

**CITY OF WEST ALLIS
ORDINANCE O-2022-0160**

ORDINANCE UPDATING NIGHT PARKING REGULATIONS

AMENDING SECTIONS 10.01 AND 10.105

WHEREAS, the section of code containing night parking regulations is in need of clarification;

NOW THEREFORE, the common council of the City of West Allis do ordain as follows:

SECTION 1: **AMENDMENT** “10.01 Traffic And Vehicle Regulations” of the City Of West Allis Municipal Code is hereby *amended* as follows:

A M E N D M E N T

10.01 Traffic And Vehicle Regulations

1. State Traffic Forfeiture Laws Adopted. Except as otherwise provided herein, all provisions of Chapters 340, 341, 342, 343, 344, 345, 346, 347, 348 and 350 and Sections 23.33, 218.20, 218.23, 218.30, 218.33, and 941.01 of the Wisconsin Statutes, as the same may be from time to time amended, describing and defining regulations with respect to traffic, vehicles, pedestrians, snowmobiles, and bicycles, are hereby adopted and by reference made a part of this section with the same force and effect as is fully set forth herein. Any act required to be performed or prohibited by any statutes incorporated hereby by reference is required or prohibited by this section.
2. Penalties.
 - a. The penalty for violation of a provision of this section shall be a forfeiture, as hereinafter provided, together with costs, fees, and surcharges imposed, as provided in Sections 23.33, 345.20, and 345.53 of the Wisconsin Statutes.
 - b. Forfeitures for violation of any provisions of the Wisconsin Statutes adopted by reference in subsection (1) shall conform to the forfeitures for violation of the comparable state offense, including any variations or increases for second or subsequent offenses, as set forth in the Wisconsin Revised Uniform State Traffic Deposit Schedule created under Section 345.26(2)(a) of the Wisconsin Statutes, as it is from time to time amended.
 - c. In default of payment of any forfeiture, costs, fees, or surcharges imposed, pursuant to subsections **(a)** and **(b)** above, punishment shall be by imprisonment in the county jail or county house of correction until said forfeiture and costs are paid in full, but not in excess of the terms set forth in Wisconsin Statute Section 800.095(1)(b)1, or by suspension of operating privileges, pursuant to Wisconsin Statute Sections 343.30, 345.47, and 800.095(1)(a).

3. Enforcement. This section shall be enforced in accordance with the provisions of Wisconsin Statute Sections 23.33, 66.0114, and 345.20 to 345.53.
4. Deposits. Deposits may be made by persons arrested without a warrant for violations of this section in accordance with the provisions of Wisconsin Statute Section 345.26. All deposits shall be mailed or delivered to the West Allis Police Department. The basic amount of deposit shall be in accordance with the schedule established under Wisconsin Statute Section 345.26 (2)(a) and shall include all applicable costs, fees, and surcharges.
5. Forfeitures in Treasury. The Police Department shall deliver all deposits submitted under this section to the Treasurer within twenty (20) days after receipt.
6. Owner Liability. The owner of a vehicle involved in a nonmoving violation under this code is jointly liable for the violation.
~~{Ord. O-2005-0040, 8/2/2005; Ord. O-2014-0093, 12/16/2014}~~

SECTION 2: AMENDMENT “10.105 All-Night Parking” of the City Of West Allis Municipal Code is hereby *amended* as follows:

AMENDMENT

10.105 ~~AH~~-Night Parking Regulations

1. Night Parking Restricted. No vehicle may be parked on a street or municipal parking lot between the hours of 3:00 a.m. and 6:00 a.m., unless one of the following applies:
 - a. The vehicle is an authorized emergency vehicle as defined in Wis. Stat. 340.01(3).
 - b. The vehicle has a valid night parking permit issued by the police chief for that vehicle and is displaying that permit near the upper left corner of the driver's side rear window or the upper right corner of the driver's door window. This exception does not apply if the vehicle has a trailer attached to it.
 - i. The police chief shall issue annual, quarterly, or monthly night parking permits to any eligible vehicle upon receipt of an application in a form approved by the police chief and payment of the proper fee listed in the Fee Schedule. The issued permit shall conspicuously display its expiration date. The police chief may issue a duplicate night parking permit to replace a lost or stolen permit upon payment of the proper fee listed in the Fee Schedule. All fees paid are nonrefundable.
 - ii. An application for a night parking permit shall include the name, home address, and phone number of the vehicle owner, the make, model, and registration plate number of the vehicle, and any other information required by the police chief.
 - iii. The police chief may not issue a night parking permit to any of the following vehicles:
 - (1) Vehicles in excess of 8,000 pounds curb weight

- (2) Mobile homes
 - (3) Trailers
 - (4) Snowmobiles
 - (5) All-terrain vehicles
 - (6) Electric personal assistive mobility devices
 - (7) Golf carts
 - (8) Truck tractors, road tractors, farm tractors, or farm truck tractors
 - (9) Vehicles used primarily for commercial purposes
 - c. The vehicle is parked in a business district, but only while a business in that business district is open. This exception does not apply if the vehicle has a trailer attached to it.
 - d. The vehicle is parked on South 56th Street on the boundary of West Allis and the Village of West Milwaukee and is displaying a night parking permit issued by the Village of West Milwaukee. This exception does not apply if the vehicle has a trailer attached to it.
2. Alternating Side Parking Required. Any vehicle parked on a street between the hours of 3:00 a.m. and 6:00 a.m., shall park on the odd-numbered side of the street if the calendar date at that time is an even number and the even-numbered side of the street if the calendar date at that time is an odd number, unless one of the following applies:
- a. The vehicle is an authorized emergency vehicle as defined in Wis. Stat. 340.01(3).
 - b. The vehicle is displaying a special registration plate issued pursuant to Wis. Stat. 341.14(1), (1a), (1e), (1m), (1q) or (1r) or 343.51 and that vehicle is parked within a disabled parking zone established under WAMC 10.065(7).
 - c. The vehicle is parked on a service drive or frontage road that parallels a divided highway.

~~Definitions. In this section, the following words and phrases shall have the designated meanings: Night Parking Permits. No vehicle shall be parked on any public street between the hours of 3:00 a.m. and 6:00 a.m. of any day except passenger vehicles with a night parking permit that is parked in accordance with the following provisions: [Ord. O-2017-0056, 11/21/2017] Prohibited practices. Exceptions. "Public highway or highway" means all public ways and thoroughfares and bridges on the same within the corporate limits of the City of West Allis. It includes the entire width between the boundary lines of every way open to the use of the public as a matter of right for the purposes of vehicular travel, but does not include private roads or driveways as defined in Subsection (b). "Private road or driveway" means every way or place in private ownership and used for vehicular travel only by the owner or those having express or implied permission from the owner. "Roadway" means that portion of a highway between the regularly established curblines or that portion which is improved, designed or ordinarily used for vehicular travel, excluding the berm or shoulder. In a divided highway, the term "roadway" refers to each roadway separately but not to all~~

such roadways collectively. "Vehicle" means every device in, upon or by which any person or property is or may be transported or drawn upon a highway, except railroad trains. A snowmobile, an all-terrain vehicle, and an electric personal assistive mobility device shall be considered a vehicle for purposes of this subsection. Night parking permits may be purchased subject to rules and regulations promulgated by the Chief of Police. Application for such permit shall contain the name, address and the phone number of the applicant and vehicle owner. It shall also bear the license plate number of the vehicle for which the permit is intended and other information that from time to time may be required. The permit fee, shall be paid upon application as per below. No part of any permit fee shall be refundable at any time. A duplicate permit shall be issued for a fee listed in the Fee Schedule if the original permit is lost or stolen. Permit fees include applicable state sales tax. The following permits are available with permit fees per the method listed:

The information regarding municipal parking regulations shall be given to all new applicants for permits or those who have not had a permit in the last calendar year. If a permit is issued, it shall bear the expiration date of the permit. When in use, the permit shall be attached to the driver's side rear window in the upper left corner. In the event that the vehicle for which the permit was issued does not have a rear driver's window, the permit shall be attached to the driver's side window in the upper right corner. Any vehicle that is issued a night parking permit shall be restricted to night parking on the even-numbered side of the street on those nights with an even calendar date before midnight and the odd-numbered side of the street on those nights with an odd calendar date before midnight. Motor vehicles bearing special registration plates issued pursuant to Wisconsin Statutes Section 341.14(1), (1a), (1e), (1m), (1q) or (1r) or Section 343.51 shall adhere to the alternate-side parking restrictions unless that vehicle is parked within a disabled parking zone established under Section 10.065(7). Any vehicle lawfully parked within a disabled parking zone established under Section 10.065(7) is exempt from alternate-side parking restrictions. No person, firm, partnership, corporation, nor any officer, member, agent, servant or employee of any firm, partnership or corporation, shall suffer any vehicle of any kind or description to be parked on any public highway in the City of West Allis when such vehicle is displaying a forged, counterfeited or duplicated City of West Allis night parking permit, any object mimicking the appearance of such a permit, or any such permit which has been issued for a vehicle other than the one upon which it is displayed. Any penalty imposed under this section shall be in addition to any forfeiture imposed for violation of the parking regulations. Vehicles in excess of 8,000 pounds curb weight, mobile homes, any type of trailer (either attached or detached from a vehicle), boats, motorized camping vans, snowmobiles, all-terrain vehicles, electric personal assistive mobility devices, golf carts, tractors, and vehicles equipped with truck campers and/or utility trailers, as defined in Section 12.06 of this Code, shall not be eligible for a night parking permit and shall not remain on any public highway or municipal parking lot in the City of West Allis between the hours of 3:00 a.m.

~~and 6:00 a.m. [Ord. O-2017-0056, 11/21/2017] No one may use the municipal parking permit for any other vehicle than for which it was purchased. Where South 56 Street lies on the boundary between West Allis and the Village of West Milwaukee, all-night parking permit issued by the Village of West Milwaukee shall be valid in West Allis, to the same extent as if such permits had been issued by West Allis; provided, however, that the provisions of this paragraph shall be effective only during such time as the Village of West Milwaukee authorizes a reciprocal privilege on such street for municipal parking permits issued by West Allis. On commercial blocks, any vehicle may be parked for one (1) hour between the hours of 3:00 a.m. and 6:00 a.m. without a permit where businesses are open between such hours. On divided highways where a service drive or frontage road parallels such highway, vehicles which are parked on the service drive or frontage road shall be exempt from the provisions set forth in Paragraph (2). This section shall not apply to licensed physicians and surgeons in emergency situations. **In Person or Via Mail Online Monthly See Fee Schedule Quarterly Annual [Ord. 6206, 1/16/1996; Ord. 6525, 7/5/2000; Ord. 6625, 9/3/2002; Ord. O-2006-0024, 5/5/2006; Ord. O-2007-005, 2/20/2007; Ord. O-2009-0025, 9/1/2009; Ord. O-2015-0043, 9/1/2015; Ord. O-2016-0057, 12/6/2016]**~~

SECTION 3: EFFECTIVE DATE This Ordinance shall be in full force and effect on and after the required approval and publication according to law.

PASSED AND ADOPTED BY THE CITY OF WEST ALLIS COUNCIL NOVEMBER 01, 2022.

	AYE	NAY	ABSENT	ABSTAIN
Ald. Vince Vitale	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Ald. Tracy Stefanski	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Ald. Marty Weigel	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Ald. Suzzette Grisham	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Ald. Danna Kuehn	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Ald. Thomas Lajsic	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Ald. Dan Roadt	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Ald. Rosalie Reinke	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Ald. Kevin Haass	<u> X </u>	<u> </u>	<u> </u>	<u> </u>

Attest

Presiding Officer

Rebecca Grill, City Clerk, City Of West Allis

Dan Devine, Mayor, City Of West Allis

