

TITLE 2 - COMMUNITY PROTECTION

DIVISION 1 - LAW ENFORCEMENT

CHAPTER 2 - VEHICLES AND TRAFFIC

ARTICLE 5 - PARKING

2.1-2.0505 DEFINITIONS. The following definitions shall apply in this Article unless the context requires otherwise:

A. Abandoned Vehicle: means any of the following:

1. A motor vehicle that has been unattended on public property for more than twenty-four (24) hours and lacks current registration plates or is inoperable.
2. A motor vehicle that has remained illegally on public property for more than fifteen (15) days.
3. A motor vehicle that has been unlawfully parked on private property or has been placed on private property without the consent of the owner or person in control of the property for more than twenty-four (24) hours, or for a motor vehicle that has been legally impounded by order of the Town Administrator or Police Officer and has not been reclaimed for a period of thirty (30) days.

B. Inoperable Vehicle: means any motor vehicle which lacks an engine, or two or more wheels or other structural part which renders the vehicle totally inoperable.

C. Park or Parking: means the standing of a vehicle whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers.

D. Vehicle: means a motor vehicle, motorized recreational vehicle, trailer, semi-trailer, mobile home or similar vehicle, whether or not such vehicle is registered under Chapter 341 Stats.

2.1-2.0510 PARKING VIOLATION NOTICE.

A. Any official as outlined in 1.1.0430 may enforce the parking regulations established in this Article by the initial issuance of a parking violation notice to be placed and secured upon the vehicle.

B. Such notice shall indicate the date and time of the violation, the license of the vehicle, the year of the license and the state in which it was issued, the make, model and type of the vehicle, the year of the vehicle and the location of the offense. Such notice shall also include designation of the general nature of the offense, the amount of the fine imposed and any comments of the issuing official or employee together with his or her initials.

C. If citation is issued by the Town and payment of the fine imposed is made in person or by mail to the Town within ten (10) days of the issuance of the notice, no citation or court action will be initiated for the particular violation unless such violation should continue. Citations issued by Eau Claire County will be enforced according to their Code.

2.1-2.0515 SCHEDULE OF PARKING FINES AND LATE FEES. See 1-1.0460 Schedule of Deposits and 1-1.0465 Classifications of Offenses; Forfeitures for current fine amounts. and the penalty schedule for late fees.

2.1-2.0520 OTHER ENFORCEMENT ACTION NOT EXCLUDED.

Notwithstanding any other provisions of this Article regarding enforcement, any official as outlined in 1.1.0430 may when they deem it necessary under the circumstances, take such other legal action as may be necessary to enforce this Article including, among other things, the issuance of a written warning or citation.

2.1-2.0525 PRESUMPTION TO ILLEGAL PARKING. In any proceeding charging a standing or parking violation, a prima facie presumption that the registered owner was the person who parked or placed such vehicle at the point where and for the time during which, such violation occurred, shall be raised by proof that:

- A. Described Vehicle: The particular vehicle described in the information was parked in violation of this Article; and
- B. Registered Owner: The defendant named in the information was the registered owner at the time in question.

2.1-2.0530 IMPOUNDING VEHICLES. Enforcement officers as outlined in 1.1.0430 are hereby authorized to remove, or cause to be removed, a vehicle from a street, public way, public parking lot or highway to the nearest garage or other place of safety, or to a garage designated and maintained by the Town, under the circumstances hereinafter enumerated:

- A. Disabled Vehicle. When a vehicle is upon a roadway or street and is so disabled as to constitute an obstruction to traffic and the person or persons in charge of the vehicle are by reason of physical injury incapacitated to such an extent as to be unable to provide for its custody or removal.
- B. Illegally Parked Vehicle. When any vehicle is left unattended upon a street or roadway and is so illegally parked as to constitute a definite hazard or an obstruction to the normal movement of traffic.
- C. Snow Removal. When any vehicle is left parked in violation of a ban on parking during a snow emergency.
- D. Parked Over forty-eight (48) hour Period. When any vehicle is left parked upon a street or roadway for a continuous period of forty-eight (48) hours or more, a diligent effort shall first be made to locate the owner. If the owner is found, he shall be given a reasonable opportunity to remove the vehicle.
- E. Costs. In addition to the standard penalties provided, the owner or driver of any vehicle impounded for the violation of any of the provisions of this Article shall be required to pay the reasonable cost of towing and storage as provided for abandoned vehicles.

2.1-2.0535 PARK ADJACENT TO CURB. No person shall stand or park a vehicle in a street or roadway other than parallel with the edge of the roadway headed in the direction of lawful traffic movement and with the right hand wheels of the vehicle within eighteen (18) inches of the curb or edge of the roadway or street, except as otherwise provided in the case of angle parking and vehicles parked on the left hand side of one-way streets.

2.1-2.0536 ANGLE PARKING. Angle parking is permitted on the East side of Blakeley Avenue from 20 feet South of the North line of Blocks 1 and 2, Beverly Hills Subdivision, to a point 135 feet South of the North line of said Blocks 1 and 2.

2.1-2.0542 RESIDENTIAL OFF-STREET PARKING.

- A. It is recognized that uncontrolled residential off-street parking, specifically in residential front yards and in residential side yards which abut a public street, is a public nuisance. The purpose of this Section is to provide for the regulation of residential off-street parking and to specify the requirements for residential off-street parking as they pertain to the appearance and the health, safety and welfare of the Town. This Section does not affect

parking on public highways, which is the subject of another Section.

B. For all purposes under this Section, "vehicle" includes all of the following: motor vehicle, vehicle designed or intended to be towed by a motor vehicle, accessory to a motor vehicle designed for human habitation of any duration or a boat on or off a trailer.

C. Except as permitted herein, no vehicle may be parked, stored or left unattended and no person may park, store or leave unattended any vehicle on any land in the Town designated for residential use by the Zoning Ordinance of Eau Claire County as the same exists on the date any party seeks to enforce this Section, except on that land zoned for rural homes.

D. Personal, non-commercial vehicles may be parked in said residential districts only on a driveway or other improved surface and only under the following conditions.

1. Parking is permitted anywhere in rear or interior side yards but only on an improved surface as defined below.
2. Parking is prohibited in front yards and side yards on a corner lot abutting a street except on a driveway.
3. Parking additional vehicles in the front yard or side yard on a corner lot abutting a street may be permitted in writing by the Town Clerk if space is unavailable or there is no reasonable access to the rear yard. Any issuance or denial of a permit by the Town Clerk may be appealed to the Town Board within 30 days of issuance or denial.
4. No part of a parked vehicle may be closer than 2 feet to any property line.

E. "Driveway Residential" means a surface maintained for motor vehicle access and parking, including those providing access from a street entrance to a garage or parking area and those used specifically for circular turnaround or circular through traffic.

Driveway widths shall not exceed 30% of the lot width or 30 feet, whichever is more. The Town Board may modify this standard if, owing to special conditions, a literal enforcement of the provisions of this Section will result in practical difficulty or unnecessary hardship, so that the spirit of the ordinance shall be observed, public safety and welfare secured and substantial justice done. In the event of conflict between any determination of the Town Board under this Section and a determination by the Eau Claire County Board of Adjustment, the most restrictive rule shall apply.

F. "Improved surface" means a surface of bituminous paving over a base course, Portland cement concrete, brick or block designed for this use and laid over a sand base, an oiled base course or crushed rock which provides a stable, hard driving surface which resists rutting, is impervious to erosion, does not result in blowing dirt or dust, the ponding of water and which eliminates the accumulation of dust, dirt and mud.

G. Any vehicle parked in violation of this Section for 48 or more consecutive hours is hereby declared an abandoned vehicle. The Town Chairperson, Town Administrator or any police officer who discovers such an abandoned vehicle may cause that vehicle to be removed and stored at a suitable place pursuant to the provisions of §342.40 Stats.

H. Any person who parks a vehicle in violation of this Section, any person who owns a vehicle parked in violation of this Section and any person rightfully in possession of the premises where a vehicle is parked in violation of this Section is guilty of a Class E offense for the first violation and guilty of a Class D offense for any violation which occurs within 1 year of a preceding violation. Each day a violation continues is a separate offense.

2.1-2.0545 PARKING PROHIBITED. No person shall stop, stand or park a vehicle except when necessary to avoid conflict with other traffic or in compliance with the directions of a peace officer, fire fighter or traffic control device, in any of the following places:

- A. Crosswalk. At a crosswalk at an intersection.
- B. Center Parkway. On the center parkway or dividing area of any divided street.
- C. Mailboxes. Within 5 feet on either side of a mailbox which is so placed and so equipped as to permit the depositing of mail from the vehicles on the roadway or street.
- D. Sidewalks and Boulevards. On or across a sidewalk or boulevard.
- E. Driveway. In front of a public or private driveway.
- Intersections. Within an intersection of any street, highway or alley.
- Fire Hydrant. Within 5 feet of a fire hydrant.
- H. Stop Sign or Signal. Within 10 feet of the approach to any flashing beacon, stop or yield sign, or traffic control signal located at the side of a roadway.
- I. Railroad Crossing. Within 50 feet of the nearest rail of a railroad crossing.
- J. Fire Station. In front of or blocking the entrance to any fire station.
- K. Excavations. Alongside or opposite any street excavation or obstruction when such stopping, standing or parking would obstruct traffic.
- L. Double Parking. On the roadway or street side of any vehicles stopped or parked at the edge or curb of a street.
- M. Hazardous Locations. When, because of restricted visibility or when standing or parked vehicles would constitute a hazard to moving traffic, or when other traffic conditions require, the Town Administrator may cause curbs to be painted with a yellow color and erect no parking or standing signs.
- N. Interstate Highway 94. No person shall stop, stand or park a vehicle, whether attended or unattended, within any fenced portion of the right-of-way of Interstate Highway 94, or on any ramps thereof or on any approaches thereto, except duly authorized construction, maintenance or emergency vehicles or vehicles present for the servicing or removing a disabled vehicle or aiding the injured. This paragraph shall not apply to any vehicle which is disabled in such a manner and to such an extent that it is impossible to avoid stopping or temporarily leaving such disabled vehicle in such position. The driver of such disabled vehicle shall, if possible, stop or push the same off the paved or improved part of the main traveled part of the right-of-way.
- O. Illegal Off-Street Parking. No person shall drive, stop, stand or park a vehicle onto or upon privately owned property or in an area developed as an off street facility, without the consent of the owner, lessee or person in charge of such privately owned property or facility.
- P. Repairing. For commercial washing, greasing or repairing such vehicle except such repairs as are necessitated by an emergency.
- Q. Advertising. Displaying advertising.
- R. Merchandise Sales. Selling merchandise from such vehicle except in a duly established marketplace or when so properly authorized as provided in the Municipal Code.
- S. Other. At any place where official signs prohibit stopping or parking.

2.1-2.0550 HANDICAPPED PARKING. Parking for the use of the physically handicapped is provided as follows:

- A. Designated Spaces. The Town Board on public property, and others on their own property, may set aside special parking places designated only for parking motorized vehicles displaying a special identification device issued in accordance with state law.
- B. Unlawful Use. The use of parking spaces designed for the handicapped and which are located on public or private property by a motor vehicle not displaying such a device, or by a motor vehicle displaying such device but not being used as operator or passenger by the individual to whom the device has been issued or another individual physically handicapped to the extent described by the applicable statute, shall be in violation of the

Municipal Code.

2.1-2.0555 NO PARKING ZONES. No person shall stop, stand or park a vehicle in any of the following specifically designated no parking zones except when necessary to avoid conflict with other traffic or in compliance with a peace officer, fire fighter or traffic control signal:

- A. East Hamilton Avenue on the south side from Fairfax Street to London Road.
- B. Fairfax Street on the east side.
- C. Beverly Hills Drive on the west side from Corona Avenue north to the Eau Claire City limits, and Beverly Hills Drive on the east side from East Hamilton Avenue south to the end.
- D. Blakeley Avenue on the east side from Henry Avenue to Brian Street.
- E. Brian Street on the south side from Blakeley Avenue to London Road.
- F. London Road from Clairemont Avenue to Sessions Street.
- G. Mall Drive on the east and west sides from East Hamilton Avenue south to the end.
- H. East Hamilton Avenue on the north side from Pomona Drive to London Road.
- I. Corona Avenue on the south side from Fairfax Street to Pomona Drive.
- J. Palomino Road
- K. Pomona Drive on the east side from E. Lexington Avenue to E. Hamilton Avenue.
- K. Priory Road on the north and south sides from 2000 ft from to the east of CTH F to 3500 ft to the east of CTH F.
- L. Riverview Drive cul-de-sac
- M. Sindelar Drive

2.1-2.0562 PARKING CONTINUOUSLY IN ONE PLACE FOR MORE THAN FORTY-EIGHT (48) HOURS PROHIBITED. No person shall park any vehicle and permit the same to remain standing upon any public street in the Town continuously and in one place for a period of more than 48 hours.

2.1-2.0564 SNOW REMOVAL.

A. Notwithstanding all other parking restrictions in this Article, it shall be unlawful to park any vehicle, except to avoid an accident or in obedience to the signal of a police officer, fire fighter or traffic control device, upon any of the streets in the Town during the times of any snow fall and within 24 hours following the end of any snow fall.

B. Notwithstanding Paragraph A above, whenever in the opinion of the Town Administrator an emergency exists in the Town or any section or sections thereof because of snow, freezing rain, sleet, ice, snowdrifts or other natural phenomenon which would create or would likely create hazardous road conditions impeding or likely to impede the free movement or fire, health, police, emergency or other vehicular traffic or otherwise endanger the safety or welfare of the Town, the Town Administrator may declare an emergency to exist for a period of 48 hours. Notice of such emergency shall be given through the media and when given shall constitute due and proper notice.

C. When in the opinion of the Town Administrator such emergency conditions do exist for a period in excess of aforesaid emergency period, the Town Administrator is authorized to declare successive periods as are necessary.

D. At least 2 hours must elapse after first notification by the news media before the penalty provisions, established and maintained for this Section exclusive of Paragraph A above, shall become operative.

E. During the period of time between the declaration of emergency by the Town Administrator and the end of such emergency and during the times designated in Paragraph A above, vehicles shall not be left, stopped, parked, abandoned or otherwise unattended on any street or highway in the Town.

F. The provisions of this Section as it pertains to any particular snow fall or snow emergency may be terminated by declaration of the Administrator similarly publicized and

shall be deemed terminated as to any particular street involved as soon as snow has been plowed on both sides of any such street. Lawful parking may be resumed on the individual street as soon as snow plowing has been completed on the full width of such street.

2.1-2.0566 PARKING SIGNS REQUIRED. Whenever by this Article or any other section of the Municipal Code any parking time limit is imposed or parking is prohibited on designated streets or portions of streets, it shall be the duty of the Town Administrator to erect and maintain or cause to be erected and maintained appropriate signs giving notice thereof and no such regulation shall become effective unless signs are erected and in place at the time of any alleged offense. When such signs are so erected giving notice thereof, no person shall disobey the restrictions or regulations stated on such sign.

2.1-2.0568 STREET MAINTENANCE. Whenever it is necessary to clear or repair a Town street or roadway or any part thereof or under other special circumstances such as the construction or maintenance of public improvements, the Town Administrator may post or cause to be posted such streets, highways or parts thereof with temporary no parking signs for a period not to exceed ten (10) days without prior Town Board authorization. Such signs shall be erected at least 2 hours prior to the time that street maintenance or similar work is to be commenced. No person shall park a motor vehicle in violation of such sign.

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 or the property or the person in control of the property upon which such driveway is located, whether or not such driveway is posted to limit or restrict parking.

2.1-2.0572 PARKING HEAVY VEHICLES PROHIBITED.

A. The Town Board finds that the parking of vehicles over 6,000 pounds in gross weight and not used exclusively for personal use, constitutes a nuisance in residential districts in the Town of Washington.

B. No person may park, or leave standing, any motor vehicle having a gross weight of 6,000 pounds or more, unless used or licensed only for personal use, on any town road or street or on any private property within the Town of Washington in an area zoned R1-L, R1-M, R-2, R-3, or RH by Eau Claire County.

C. Any such vehicle left in an area described in Paragraph B above and not occupied by its driver is hereby declared to be parked in violation of this Ordinance unless the same is being actively and diligently loaded or unloaded.

D. Any person who parks or leaves a vehicle in violation of this Section is guilty of a Class E offense.

2.1-2.0574 UNLAWFUL REMOVING OF PARKING NOTICES AND CITATIONS. No person other than the owner or operator thereof, shall remove a Town parking violation notice, warning or citation from a motor vehicle.

2.1-2.0576 ABANDONMENT OF VEHICLES PROHIBITED. No person shall abandon any vehicle unattended within the Town for such time and under such circumstances as to cause the vehicle to reasonably appear to be abandoned.

2.1-2.0577 CURRENT REGISTRATION OR LICENSE REQUIRED. No person shall park any motor vehicle, boat, etc. on a public street that does not have a current registration or license.

2.1-2.0578 PRESUMPTION OF ABANDONMENT. Any vehicle left unattended for more than 48 hours on any public street or ground or on private property where parking is prohibited, limited or restricted, without the permission of the owner or lessee or person in control of the property, 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 view and by permission of the owner, lessee or person in control of the property.

2.1-2.0580 ABANDONMENT EXCEPTIONS. This Section shall not apply to a vehicle in an enclosed building, a vehicle in an appropriate storage place or a depository maintained in a lawful place and manner properly authorized or a vehicle parked in a parking space for which a fee has been paid.

REMOVAL AND ABANDONMENT OR SALE. Any vehicle found abandoned in violation of this Article shall be impounded by an enforcement officer as outlined in 1.1.0430 on behalf of the Town until lawfully claimed or disposed of as provided for in this Article. If the enforcement officer 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 and upon determination by the Police Officer that the vehicle is not wanted for evidence or any other reason, provided that vehicles in excess of nineteen model years of age shall be sold or disposed of only by auction sale or sealed bid.

2.1-2.0584 MINIMUM IMPOUNDMENT PERIOD. The minimum period of impoundment for storage of a vehicle found in violation of this Article shall be 30 days.

2.1-2.0586 NOTICE TO OWNER OF IMPOUNDMENT. The official removing or causing the removal of any vehicle found in violation of this Article shall within 10 days thereafter notify the owner and all 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 §342.40(3) Stats. 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 rights, title and interest in the vehicle and a consent to the sale of the vehicle.

2.1-2.0588 SALE OF IMPOUNDED VEHICLE. Each retained vehicle not reclaimed by the owner or a lienholder may be disposed of by sealed bid or auction sale as provided in §342.40(3) Stats.

2.1-2.0590 SALE TO BAR CLAIMS AGAINST VEHICLE. The sale of a motor vehicle under the provisions of this Article shall forever bar prior claims thereto and interest therein except as hereinafter provided.

2.1-2.0592 PURCHASER TO REMOVE VEHICLE. The purchaser of any vehicle on sealed bid or auction sale under this Article shall have 10 days to remove the vehicle from the storage area or storage firm upon payment of a storage fee to be determined by the firm storing the vehicle. 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 sold again.

2.1-2.0594 NOTICE TO THE DEPARTMENT OF TRANSPORTATION. Within 5 days after the sale or disposition of a vehicle under this Article, the Town Clerk shall advise the State

Department of Transportation of such sale or disposition on a form supplied by said Department.

2.1-2.0596 OWNER MAY FILE CLAIM TO ABANDONED VEHICLE. At any time within 2 years of the sale of a motor vehicle as provided in this Article, any person claiming ownership of such vehicle or financial interest therein, may present a claim to the Town board setting forth such 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 the neglect or fault of the claimant. If the Board is satisfied as to the justice of the claim, it may allow the same, but in no case shall the amount allowed exceed the sum paid into the Town treasury as a result of the sale of such motor vehicle nor the amount of interest of the claimant therein.