

101.10 ABANDONED VEHICLES.

(1) ABANDONMENT OF VEHICLES PROHIBITED. No person shall abandon any vehicle unattended within the City of Richland Center for such time and under such circumstances as to cause the vehicle to reasonably appear to be abandoned.

(2) DEFINITION. As used in this Section "vehicle" means a motor vehicle, trailer, semi-trailer or mobile home as defined by incorporation in section 101.01, whether or not such vehicle is registered under ch. 341, Wisconsin Statutes

(3) PRESUMPTION OF ABANDONMENT. Any vehicle left unattended for more than 72 hours on any public street or grounds, or on private property without the permission of the owner or lessee, is deemed abandoned and constitutes a public nuisance; provided that the vehicle shall not be deemed abandoned under this Section if left unattended on private property out of public view, by permission of the owner or lessee.

(4) EXCEPTIONS. This section shall not apply to a vehicle in an enclosed building; a vehicle in an appropriate storage place or depository maintained in a lawful place and manner authorized by the City of Richland Center or a vehicle parked in a metered or paid lot or parking space where the required fee has been paid and meter activated.

(5) REMOVAL AND IMPOUNDMENT OR SALE. Any vehicle found abandoned in violation of this ordinance shall be impounded by the Richland Center Police Department until lawfully claimed or disposed of as provided in this Section. If the Chief of Police or his duly authorized representative determines that towing costs and storage charges for the minimum impoundment period would exceed the value of the vehicle, the vehicle may be junked or sold prior to the expiration of the impoundment period upon determination by the Chief of Police that the vehicle is not wanted for evidence or any other reason; provided that vehicles in excess of 19 model years of age shall be sold or disposed of only by auction, sale or sealed bid in accordance with sub. (8) of this Section.

(6) MINIMUM IMPOUNDMENT PERIOD. The minimum period of impoundment or storage of a vehicle found in violation of this Section shall be 10 days.

(7) NOTICE TO OWNER. The police officer removing or causing the removal of any vehicle found in violation of this Section shall immediately notify the Chief of Police of the abandonment and location of the impounded vehicle, and shall within five days thereafter notify the owner and lienholders of record, by certified mail, of the impoundment and of their right to reclaim the vehicle. The notice shall set forth the information contained in sec. 342.40(3), Wisconsin Statutes, and shall state that the failure of the owner or lienholders to exercise their rights to reclaim the vehicle shall be deemed a waiver of all right, title and interest in the vehicle and a consent to sale of the vehicle. An owner or lienholder who desires to reclaim such a vehicle shall pay the actual towing charges plus a storage fee of \$4.00 per day as a condition precedent to reclaiming the vehicle.

(8) SALE. Each retained vehicle not reclaimed by the owner or lienholder may be disposed of by sealed bid or auction sale as provided in sec. 342.40(3), Wisconsin Statutes.

(9) SALE TO BAR CLAIMS AGAINST VEHICLE. The sale of a motor vehicle under the

provisions of this section forever bar all prior claims thereto and interest therein except as hereinafter provided.

(10) PURCHASER TO REMOVE VEHICLE. The purchaser of any vehicle on sealed bid or auction sale under sub. (8) shall have 10 days to remove the vehicle from the storage area upon payment of a storage fee of \$10.00 for each day the vehicle has remained in storage after the second business day subsequent to the sale date. Ten days after the sale, the purchaser shall forfeit all interest in the vehicle and the vehicle shall be deemed to be abandoned and may be again sold.

(11) REQUEST FOR LIST. Any listing of vehicles to be sold pursuant to this Section shall be made available by the City Clerk to any interested person or organization who makes a written request therefore, for a fee of \$1.00.

(12) NOTICE TO DEPARTMENT OF TRANSPORTATION. Within five days after sale or disposition of a vehicle under this Section, the Clerk shall advise the Wisconsin Department of Transportation of such sale or disposition on a form supplied by the Department.

(13) OWNER MAY FILE. At any time within two years after sale of a motor vehicle is provided herein, any person claiming ownership of such motor vehicle or a financial interest therein may present a claim to the Common Council setting forth facts as are necessary to establish such ownership or interest, and that the failure of the claimant to reclaim the vehicle prior to sale was not the result of a neglect or fault of the claimant. If the Council is satisfied as to the justice of such claim, it may allow the same, but in no case shall the amount allowed exceed the sum paid into the City Treasury as the result of the sale of such motor vehicle, nor the amount of interest of the claimant therein.

(14) EXEMPTION. Any owner or person operating a registered vehicle which shall become disabled or inoperative for any reason, and who shall be unable to cause removal of such vehicle from any alley, street, highway or public place, not otherwise regulated as a restricted parking, stopping or standing zone, shall, within 12 hours of such occurrence, notify the Richland Center Police Department of the location of the vehicle and shall transfer and deliver clear title for said vehicle to the City of Richland Center together with a fee of \$25.00 to offset the cost of towing and junking charges and shall be exempt from the provisions of this ordinance.

When so requested by the owner or person in charge of a vehicle the Chief of Police shall be authorized to order such vehicle removed and junked directly from the scene of disablement by the Street Commissioner or by a contractor engaged by the City for towing of disabled vehicles. The provisions of sub. (11) shall apply to any vehicle removed under this subsection.

101.11 COUNTER FEES FOR ASSISTANCE WITH VEHICLE REGISTRATION AND TITLE MATTERS. [Added by Ord 1993-5]

The Richland Center Police Department is hereby authorized to charge the following counter fees for assisting with compliance with Department of Motor Vehicles forms:

(1) For assisting with completion of an application for motor vehicle registration or title transfer, a fee of \$2.

- (2) For checking or verifying a vehicle identification number, a fee of \$2.
- (3) For assisting with the completion of a substitute renewal form, a fee of \$1.
- (4) For issuing a temporary parking permit for use within the City limits, a fee of \$1.

101.12 STATE STANDARDS FOR MOTOR VEHICLE EQUIPMENT ADOPTED.

(1) ADMINISTRATIVE REGULATIONS ADOPTED. The administrative rules and regulations adopted by the Secretary of the Wisconsin Department of Transportation and published in Chapter MVD 5 of the Wisconsin Administrative Code, exclusive of any provisions therein relating to the penalties to be imposed, are hereby adopted by reference and made part of this chapter as if fully set forth herein.

(2) NON-COMPLIANCE PROHIBITED. No person shall operate or allow to be operated on any highway, street or alley within the City a vehicle that is not in conformity with the requirements of sub. (1) or the equipment provisions of ch. 347, Wisconsin Statutes, incorporated by reference in Sec. 101.01 of this chapter.

(3) OWNER'S LIABILITY. Any owner of a vehicle not equipped as required by this Section who knowingly causes or permits such vehicle to be operated on a highway in violation of this Section is guilty of the violation the same as if he or she had operated the vehicle. The provisions of sec. 347.04, Wisconsin Statutes, relating to non-applicability of demerit points, shall apply to owners convicted of violation of this Section.

(4) SAFETY CHECKS.

(a) Operators to Submit to Inspection. When directed to do so by any law enforcement officer, the operator of any motor vehicle shall stop and submit such vehicle to an inspection and such tests as are necessary to determine whether the vehicle meets the requirements of the section, or that the vehicle's equipment is in proper adjustment or repair. No person, when operating a motor vehicle, shall fail to stop and submit such vehicle to inspection when directed to do so by any law enforcement officer as herein provided.

(b) Authority of Officers. Any law enforcement officer of the City is hereby empowered, whenever he or she shall have reason to believe that any provision of this section is being violated, to order the operator of the vehicle to stop and to submit such vehicle to an inspection with respect to brakes, lights, turn signals, steering, horns and warning devices, glass, mirrors, exhaust systems, windshield wipers, tires and other items of equipment.

(c) Vehicle to be Removed from Highway. Whenever, after inspection as provided by this section, a law enforcement officer determines that a vehicle is unsafe for operation, he or she may order it removed from the highway and not operated; except for purposes of removal and repair until the vehicle has been repaired as directed in a repair order. Repair orders may be in the form prescribed by the Secretary of the Department of Transportation under sec. 110.075(5), Wisconsin Statutes, and shall

require the vehicle owner or operator to repair the vehicle as directed in the said repair order.

(5) PENALTY. Penalty for violation of any provision of this section including the provisions of ch. MVD 5 of the Wisconsin Administrative Code, incorporated herein by reference, shall be as provided in Sec. 101.12(3) of this chapter, together with the costs of prosecution and applicable penalty assessment.

101.13 DISPLAY OF POWER PROHIBITED.

No person shall make unnecessary and annoying noises with a motor vehicle, by squealing tires, excessive acceleration of engine, or by emitting unnecessary and loud muffler noises.

101.14 SCHOOL BUS WARNING LIGHTS.

(1) WARNING LIGHT USE REQUIRED AT UNCONTROLLED LOCATIONS.

Notwithstanding the provisions of sec. 346.48(2)(b)2., Wisconsin Statutes, adopted by reference in Section 101.01 of this code to the contrary, and except as provided in par. (2) below, school bus operators shall use flashing red warning lights in residential and business districts when pupils or other authorized passengers are to be loaded or unloaded at locations at which there are no crosswalk or traffic signals so that pupils must cross the street or highway before being loaded or after being unloaded.

(2) WARNING LIGHT USE NOT REQUIRED IN AREAS BORDERING SCHOOL GROUNDS.

School bus operators shall not use flashing red warning lights when pupils or other authorized passengers are loaded or unloaded directly from or onto the school grounds or that portion of the right-of-way between the roadway and the school grounds in a zone designated by "school" warning signs as provided in sec. 118.08(1) Wis. Stats. in which a street or highway borders the grounds of a school.

101.15 ALTERNATE SIDE PARKING.

(1) During the period commencing November 1 of each year through the following March 31, it shall be unlawful for any person to park any vehicle upon any street in the City of Richland Center between the hours of 12:01 A.M. and the following 7:00 A.M., except as hereinafter permitted.

(2) Notwithstanding the provisions of Paragraph (1) above, it shall be lawful to park a vehicle on a street of the City of Richland Center between the hours of 12:01 A.M. and the following 7:00 A.M. from November 1 through the succeeding March 31, provided that such vehicle is parked on the side of the street determined as follows:

(a) On dates the last digit of which is an even number, vehicles shall be parked on that side of the street having official City house numbers as assigned pursuant to Chapter 607, the last digits of which are even numbers.

(b) On dates the last digit of which is an odd number, vehicles shall be parked on that side of the street having official City house numbers as assigned pursuant to Chapter 607, the last digits of which are odd numbers.

(c) For purposes of this subchapter, the date shall be determined as of 12:01 A.M., regardless of whether the vehicle was parked prior to midnight.

(3) EFFECT OF ALTERNATE SIDE PARKING REGULATIONS UPON SPECIFIED STREETS OR PORTIONS OF STREETS. Due to conditions unique to the following streets or portions of streets, the following regulations shall apply where specified:

(a) Court Street East of Sheldon Street. The foregoing requirement that vehicles be parked on alternate sides of the street between November 1 and March 31 shall not apply to that portion of East Court Street lying East of a point which is 194 feet East of the east curb of Sheldon Street. [**Amended by Ord 2010 - 4**]

(b) Miner Court. Between November 1 and March 31 during the hours set forth in paragraph (1), no person shall park any vehicle on the East side of Miner Court. Vehicles may be parked on the West side of Miner Court regardless of the parking restriction contained in Paragraph (1).

(4) OTHER PARKING PROHIBITIONS UNAFFECTED. Compliance with the provisions of this subchapter shall not be deemed to permit the parking of any vehicle in a manner or location which is otherwise prohibited by any other provision of any ordinance of the City of Richland Center.

(5) ENFORCEMENT AND PENALTIES. [Amended by Ord. 2009-12]

(a) Forfeiture. Any person, who shall violate or fail or refuse to comply with this subchapter shall forfeit to the City of Richland Center the following:

1. If the forfeiture is paid within 5 days after issuance of a citation for the violation, the sum of \$10.00.
2. If the forfeiture is paid more than 5 days but less than 30 days after issuance of a citation for the violation, the sum of \$15.00.
3. If the forfeiture is not paid within 30 days after issuance of a citation for the violation, the sum of \$20.00.
4. In the event that court action is required to collect such forfeiture, upon conviction the defendant shall also be liable for all applicable costs, fees, assessments and surcharges as taxed and assessed by the Court and in the event such forfeiture, costs assessments and surcharges are not paid, such person, any partner of such partnership, or any officer or director of any corporation or any officer of such voluntary association may, upon order of the Circuit Court, be imprisoned in the Richland County Jail until such forfeiture, costs and assessment are paid, but not to exceed 90 days. Each calendar day that a violation is maintained or permitted to exist shall constitute a separate violation.

(b) Person Liable. The registered owner of any vehicle parked in violation as of the date of the violation shall be liable for such forfeiture, regardless of who parked the vehicle.

(c) Towing of Vehicles in Violation. Whenever a vehicle is parked in violation of this subchapter during a snow removal emergency declared pursuant to subchapter 101.16, any officer of the Police Department of the City of Richland Center may order the vehicle towed off the streets of the City to a location designated by the Chief of Police by any private towing contractor authorized by the Chief of Police to perform such towing operations. The offending vehicle shall be there impounded, and the towing contractor may hold such vehicle so impounded until the owner of such vehicle has paid to the towing contractor the actual expenses of such towing and impoundment. Collection of the charges for towing and impoundment shall be the responsibility of the towing contractor, and all such towing, impoundment and collections shall be done in compliance with sec. 779.415 Wisconsin Statutes. Payment of such charges shall not excuse or be in lieu of imposition of any forfeiture imposed for the violation. **[Amended by Ord. 2009-12]**

101.16 PARKING DURING SNOW REMOVAL EMERGENCY.

(1) EMERGENCY DECLARATION. The Common Council hereby declares that a snow removal emergency exists in the City of Richland Center whenever a snowfall during any period of 24 hours or less reaches an apparent or predicted depth of three inches or more. Such emergency is declared to be a serious public hazard impairing transportation and public health, safety and welfare for a period of 72 hours or until such earlier time as snow-removal operations have been declared completed by the Public Works Superintendent. **[Amended by Ord 2009-13]**

(2) PARKING REGULATIONS DURING SNOW EMERGENCIES. Whenever a snow removal emergency exists and the Chief of Police or the Street Commissioner shall have caused announcement of such snow removal emergency or of snow removal operations to be broadcast by radio station WRCO, the following parking restrictions shall apply for the duration of the emergency:

(a) No person shall park, or suffer to be parked, any vehicle of any kind or description upon any street or highway in the City of Richland Center between the hours of 10:00 P.M. and the following 7:00 A.M., inclusive.

(b) No person shall park, or suffer to be parked, any vehicle of any kind or description upon any street or highway or in any City-owned parking lot in the City of Richland Center for any period of time in excess of twelve (12) consecutive hours.

(c) No person shall park, or suffer to be parked, any vehicle of any kind or description upon any street or highway in the City in an area of such street or highway which has been marked by temporary "No Parking" signs.

(d) No person shall park, or suffer to be parked, any vehicle of any kind or description in any City-owned parking lot or in any portion of a City-owned lot during any time when such lot or portion of such lot is marked by temporary "No Parking" signs. This provision shall not prohibit parking in City-owned lots during a snow removal emergency when no temporary "No Parking" signs have been posted in such lots, but vehicles legally parked in such lots shall be promptly removed from the lot upon

the posting of the lot with temporary "No Parking" signs.

(e) Notwithstanding such emergency restrictions, vehicles may be parked for a period of time not longer than 10 minutes during actual loading or unloading of persons or property and provided further that no other regulation restricting parking as to place, time, or manner is violated thereby.

(f) Each period from 10:00 P.M. through the following 7:00 A.M. that a vehicle is parked contrary to the snow removal emergency regulations set forth herein shall constitute a separate violation. **[Added by Ord 2009-13]**

(3) EMERGENCY POWERS; AUTHORIZATION AND ERECTION OF TEMPORARY NO PARKING SIGNS IN CASE OF EMERGENCY.

(a) Pursuant to the provision of sec. 166.23, Wisconsin Statutes, the Common Council or, if the Council is unable to meet with promptness, the Mayor or, if the Mayor is not available, the President of the Common Council, may by proclamation authorize the Public Works Superintendent and/or the Chief of Police to bar, restrict or remove all unnecessary traffic, both vehicular and pedestrian, from local highways during the existence of an emergency arising by reason of war, conflagration, flood, heavy snow storm, blizzard, catastrophe, disaster, riot or civil commotion which impairs or prevents the full use of any highway, street or roadway for transportation or for on-street parking. **[Amended by Ord 2009-13]**

(4) ENFORCEMENT AND PENALTIES. [Amended by Ord 2009-13]

(a) FORFEITURE. Any person who shall violate or fail or refuse to comply with this subchapter shall, upon conviction thereof, forfeit to the City of Richland Center the following:

1. If the forfeiture is paid within 5 days after issuance of a citation for the violation, the sum of \$15.00.
2. If the forfeiture is paid more than 5 days but less than 30 days after issuance of a citation for the violation, the sum of \$20.00.
3. If the forfeiture is not paid within 30 days after issuance of a citation for the violation, the sum of \$25.00.
4. In the event that court action is required to collect such forfeiture, upon conviction the defendant shall also be liable for all applicable costs, fees, assessments and surcharges as taxed and assessed by the Court and in the event such forfeiture, costs assessments and surcharges are not paid, such person, any partner of such partnership, or any officer or director of any corporation or any officer of such voluntary association may, upon order of the Circuit Court, be imprisoned in the Richland County Jail until such forfeiture, costs and assessment are paid, but not to exceed 90 days.

(b) TOWING OF VEHICLES IN VIOLATION. Whenever a vehicle is parked in violation of this subchapter during a snow removal emergency declared pursuant to subchapter 101.16, any officer of the Police Department of the City of Richland Center may order the vehicle towed off the streets of the

City to a location designated by the Chief of Police, by any private towing contractor authorized by the Chief of Police to perform such towing operations. The offending vehicle shall be there impounded, and the towing contractor may hold such vehicle so impounded until the owner of such vehicle has paid to the towing contractor the actual expenses of such towing and impoundment. Collection of the charges for towing and impoundment shall be the responsibility of the towing contractor, and all such towing, impoundment and collections shall be done in compliance with sec. 779.415 Wisconsin Statutes. Payment of such charges shall not excuse or be in lieu of imposition of any forfeiture plus costs, fees, assessments and surcharges as taxed and assessed by the Court pursuant to subparagraph (a) above.

101.18 OPERATION OF MOTOR VEHICLES IN PUBLIC PARKING LOTS.

(1) UNLICENSED OPERATORS PROHIBITED. No person who does not hold a valid operator's license shall operate a vehicle in any public parking lot or in any private parking lot held out for the use of parking for the general public.

(2) TRAFFIC REGULATIONS APPLICABLE. All provisions of Section 101.01 of this Chapter and of the Wisconsin Statutes and laws incorporated herein by reference shall be applicable on any public parking lot and on any private parking lot held out for use of the general public for parking or vehicular travel.

101.20 CROSSING WARNING BY TRAINS.

No person shall operate or to be operated a locomotive, railway train, engine or railway car over any graded street or highway crossing within the limits of the City unless a whistle or horn shall be blown 80 rods from said crossing and a bell rung continuously until the crossing shall be reached. The blowing of a whistle or horn and the ringing of a bell shall not be necessary where gates are operated automatically or a flagman is stationed at such traveled grade crossing. Any person violating this Section shall be subject to a penalty as provided in Sec. 101.31(3) of this chapter.

101.21 APPLICABILITY OF TRAFFIC REGULATIONS TO SNOWMOBILES.

No person shall operate a snowmobile upon any street, highway or alley within the City of Richland Center in violation of the provisions of ch. 350 or secs. 346.04, 346.05, 346.11, 346.14(1), 346.18, 346.19, 346.20, 346.21, 346.26, 346.27, 346.33, 346.35, 346.39, 346.40, 346.44, 346.46, 346.47, 346.48, 346.50(1)(b), 346.51, 346.52, 346.53, 346.54, 346.55, 346.87, 346.88, 346.89, 346.90, 346.91, 346.92(1), and 346.94(1), (6), (6m) and (9), Wisconsin Statutes.

101.22 INOPERABLE, WRECKED, JUNKED OR DISCARDED VEHICLES ON PUBLIC PROPERTY.

(1) STORAGE PROHIBITED. No person owning or having custody of any partially

dismantled, non-operable, wrecked, junked or discarded motor vehicle shall allow such vehicle to remain on any public highway or parking lot longer than 24 hours after notification thereof by the Police Department. Notification shall be accomplished by placing in a conspicuous place on the vehicle and by mailing or serving upon the last registered owner of such vehicle a written notice setting forth briefly the applicable provisions of this section and the date of notice. Any vehicle so tagged which is not removed within 24 hours after such notice is declared to be a public nuisance and may be removed and disposed of as provided in Section 101.10 of this chapter.

(2) 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 City of Richland Center.