the street right-of-way for more than forty-eight (48) hours. This Subsection shall include, but not be limited to the following types of trailers:
 - (1) Boat and recreational vehicle trailers.
 - (2) Camper trailers.
 - (3) Utility or construction trailers.
 - (f) **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 10-1-34, 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.
 - (g) **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) **Winter Parking Restricted.**
 - (1) No person shall park a vehicle on streets or portions of streets within the Village of Elk Mound, between the hours of 3:00 a.m. and 6:00 a.m., from November 1 through April 1, the snow removal season, except as follows:
 - a. On odd-numbered calendar days, on that side of the street with odd-numbered house numerals; and
 - b. On even-numbered calendar days, on that side of the street with even-numbered house numerals.
 - (2) In addition to the penalties of Section 10-1-50, Village officials may remove any such vehicle parked in violation of this Section to a place of storage and may charge the cost of towing and storage to the owner of such vehicle.
- (c) **Parking in Alleys.** No person shall park any vehicle in any alley within the Village of Elk Mound 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.
- (d) **Parking Limit on Hwy. 12.** No parking on South Side of U.S. Hwy. 12 two hundred (200) lineal feet east from Cty. Hwy. intersection and two hundred (200) lineal feet west from Cty. Hwy. H intersection.

- (e) **Boat and Utility Trailer Parking.** Boat and utility trailers that are unattached from any motor vehicle shall not remain parked upon any public street, public alley, or municipal parking lot, for more than seventy-two (72) consecutive hours, including holidays and weekends.

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

Sec. 10-1-30 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 Elk Mound.
- (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 Elk Mound 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 Elk Mound 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 Elk Mound 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 Elk Mound 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 Elk Mound 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 of Elk Mound 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 Elk Mound 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. 10-1-31 Unlawful Removal of Parking Citations.

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

Sec. 10-1-32 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. 10-1-33 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 Elk Mound 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 Elk Mound.
- (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

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- 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. 10-1-34 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 law enforcement 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. 10-1-35 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 10-1-34.
- (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 Elk Mound.

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

Sec. 10-1-36 Traffic and Parking Regulations on School District Grounds.

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

- (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 "10-1-36-" 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.

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(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. 10-1-37 through Sec. 10-1-39 Reserved for Future Use.