

**CITY OF WEST ALLIS
ORDINANCE O-2021-0040**

**ORDINANCE TO AMEND SNOW EMERGENCY PARKING REGULATIONS,
AMEND PARKING VIOLATION FORFEITURES, AND REMOVE REDUNDANT
PROVISIONS**

AMENDING CH. 10

WHEREAS, the City's parking regulations and forfeiture structure could be improved to better accomplish their purpose; and

WHEREAS, the common council seeks to make modifications to several parking regulations to make them more effective;

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

SECTION 1: **AMENDMENT** “10.09 State Fair Traffic” of the City Of West Allis Municipal Code is hereby *amended* as follows:

A M E N D M E N T

10.09 State Fair Traffic

1. Purpose. In the interest of public safety and for the purpose of effecting control of traffic on the streets and highways in the City during the period of the annual Wisconsin State Fair, and at the times of races, football games, other sporting events, shows, celebrations, picnics and such occasions when large numbers of persons are attracted to the State Fair Park, it is hereby declared necessary that proper regulations governing such traffic be enacted. The Police Department shall enforce such temporary regulations as it deems necessary to accomplish such purpose. All enactments by the Common Council establishing parking limitations on certain streets during the periods when such traffic control shall be enforced are incorporated into this subsection by reference, and the City Clerk shall keep a record of all such enactments.
2. ~~Parking Regulated. It shall be unlawful to operate or park any vehicle on any streets contrary to the regulations as established, when said streets are properly posted~~(Reserved).
3. Authority of Police. For the purpose of facilitating the movement of traffic, to cope with special conditions and emergencies which may arise as related to the Wisconsin State Fair Park and for the protection of pedestrians using the streets and highways of the City, the Police Department may establish detours, reroute traffic and establish and enforce such other temporary regulations as it may deem necessary.

SECTION 2: AMENDMENT “10.16 Penalties” of the City Of West Allis Municipal Code is hereby *amended* as follows:

AMENDMENT

10.16 Penalties

1. Penalties.
 - a. The penalty for violation of any provision of this chapter enumerated in Subsection (2) shall be a forfeiture in the amount set forth therein, together with the cost of prosecution.
 - b. In default of payment of any forfeiture and costs, punishment shall be by imprisonment in the Milwaukee County House of Correction or Milwaukee County Jail, until said forfeiture and costs are paid in full, but not in excess of the terms provided in Sec. 10.01(2) of this Chapter.
2. Schedule of Forfeitures

<u>Section Violated</u>	Reference	Forfeiture Range
<u>Wis. Stat. 346.505(2)</u>	<u>Disabled parking without permit</u>	\$300
<u>Wis. Stat. 346.51</u>	<u>Stopping, standing or parking outside of business or residence districts</u>	\$30-\$300
<u>Wis. Stat. 346.52</u>	<u>Stopping prohibited in certain specified places</u>	\$25-\$40
<u>Wis. Stat. 346.53(1)</u>	<u>Parking in a loading zone</u>	\$40
<u>Wis. Stat. 346.53(2)</u>	<u>Parking in an alley in a business district</u>	\$30-\$40
<u>Wis. Stat. 346.53(3)</u>	<u>Parking within 10 feet of a fire hydrant</u>	\$40
<u>Wis. Stat. 346.53(4)</u>	<u>Parking within 4 feet of the entrance to an alley, private road or driveway</u>	\$30-\$40
<u>Wis. Stat. 346.53(5)</u>	<u>Parking closer than 15 feet to the near limits of a crosswalk</u>	\$30-\$40
<u>Wis. Stat. 346.53(6)</u>	<u>Parking on highway contrary to official traffic signs</u>	<u>\$30-\$40</u>

<u>Wis. Stat.</u> <u>346.54</u>	<u>How to park and stop on streets</u>	\$20-\$40
<u>Wis. Stat.</u> <u>346.55(1)</u>	<u>Stopping on the left side of a highway</u>	\$30-\$75
<u>Wis. Stat.</u> <u>346.55(3)</u>	<u>Trespass parking</u>	\$40
<u>Wis. Stat.</u> <u>346.55(3)</u>	<u>Trespass parking (2nd violation in 1 year)</u>	<u>\$60-\$100</u>
<u>Wis. Stat.</u> <u>346.55(4)</u>	<u>Parking on public or private property contrary to sign</u>	\$40
<u>WAMC 10.06</u>	<u>Heavy traffic violation</u>	\$40
<u>WAMC 10.07</u>	<u>Train obstructing railroad crossing</u>	\$5-\$200
<u>WAMC 10.105</u>	<u>Night parking violation</u>	\$35-\$50
<u>WAMC 10.11</u>	<u>Snow emergency parking violation</u>	\$40
<u>WAMC 10.11</u>	<u>Snow emergency parking violation (2nd citation on successive days)</u>	\$100
<u>WAMC 10.12</u>	<u>Miscellaneous Parking Violations</u>	<u>\$20-\$40</u>

. ~~{Ord. O-2017-0017, 4/18/2017}~~

Section Violated	Violation Reference	Forfeiture
10.015(a)	Pedestrian rights and duties	
346.23	Crossing at controlled intersection or crosswalk	\$1 to \$20
346.24(2)	Crossing at uncontrolled intersection or crosswalk	1 to 20
346.26(2),(3)	Blind Pedestrian on highway	1 to 50
346.28(1)	Pedestrians on left side of highway and sidewalks	1 to 20
346.29(1),(3)	Soliciting rides or fishing or swimming from bridge	1 to 20
346.37	Traffic control signals	1 to 20
346.38	Pedestrian control signals	1 to 20
	Wisconsin Administrative Code <u>Chapter TRANS</u>	

10.025	<u>305</u> Chapter MVD-5	10 to 200
10.04	Through streets and stop intersections	20 to 40
10.05	One-way streets and alleys	20 to 40
10.06	Heavy traffic and trucking	20 to 40
10.065(6)(b)	Motor bus loading zones (bus operator's duty)	1 to 25
10.07	Trains obstructing crossings	5 to 200
10.08	Prohibited left turns	20 to 40
10.09	State Fair traffic (parking violations)	1 to 25
	(moving violations)	20 to 40
10.10	Parking restrictions on streets and alleys	1 to 25 <u>20-40</u>
10.105	All night parking	8 to 40 <u>35</u>
10.105	All night parking (second consecutive and successive nights of violation)	30 to 50 <u>50</u>
10.105	All night parking by vehicles listed in Sec 10.105(3)(ef)	20 to 40
10.105(3)(b)(vi)	Prohibited Practices	1 to 100
10.107	Residential Parking	20 to 40
10.108	Trespass Parking	40 to 60
<u>10.108</u>	<u>Trespass Parking (2nd conviction within a year)</u>	<u>60</u>
10.11	Parking during snowstorms and <u>Snow emergency parking violations</u>	5 to 200 <u>40</u>
10.12(1)	All night parking	1 to 25
10.12(2)	Motor running while parked	20 to 40
10.12(3)	Use of brakes	
	(where accident is caused thereby)	20 to 40
	(where no accident is caused thereby)	1 to 25
10.12(4)	Greenfield Avenue parking lots	20 to 40
	<u>Within 10 feet of fire hydrant</u>	<u>40</u>
	<u>In a loading zone</u>	<u>40</u>
10.12(5)(b)	Parking in county park, parkways, trailer camps	1 to 25

10.12(6)	Leaving ignition keys in parked car	20 to 40
10.12(7)	Repair of parked vehicles prohibited	20 to 40
10.13(1)	Off-street parking lots	1 to 100
10.13(2),(3),(4)	Vocational school, municipal market and library parking lots	1 to 25
10.14(exc.(7)(e))	Parking meter zones & municipal parking lots	1 to 25
10.14(7)(e)	Tampering with parking meter	1 to 100
10.15	Bicycle regulations (In addition to or in lieu of the fine for Sec. 10.15, the violator's bicycle registration may be suspended for a period not exceeding ninety (90) days)	5 to 20
10.22(2)	Loitering Prohibited Upon Street Medians	1 to 500

SECTION 3: **AMENDMENT** “10.10 Parking Restrictions On Streets, Alleys, Municipal Parking Lots And Sidewalks” of the City Of West Allis Municipal Code is hereby *amended* as follows:

AMENDMENT

10.10 Parking Restrictions On Streets, Alleys, Municipal Parking Lots And Sidewalks

1. All enactments of the Common Council prohibiting parking of vehicles on designated streets, or parts thereof, or prescribing parking time limits or the manner of parking vehicles thereon, are incorporated into this Chapter by reference thereto, and shall be as effective as if fully set forth herein. The City Clerk shall keep a separate record of all such enactments, including any amendments or additions thereto.
2. ~~No person shall park and leave unattended any vehicle on any public alley within the City, nor shall any person park a vehicle so that any part of the vehicle extends over or onto the public alley, or sidewalk. [Ord. O-2006-0042, 9/5/2006]~~ Wis. Stat. 346.51 to 346.55, and any future amendment thereto, is hereby adopted as though fully set forth herein.
3. The Director of Public Works, by written order, may establish temporary no parking regulations on any street or municipal parking lot within the City, when, in the judgment of the Director, road construction, water main break or other similar condition requires such regulations for the safe movement of vehicular traffic. Any such regulation shall not be effective unless official traffic signs or markers have been placed stating the particular prohibition. The Director shall, as soon as practicable, notify the Chief of Police, or his designee, of any such regulation. Temporary parking regulations, established pursuant to this subsection, shall supersede any other parking restriction which may be in conflict. [Ord. O-2016-0057, 12/6/2016]

SECTION 4: **AMENDMENT** “10.11 Snow Emergency Regulations” of the City Of West Allis Municipal Code is hereby *amended* as follows:

AMENDMENT

10.11 Snow Emergency Regulations

1. Declaration of Emergency.

- a. When, in the opinion of the Director of Public Works, ~~a snowstorm~~snowfall accumulation of at least 3 inches jeopardizes the public safety and welfare of the City, the Director may declare a ~~state of public~~snow emergency ~~for the duration thereof~~. This declaration shall be ~~made~~publicized through ~~the medium of~~ radio, television, internet, text message, or other means of public communication deemed appropriate by the Director. ~~Such declaration shall specify a time, at least one (1) hour after its promulgation, when the emergency will take effect. Such declaration shall coincide as reasonably practicable to the all-night parking regulations, Section 10.10.5. [Ord. O-2008-0025, 6/3/2008]~~
- b. ~~For the purpose of this section, a "snowstorm" shall mean a storm in which snow accumulates to a depth of three (3) inches or more and which produces congestion of traffic and/or impedes the operation of emergency vehicles~~When the Director declares a snow emergency, the declaration shall clearly state the commencement and expiration dates and times of the snow emergency. The declaration may be effective no sooner than 1 hour after publicizing the declaration in accordance with this section. The Director shall cause the declaration to expire at 3:00 p.m. on a date that allows the Director to clear both sides of the street after snow stops accumulating.

2. Regulations.

- a. Emergency Thoroughfares. No person shall park or leave unattended any vehicle of any kind or description upon any emergency thoroughfare during a declared snow emergency except where permitted by posted signs authorized by the Common Council. Such signs shall state "Parking Permitted Between Signs During Snow Emergency" or words of similar effect and shall be posted so as to give reasonable notice of the permitted zone. All vehicles parked in violation of this subsection shall be promptly removed from such emergency thoroughfares immediately at the time when the declared snow emergency takes effect.

Emergency thoroughfares shall consist of the major traffic, mass transit and emergency vehicle routes in the City of West Allis as follows: **[Ord. 6133, 11/1/1994; Ord. O-2014-0077, 11/18/2014]**

S. 60 St. from S.C.L. to N.C.L. S. 66 St. from W. National Ave. to W. Burnham St. S. 67 Pl. From W. Beloit Rd. to W. Rogers St. S. 68 St. from S.C.L. (S. of W. Arthur Ave.) to W. National Ave. S. 69 St. from W. Becher St. to W. Lincoln Ave. S. 70 St. from W. Mitchell St. to N.C.L. S. 76 St. from N.C.L. (N. of W. Pierce St.) to W. Oklahoma Ave. S. 81 St. from W. Greenfield Ave. to W. National Ave. S. 84 St. from W. Oklahoma Ave. to W. Schlinger Ave. S. 88 St. from W. Lincoln Ave. to 500 ft. S. of W. Lincoln Ave. S. 90 St. & W. Hayes Ave. from W. Lincoln Ave. to S. 92 St. (Includes Hospital Emergency Intersection) S. 92 St. from W. Oklahoma Ave. to N.C.L.

S. 100 St. from W. Madison Pl. to W. Schlinger Ave. S. 101 St. from W. Madison Pl. to W. Greenfield Ave. S. 108 St. from N.C.L. to W. Morgan Ave. S. 113 St. from W. Greenfield Ave. to W. Lapham St. S. 116 St. from W. Lincoln Ave. to S. Curtis Rd. S. 124 St. from N.C.L. to W. Morgan Ave. W. Becher St. from S. 67 Pl. to dead end west of S. 99 St. W. Becher Pl. from W. Burnham St. to S. 67 Pl. W. Beloit Rd. from E.C.L. to W. Oklahoma Ave. W. Burnham St. from E.C.L. to S. 66 St. W. Cleveland Ave. from S. 84 St. to S. 124 St. S. Curtis Rd. from S. 116 St. to N.C.L. (W. Fairview Ave.) W. Electric Ave. from W. Lincoln Ave. to E.C.L. W. Greenfield Ave. from S. 56 St. to S. 124 St. W. Lapham St. from S. 108 St. to S. 113 St. W. Lincoln Ave. from E.C.L. to S. 124 St. W. Madison Pl. from S. 100 St. to 101 St. W. Mitchell St. from E.C.L. to S. 71 St. W. National Ave. from E.C.L. to S. 124 St. W. Oklahoma Ave. from E.C.L. to S. 116 St. W. Schlinger Ave. from S. 100 St. to S. 84 St. W. Theodore Trecker Way from S. 116 St. to S. 108 St.

b. (Reserved)

Editor's Note: Former Subsection (b), Other Streets, was repealed 10-1-2013 by Ord. No. O-2013-0038.

3. Other Restrictions.

- a. Snow emergency regulations shall supersede all other overnight parking regulations for the duration of the snow emergency only.
- b. ~~On certain streets other than emergency thoroughfares, where one side of an entire block is permanently posted NO PARKING AT ANY TIME year round, parking will be allowed on the opposite side during the declared snow emergency regardless of the calendar date on which the emergency was declared.~~ By 10:00 p.m. of each day during a snow emergency, all vehicles parked on the street shall park on the side of the street that has even-numbered addresses if it is an even-numbered calendar date or on the side of the street that has odd-numbered addresses if it is an odd-numbered calendar date. Vehicles shall continue to park on that side of the street until 3:00 p.m. on the following day.
- c. Parking shall be permitted as set forth herein, provided that no other regulations restricting parking as to time, place or manner are violated.
- d. When, in the opinion of the Director of Public Works, snow accumulation on any City street is such that the removal of snow from along the curb becomes necessary or that the movement of vehicular traffic becomes severely impeded because of parked vehicles, the Director is empowered to prohibit the parking of vehicles upon such street or municipal parking lots through the posting of TEMPORARY NO PARKING signs until conditions permit. **[Ord. O-2016-0057, 12/6/2016]**
- e. Any vehicle parked in violation of this section may be removed, pursuant to Section 10.03(3) of this Code.

[Ord. 6050 (delete 10.115), 11/2/1993]

SECTION 5: AMENDMENT “10.12 Miscellaneous Parking Regulations” of the City Of West Allis Municipal Code is hereby *amended* as follows:

A M E N D M E N T

10.12 Miscellaneous Parking Regulations

In addition to complying with the other parking regulations imposed in this Chapter, the operator of a vehicle within the City shall also comply with the following:

1. Double parking. **[Ord. O-2006-0063, 11/8/2006]**
 - a. No person may stop or leave standing any vehicle, whether attended or unattended and whether temporarily or otherwise on the roadway side of any parked vehicle unless double parking is clearly indicated by official traffic signs or markers.
 - b. Any person violating the restrictions set forth in Subsection 10.12(1)(a) above, shall be subject to a forfeiture of seventy-five dollars (\$75.).
2. Motor Running While Parked. No motor vehicle shall be parked or left unattended on any street, road, alley, or any other public place, except in an attended parking area, while the motor thereof is on or running unless the vehicle is secured ~~and in such a state that to prevent~~ entry into the vehicle ~~would allow said vehicle to be driven away~~ by an unauthorized person. **[Ord. O-2015-0017, 3/3/2015]**
3. Use of Brakes. No motor vehicle shall be parked on any street or alley unless the brakes thereof are set in such a manner that the vehicle cannot be set in motion without starting the motor or releasing the brakes.
4. Greenfield Avenue Parking Lot. No person operating a passenger vehicle shall enter the parking lot between 7520 and 7598 W. Greenfield Ave., from W. Greenfield Ave.; nor shall such operator, in leaving the parking lot on W. Greenfield Ave., make a left turn on W. Greenfield Ave.
5. Traffic and Parking in County Parks, Parkways, Trailer Camps.
 - a. Speed Limits. No person shall operate any vehicle on any road or drive in a County park or County parkway at a speed exceeding twenty-five (25) miles per hour. The fines and stipulation deposits for violation of this section shall be the same as those provided in Section 10.01(1) of this Code, under the reference to Secs. 346.57(4)(d), (e), (f), (g) and (h) and (5) of the Wisconsin Statutes, and subject to the provisions of Sections 10.01(2) and (3) of this Code.
 - b. Parking Restrictions. No person shall park any vehicle or permit any vehicle to remain standing on any highway or roadway within the boundaries of the County park or parkway, as hereinafter designated, in excess of the length of time and between the hours hereinafter specified:
 - i. Hours of No Parking. No parking shall be allowed on any park or parkway roads during the hours from 10:00 P.M. to 6:00 A.M.
 - ii. Greenfield Park. No parking shall be allowed on either side of the

road leading from the main park drive to the bathhouse, or on the southerly side of the main park road leading easterly from the County Line Road, which becomes the westerly and northerly side as the road approaches Lincoln Ave.

6. Leaving Ignition Keys in a Parked Car. No person shall allow a motor vehicle in his custody or control to stand or remain unattended on any street, alley, highway or in any other public place within the City limits of West Allis, except on an attended parking area, unless either the starting lever, throttle, steering apparatus, gear shift or ignition of said vehicle is locked and the key for such lock is removed from the vehicle.
7. Repair of Motor Vehicles.
 - a. No motor vehicle shall be repaired or mechanically maintained while parked on any street or alley.
 - b. This section shall not apply to battery replacement or jump-starting, the replacement of flat tires or to preparation for the towing of a vehicle.
8. Prohibition on Parking of Non-Motorized Vehicles. [**Ord. O-2004-0017 (added), 5/4/2004; Ord. O-2004-0033, 8/3/2004**]
 - a. No person shall park or leave standing on any street, highway or alley within the City limits, a vehicle which is not self-propelled unless such vehicle is properly hitched or attached to a motor vehicle pursuant to Section 347.47 of the Wisconsin Statutes.
 - b. This section shall not apply to construction-related equipment such as trailers and cement mixers as permitted by the City Engineer during public construction projects.

SECTION 6: **SEVERABILITY CLAUSE** Should any part or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinances a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

SECTION 7: **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

_____.

	AYE	NAY	ABSENT	ABSTAIN
Ald. Angelito Tenorio	_____	_____	_____	_____
Ald. Vince Vitale	_____	_____	_____	_____
Ald. Tracy Stefanski	_____	_____	_____	_____
Ald. Marty Weigel	_____	_____	_____	_____
Ald. Suzzette Grisham	_____	_____	_____	_____
Ald. Danna Kuehn	_____	_____	_____	_____
Ald. Thomas Lajsic	_____	_____	_____	_____
Ald. Dan Roadt	_____	_____	_____	_____
Ald. Rosalie Reinke	_____	_____	_____	_____
Ald. Kevin Haass	_____	_____	_____	_____

Attest

Presiding Officer

Rebecca Grill, City Clerk, City Of
West Allis

Dan Devine, Mayor City Of West
Allis