



211 Walnut Street
Neenah, WI 54956

AN ORDINANCE: By Public Services and Safety
Committee
Re: Amend and Recreate portions of Code Ch. 16
relating to Parking Regulations and
Enforcement

ORDINANCE NO. 2017-06

Introduced: February 1, 2017

Committee/Commission Action:

Recommended for Passage

AN ORDINANCE

The Common Council of the City of Neenah, Wisconsin, do ordain as follows:

Section 1. Section 16-1 of the Code of Ordinances of the City of Neenah is amended by adding the highlighted language to read as follows:

Sec. 16-1. - State traffic laws adopted.

Except as otherwise specifically provided in this Code, the statutory provisions in Wis. Stats. Chs. 340—348, describing and defining regulations and terms with respect to vehicles and traffic, exclusive of any provisions therein relating to penalties to be imposed and exclusive of any regulations for which the statutory penalty is a fine or term of imprisonment are hereby adopted and by reference made a part of this Code as if fully set forth herein. Any act required to be performed or prohibited by any statute incorporated herein by reference is required or prohibited by this Code. Any future amendments, revisions or modifications of the statutes incorporated herein are intended to be made part of this Code in order to secure uniform statewide regulation of traffic on the highways, streets and alleys of the State. In addition, all rules and regulations promulgated by the State pursuant to Wis. Stats. chs. 340—350 are adopted by reference. Any future amendments, revisions or modifications of such rules and regulations are incorporated herein.

Section 2. Section 16-2(3)a. – c. of the Code of Ordinances of the City of Neenah is deleting the stricken language and adding the highlighted language to read as follows:

(3) Stopping and Parking ~~parking~~ violations: see secs. 16-149 & 16-150.

~~a. — Handicapped parking. Any person who violates Wis. Stats. § 346.505(2), pertaining to handicapped parking, shall pay no less than \$50.00 nor more than \$200.00.~~

~~b.—Other violations. Except as provided in Subsection (3)a of this section, any person who violates Wis. Stats. §§ 5.346.51 through 5.346.55 or Sections 16-69, 16-70, 16-99 through 16-102 or 19-1(c) of this Code shall pay to the City a forfeiture of \$10.00 if paid within ten days of date of violation.~~

~~c.—Penalties. Penalties assessed on all violations not paid within ten days shall be doubled. Failure to pay the forfeiture, including all assessments under this subsection, within 28 days of the issuance of said ticket, will result in an additional assessment of \$50.00 and will also result in the suspension of the owner or operator's vehicle registration pursuant to Wis. Stats. § 345.28.~~

Section 3. Section `16-10 of the Code of Ordinances of the City of Neenah is created to read as follows:

Sec. 16-10. – Storage of Equipment and Materials on Streets or Highways.

No person may place, temporary or otherwise, any equipment, container, dumpster, or property on a street or highway unless authorized by the Public Works Department.

Secs. 16-11—16-34. - Reserved.

Section 4. Section 16-36(a)(1) of the Code of Ordinances of the City of Neenah is amended by deleting the stricken language and adding the highlighted language to read as follows:

(a) *Official traffic maps.*

(1) *Official traffic map established.* There is hereby established and adopted an official traffic map consisting of the following specific maps (which may be collectively referred to as the City of Neenah Official Traffic Map or Official Traffic Map):

- a. Speed Limits Map;
- b. One-Way, Turns and Lanes Map;
- c. On-Street Parking Map;
- e.d. Off-Street Parking Map;
- d.e. Heavy Traffic Routes Map;
- e.f. Controlled Intersections Map.

These maps may be amended or modified by the Common Council by ordinance from time to time and shall be amended when the laws of the state require the erection or use of official traffic control devices to enforce such restrictions or limitations and those restrictions or limitations are modified.

Note: City of Neenah Traffic Maps can be found at'
<http://www.ci.neenah.wi.us/departments/city-attorney/municipal-code/>

Section 5. The following Official Traffic Maps adopted pursuant to Section 16-36(a)(1) of the Code of Ordinances of the City of Neenah are repealed and recreated (On-Street Parking Map) or created (Off-Street Parking Map) as the following Official Traffic Maps:

- On-Street Parking Map dated January 20, 2017

- Off-Street Parking Map dated January 20, 2017

The remaining Official Traffic Maps listed in Section 16-36(a)(1) remain unchanged from their last revision date.

Section 6. Article III of Chapter 16 (Sections 16-69 through 16-159) of the Code of Ordinances of the City of Neenah is repealed and recreated to read as follows:

ARTICLE III. - STOPPING, STANDING AND PARKING

DIVISION 1. -- ADMINISTRATION

Sec. 16-69. – Applicability.

This article regulates stopping, standing and parking on City of Neenah owned or operated property, including but not limited to surface parking lots, parking structures and designated parking areas; and public right-of-ways, including but not limited to streets, designated parking areas, bridges, terraces and sidewalks.

Sec. 16-70. – Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Curb Marking means a pavement marking along the paved edge of a roadway indicating a parking or stopping regulation directly adjacent the marking.

Holidays means the following days: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day.

Parking Space means an area duly designated for the parking of a single vehicle by signs, by appropriate markings on the pavement or curb, or both, or where no such markings are provided the area necessary to accommodate a single vehicle.

Parking Zone means a series of adjacent Parking Spaces where an official traffic sign has been erected giving notice of a parking regulation.

Repark means the moving of a parked vehicle from one Parking Space to another Parking Space, regardless of the amount of time the vehicle is parked in either space. Moving a parked vehicle to reoccupy the same Parking Space shall constitute an act of Reparking.

Terrace means that portion of City property between the curb line of the street and the curbside edge of the sidewalk.

Sec. 16-71. – Authority to designate stopping, standing and parking regulations.

- (a) *Authority to restrict parking on narrow streets.* Whenever construction, snow accumulations or other obstructions narrow any given street to a travel portion of less than 30 feet in width, and it is determined that this constitutes a traffic hazard, the Traffic Engineer may restrict the parking of vehicles on one or both sides of such street. Such restriction shall apply when the side or both sides of such streets are posted with proper signs and shall terminate when the street is again returned to normal widths.
- (b) *Authority to restrict stopping, standing or parking near hazardous or congested places.* The Traffic Engineer is hereby authorized to determine and designate by proper signs or Curb Markings those places not exceeding 100 feet in length in which the stopping, standing or parking of vehicles would create an especially hazardous condition or would cause unusual delay to traffic.
- (c) *Authority to establish loading zones.* The Traffic Engineer is hereby authorized to determine the location of loading zones in Section 16-91(d) and shall place and maintain appropriate signs indicating the same and stating the hours during which the provisions of this section are applicable. The Traffic Engineer shall establish such zones upon a showing of need and a further showing that their establishment will not interfere with the flow of traffic or endanger public safety.
- (d) *Authority to prohibit parking for maintenance.* The Traffic Engineer is hereby authorized when notice has been given by either public declaration through the area news media or by official traffic signs or markers having been placed or erected indicating such restrictions or limitations, to prohibit parking to permit maintenance of an area.

Secs. 16-72 – 16-88. – Reserved.

DIVISION 2. – REGULATIONS

Sec. 16-89 – Curb markings to indicate parking regulations.

- (a) *Regulations established.*
 - (1) *Red markings.* Red means no stopping, standing or parking at any time. A violation of this subsection shall constitute a violation of Section 16-91(b) and the penalty thereof.
 - (2) *Yellow markings.* Yellow means no parking at any time. A violation of this subsection shall constitute a violation of Section 16-91(c) and the penalty thereof.
 - (3) *Blue markings.* Blue means no stopping, standing or parking at any time except vehicles which display a distinguishing license plate or valid placard issued to handicapped and disabled persons and disabled veterans pursuant to Wis. Stats.

§ 346.505. A violation of this subsection shall constitute a violation of Section 16-91(h) and the penalty thereof.

- (b) *Curb markings regulated.* No person shall stop, stand or park a vehicle adjacent to any authorized Curb Marking in violation of any of the provisions of this section.
- (c) *Obstruction of curb markings.* When Curb Markings are obscured by snow or ice accumulation, temporary official traffic signs may be used to indicate the extent and regulation of the Curb Marking.
- (d) *Curb markings to indicate extent.* Where accompanied with official traffic signs, Curb Markings shall have precedence to explicitly indicate the extent of regulation along the pavement edge or the roadway.

Sec. 16-90 – Stopping and parking regulations generally (city-wide).

(a) *Stopping prohibited in certain specified places.* No person may stop or leave standing any vehicle, whether attended or unattended and whether temporarily or otherwise, in any of the following places:

- (1) Within an intersection.
- (2) On a crosswalk.
- (3) Within a safety zone.
- (4) On a sidewalk, Terrace, or sidewalk area, except when parking on the sidewalk or sidewalk area is clearly indicated by official traffic signs, Curb Markings, pavement markings, or parking meters.
- (5) Alongside or opposite any street or highway excavation or obstruction when stopping or standing at that place would obstruct traffic or when pedestrian traffic would be required to travel in the roadway.
- (6) On the roadway side of any parked vehicle unless double parking is clearly indicated by official traffic signs or pavement markings.
- (7) Adjacent to an intersecting driveway, alley, or private street.
- (8) In a lane dedicated for the travel of vehicles, including but not limited to traffic lanes, bike lanes and parking lot drive aisles.

(b) *Parking prohibited in certain specified places.* No person shall stop or leave any vehicle standing in any of the following places except temporarily for the purpose of and while actually engaged in loading or unloading or in receiving or discharging passengers and while the vehicle is attended by a licensed operator so that it may promptly be moved in case of an emergency or to avoid obstruction of traffic:

- (1) In an alley in a business district.
- (2) Adjacent to a handicap curb ramp intended for pedestrian access to or from a sidewalk or sidewalk area.

(3) Within 10 feet of a fire hydrant.

(4) Within 4 feet of the entrance to an alley or a private road or driveway.

(5) Within 10 feet of a mailbox.

(6) Closer than 15 feet to the near limits of a crosswalk.

(7) Within a distance greater than indicated in Subsections (3) through (6) if indicated by an official traffic sign or Curb Marking. A violation of this subsection shall constitute a violation of Section 16-91(c) and the penalty thereof.

(c) *Maximum time limit.* No person shall park a vehicle longer than a 24-hour period.

(d) *Overnight parking.*

(1) No person shall park any vehicle between 2:00 a.m. and 5:00 a.m.

(2) Exceptions.

a. *Seasonal alternate side parking.* From April 1 to October 31 of each year in the residential areas, defined as R-1, R-2, M-1 and M-2 on the Official Zoning District Map, persons may park their vehicles on the even-numbered side of a street on even-numbered days before 12:00 a.m. midnight, and on the odd-numbered side of a street on odd-numbered days before 12:00 a.m. midnight.

b. *Street design exemption.* From April 1 to October 31 of each year in any area where a hardship exists because of roadway design (courts, cul de sacs and streets with parking restricted on one side), persons shall be permitted to park their vehicles.

c. *Temporary parking.* The Police Department may grant permission to so park a vehicle on a temporary basis in unusual circumstances.

d. *Exempted locations.* A vehicle may be so parked on the parking lots or portions of parking lots indicated in the Off-Street Parking Map or on the following streets or portions of streets: Walnut Street on the east side of the street from East Franklin Avenue to East Doty Avenue.

(e) *Snow emergencies.* Whenever the Mayor shall, by reason of heavy snow storm or blizzard, proclaim a snow emergency pursuant to Wis. Stats. § 323.11, no person shall park, stop, or leave standing any vehicle during the hours set forth in said proclamation.

(f) *Trailer parking.* Unless authorized by the Police Department or the Public Works Department, no person shall stop, stand, or park any trailer unattached to a vehicle by which it may be propelled or drawn, except to stop temporarily for the purpose of and while actually engaged in loading or unloading property. Any trailer in violation of this subsection may be removed or towed at the owner's expense.

(g) *Parking heavy vehicles in residential districts.* No operators of a motor truck, truck-tractor, trailer, or semi-trailer or any other commercial vehicle or combination of commercial vehicles as defined at Code Subsection 26-550(1)(g) shall park such vehicle on any street or highway other than a routed state trunk highway in any residential district, defined as R-1, R-2, M-1 and M-2 on the Official Zoning District Map, except for such time as is reasonably necessary to facilitate the loading or unloading of the vehicle. Notwithstanding the foregoing, in order to facilitate the efficient transportation of students to schools, school buses may be parked in any residential district, on streets where parking is otherwise permitted.

Sec. 16-91. – Stopping and parking regulations posted for specific locations.

(a) *Parking or stopping contrary to posted sign or curb marking.* No vehicle shall be parked, stopped or left standing contrary to any official traffic sign or Curb Marking regulating parking or stopping on a public way. This subsection shall include any authorized temporary restrictions posted for the purposes of emergencies, maintenance of streets or parking lots, traffic hazards, special events or special conditions. A citation for a violation of this subsection may not be issued in lieu of a violation of Subsections 16-91(b) through (h).

(b) *No stopping zones.* No person shall park, stop or leave standing any vehicle at any time, unless for only a time period indicated on official traffic signs.

(c) *No parking zones.* No vehicle shall be parked at any time, unless for only a time period indicated on official traffic signs.

(d) *Loading zones.*

(1) *Passenger loading zone.* No person shall stop, stand, or park a vehicle for any purpose or length of time other than for the expeditious unloading and drop-off or pick-up and loading of passengers or property in any place marked as a loading zone during the hours when the provisions applicable to such zones are in effect. In no case shall the stop for loading and unloading of passengers or property exceed 5 minutes.

(2) *Truck loading zone.* No person shall stop, stand, or park a vehicle for any purpose or length of time other than for the expeditious unloading and delivery or pick-up and loading of materials in any place marked as a truck loading zone during the hours when the provisions applicable to such zones are in effect. In no case shall the stop for loading and unloading of materials exceed 30 minutes. The driver of a vehicle may stop temporarily at a loading zone for the purpose of and while actually engaged in loading or unloading passengers when such stopping does not interfere with any vehicle which is waiting to enter or about to enter such zone to load or unload property.

(3) *Bus loading zone.* No person shall stop, stand, or park a vehicle in any place marked as a bus loading zone except to stop temporarily for the purpose of and while actually engaged in loading or unloading passengers or property when

such stopping does not interfere with any motor bus which is waiting to enter or about to enter such zone. Only a motor bus may park in any place marked as a bus loading zone.

(e) *Time limit zones.* No vehicle shall be parked beyond the time limit indicated on official traffic signs. Unless otherwise posted, time limits shall apply from 8:00 a.m. to 7:00 p.m., except Weekends and Holidays.

(f) *Re-parking restricted zones.* No person shall Repark within any Parking Zone indicated as a "Reparking Restricted Zone" on official traffic signs until four hours has lapsed from when the vehicle is moved. Unless otherwise posted, the re-parking restriction shall apply from 8:00 a.m. to 7:00 p.m., except Weekends and Holidays.

(g) *Permit zones.* No vehicle shall be parked unless a valid parking permit has been issued by the City to the vehicle for the permit type indicated on official traffic signs and the identification of said parking permit is properly displayed as required by the City. Unless otherwise posted, permit parking shall apply from 8:00 a.m. to 7:00 p.m., except Saturdays, Sundays and Holidays. Permit holders and permitted vehicles are subject to all traffic laws and regulations not explicitly superseded by the permit.

(h) *Handicap zones.* No person shall stop, stand or park a vehicle in violation of Wis. Stats. § 346.505(2).

Sec. 16-92. – Parking orientation.

(a) *Parking within stall markings.* Where individual Parking Spaces are marked on the pavement, no person shall stop, stand or park a vehicle in any orientation other than entirely within the limits of the space so designated.

(b) *Required parking distances.* No vehicle shall be parked on any street greater than 12 inches from the curb or edge of the street where parking is permitted, nor shall any vehicle be parked within 2 feet of another vehicle, unless a different system of parking is clearly indicated by official traffic signs or pavement markings.

(c) *Parallel parking.* Upon a street where traffic is permitted to move in both directions simultaneously and where front-in angle or back-in angle parking is not clearly designated by official traffic signs or pavement markings, a vehicle must be parked parallel to the edge of the street, headed in the direction of traffic on the right side of the street. Upon a one-way or divided street where parking on the left side of the roadway is clearly authorized by official traffic signs or pavement markings, vehicles may be parked only as indicated by the signs or pavement markings.

(d) *Front-in angle parking.* Where angle parking is clearly authorized by official traffic signs or pavement markings, vehicles shall be parked with the rear of the vehicle oriented closest to the traffic lane at the angle indicated and within the spaces indicated.

(e) *Back-in angle parking.* Where back-in angle parking is clearly authorized by official traffic signs and pavement markings, vehicles shall be parked with the rear of the

vehicle oriented furthest from the traffic lane at the angle indicated and within the spaces indicated.

Secs. 16-93 – 16-128. – Reserved.

DIVISION 3. – ENFORCEMENT

Sec. 16-129. – Responsibility of owner.

If any vehicle is found in violation of any provisions of this article or State law and the identity of the driver cannot really be determined, the person in whose name such vehicle is registered shall be held prima facie responsible for such violation.

Sec. 16-130. – Report of police officers.

Whenever any person parks any vehicle in violation of any regulation, the police officers of the City shall report the facts thereof, knowledge of which is necessary to a thorough understanding of the circumstances attending such violation. Each such officer shall attach to such vehicle a notice to the owner or operator thereof that such vehicle had been parked in violation of a City ordinance. Such notice shall state that each such owner or operator may pay to the City a forfeiture as provided in Section 16-149.

Sec. 16-131. – Interfering with enforcement actions.

- (a) No person shall interfere with the enforcement actions of the police officers, nor shall any person erase, obliterate, cover up or remove chalk marks placed on tires by police officers for parking enforcement purposes, other than by normal use of the motor vehicle after it is moved from the Parking Space.
- (b) No person shall move his motor vehicle within a Parking Space for the purpose of extending or avoiding the parking time limit, nor shall he or she reoccupy the same space unless the motor vehicle is moved at least 20 feet.

Sec. 16-132. – Successive violations.

- (a) After a citation for overtime parking has been issued and the cited vehicle remains parked or stopped where parked when cited for the previous violation, a separate violation occurs upon the expiration of each successive maximum period of parking time as designated by official signs, markings, or meters. A separate citation may be issued for each successive violation.
- (b) After a citation for unlawful parking other than overtime parking is issued and the cited vehicle remains parked or stopped where parked when cited for the previous violation and continues to park in violation of parking law(s), a separate violation occurs on the next calendar day from when the last citation was issued. A separate citation may be issued for each successive violation.

Sec. 16-133. – Removal of illegally parked vehicles.

Any police officer may cause any vehicle parked in violation of this chapter or State law which interferes with the movement of traffic, snow removal or the maintenance of street or City owned or leased parking lots to be moved to a public parking lot garage or private towing company designated by the police department. The cost of moving and storage of the vehicle shall be paid by the owner or operator of such vehicle, and the Police Department shall hold such vehicle until all such costs have been paid.

Secs. 16-134 – 16-148. – Reserved.

DIVISION 4. – PENALTIES & FEES

Sec. 16-149. – Penalty for stopping and parking violations.

- (a) *Class A.* Any person who violates Section 16-91(h) shall pay to the City a forfeiture of one hundred fifty dollars (\$150.00) within ten days of when the citation was issued.
- (b) *Class B.* Penalties for violating Code Sections 16-7(f), 16-90(a) through 16-90(b)(3), 16-90(c) through 16-90(f), 16-91(a) through 16-91(d), 16-92 or 16-131 shall be as follows:
 - (1) *First offense.* Any person to whom was issued their first citation of any given violation shall forfeit sixteen dollars (\$16) to the City within ten days of when the citation was issued.
 - (2) *Second offense.* Any person to whom was issued a second citation for the same violation shall forfeit twenty dollars (\$20) to the City within ten days of when the citation was issued.
 - (3) *Third offense.* Any person to whom was issued a third citation for the same violation shall forfeit twenty-eight dollars (\$28) to the City within ten days of when the citation was issued.
 - (4) *Fourth and subsequent offenses.* Any person to whom was issued a fourth citation or any citation thereafter for the same violation shall forfeit forty-four dollars (\$44) to the City within ten days of when the citation was issued.
 - (5) *Effective period of offenses.* Each citation issued shall constitute an offense of that specified violation of the Code subsection indicated in the citation for a 365 day period following the date of issuance of said citation.
- (c) *Class C.* Penalties for violating Code Sections 16-90(b)(4) through 16-90(b)(6), 16-90(g) or 16-91(e) through 16-91(g) shall be as follows:
 - (1) *First offense.* Any person to whom was issued their first citation of any given violation shall be issued a written warning.
 - (2) *Second offense.* Any person to whom was issued a second citation for the same violation shall forfeit sixteen dollars (\$16) to the City within ten days of when the citation was issued.

- (3) *Third offense.* Any person to whom was issued a third citation for the same violation shall forfeit twenty dollars (\$20) to the City within ten days of when the citation was issued.
- (4) *Fourth offense.* Any person to whom was issued a fourth citation or any citation thereafter for the same violation shall forfeit twenty-eight dollars (\$28) to the City within ten days of when the citation was issued.
- (5) *Fifth and subsequent offenses.* Any person to whom was issued a fifth citation or any citation thereafter for the same violation shall forfeit forty-four dollars (\$44) to the City within ten days of when the citation was issued.
- (6) *Effective period of offenses.* Each citation issued shall constitute an offense of that specified violation of the Code subsection indicated in the citation for a 365 day period following the date of issuance of said citation.

Sec. 16-150. – Penalties for unpaid citations.

- (a) If the forfeiture resulting from a citation issued pursuant to Section 16-149 is not paid within ten days following issuance of said citation, a forfeiture of ten dollars (\$10) shall be added to the amount due.
- (b) If the forfeiture resulting from a citation issued pursuant to Section 16-149 is not paid within twenty-eight days following issuance of said citation, a forfeiture of fifty dollars (\$50) shall be added to the amount due and suspension of the owner or operator's vehicle registration pursuant to Wis. Stats. § 345.28 will result.
- (c) When a vehicle is the subject to ten or more outstanding, unpaid parking citations issued in accordance with this article, the vehicle may be considered in chronic violation of the parking ordinances until such time that all outstanding parking citations are paid in full. Further, upon a subsequent violation, a vehicle considered in chronic violation of the parking ordinance pursuant to this section may be towed and impounded at the owner's expense.

Secs. 16-151 – 16-159. – Reserved.

Section 7. Severability. In the event any section, subsection, clause, phrase or portion of this ordinance is for any reason held illegal, invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remainder of this ordinance. It is the legislative intent of the Common Council that this ordinance would have been adopted if such illegal provision had not been included or any illegal application had not been made.

Section 8. Repeal and Effective Date. All ordinances or parts of ordinances and resolutions in conflict herewith are hereby repealed. This ordinance shall take effect from and after its passage and publication.

Moved by: Ald. Bates/Stevenson

Adopted: February 1, 2017

Approved: 8-0 February 1, 2017

Published: February 6, 2017

Approved:

Dean R. Kaufert
Dean R. Kaufert, Mayor

Attest:

Patricia A. Sturn
Patricia A. Sturn, City Clerk

THIS INSTRUMENT WAS DRAFTED BY:
City Attorney James G. Godlewski
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State Bar No. 1005210