CHAPTER 7

TRAFFIC CODE

		PAGE NO.
7.01	State Traffic Laws Adopted	7- 1
7.015	School Bus Warning Lights	7- 1
7.02	Official Traffic Manual and Control Devices; Prohibited Signs Signals and Markers	7- 1
7.03	Through Highways Designated	7- 3
7.04	Safety Zones and Islands, Traffic Lanes and Loading Zones	7- 4
7.05	Heavy Traffic Routes	7- 4
7.06	Speed Restrictions	7- 6
7.07	Limited Time Parking Restrictions	7- 6
7.075	Permit Parking Lots	7- 7
7.08	Miscellaneous Parking Restrictions	7- 8
7.085	Downtown Parking Regulations	7- 11
7.09	Snow Emergency Regulations	7-14
7.10	Removal of Illegally Parked Vehicles	7-15
7.11	Abandoned Vehicles	7-15
7.12	Leaving Keys in Ignition Prohibited	7-17
7.13	Unnecessary Noise	7-17
7.131	Cruising	7-18
7.132	Exhibition Driving (Cr. Ord. #2579 - 12/5/05)	7-19
7.14	Obstruction of Railroad Crossings	7-20
7.15	Traffic and Parking Regulations on School District Grounds	7-20
7.16	Operations of Bicycles, Electric Bicycles, Electric Scooters, Play Vehicles, and In-Line Skates	7-20
7.161	Definitions	7-20
7.162	General Regulations for Operation	7-24
7.163	Regulation of Bicycles, Electric Bicycles, and Electric Scooters	7-25
7.164	Regulation of Short-Term Commercial Electric Scooter Businesses	7-27
7.165	Prohibited Area for Play Vehicles and In-Line Skates	7-32
7.17	Snowmobiles	7-32
7.171	Low Speed Vehicles	7-33
7.172	All-Terrain Routes	7-34
7.18	Penalty	7-35
7.19	Enforcement	7-37

7.01 STATE TRAFFIC LAWS ADOPTED (Rep. & Recr. Ord #1749 – 6/3/85; Am. Ord. #2623 – 4/7/08; Am Ord. #2682 – 1/10/11).

Except as otherwise specifically provided in this chapter, the statutory provisions in Section 30.07, Chs. 110, and 340 to 348, Wis. Stats., together with all related orders, rules and regulations of the Department of Transportation contained within the Wisconsin Administrative Code, describing and defining regulations 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 chapter 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 chapter. Any future amendments, revisions or modifications of the statutes incorporated herein are intended to be made part of this chapter in order to secure uniform State-wide regulation of traffic on the highways, streets and alleys of the State of Wisconsin.

7.015 SCHOOL BUS WARNING LIGHTS (Cr. Ord. #1748 – 6/3/85).

Notwithstanding the provisions of §346.48(2) (b) 2., Wis. Stats., as adopted by reference in sec. 7.01 of this chapter to the contrary, school bus operators may 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 not traffic signals and such persons must cross the street or highway before being loaded or after being unloaded

7.02 OFFICIAL TRAFFIC MANUAL AND CONTROL DEVICES; PROHIBITED SIGNS, SIGNALS AND MARKERS.

(1) DUTY OF THE DIRECTOR OF PUBLIC WORKS TO ERECT AND INSTALL UNIFORM TRAFFIC CONTROL DEVICES. Whenever traffic regulations created by this chapter, including a State of Wisconsin traffic regulation adopted by reference in sec. 7.01 of this chapter, require the erection of traffic control devices for enforcement, the Director of Public Works shall procure, erect and maintain uniform traffic control devices conforming to the Uniform Traffic Control Device Manual promulgated by the Wisconsin Department of Transportation, giving notice of such traffic regulation to the users of the streets and highways on which such regulations apply. Whenever State law grants discretion to local authorities in erecting or placement of a uniform traffic control device, devices shall be erected in such locations and in such manner as in the judgment of the Chief of Police will carry out the purposes of this chapter and give adequate warning to users of the streets and highways of the City.

(2) OFFICIAL TRAFFIC MANUAL. (Amend. Ord. #2419 – 11/5/01)

(a) Official Traffic Manual Established. There is hereby established for the City of West Bend an Official Traffic Manual in which is indicated all existing stop signs, arterial intersections, yield signs, special speed limits, one-way streets, no parking areas, restricted parking areas, and all other restrictions or limitations contained in this chapter and

which the laws of the State of Wisconsin require the erection or use of official traffic control devices to enforce such restrictions or limitations. The Official Traffic Manual was established on October 1, 1984 and revised in April 2001. Following the April 2001 revisions, the Official Traffic Manual contains only the current restrictions, limitations and other specific regulations. All such restrictions and limitations set forth in said Official Traffic Manual are hereby adopted by reference.

(b) Additions to Manual. The Council may, from time to time, make additions to or deletions from the Official Traffic Manual and the Chief of Police shall keep such Official Traffic Manual current. Every addition to said Official Traffic Manual made after October 1, 1984, shall indicate the number of the authorizing resolution and the date the appropriate official traffic control device was erected, and every deletion shall indicate the number of the authorizing resolution.

(bm) Temporary Speed Limits and Other Traffic Regulations. (Cr. Ord. #2252 – 5/20/96; Am. Ord. #2317 - 7/13/98) The City Engineer, in accordance with sound engineering practices and in consideration of the kind, speed and volume of traffic, duration of operations, and exposure to hazards, may establish temporary speed limits and otherwise regulate, warn or guide traffic for the duration of any construction, maintenance, utility, and emergency operations on any highway in the City, and she shall install or cause to be installed official traffic control devices giving notice of such limits and regulations. The Chief of Police shall make appropriate changes to the Official Traffic Control Manual as required under this subsection at the request of the City Engineer.

(c) Manual to Be Maintained. (Amend. Ord. #2419 – 11/5/01) The Official Traffic Manual shall be maintained and displayed in the office of the Police Department, Department of Public Works, City Clerk and the office of the City Attorney. The Chief of Police shall make appropriate authorized changes on said Manual within three working days after the appropriate official traffic control device is erected or removed, as the case may be.

(d) Violations Prohibited. When official traffic control devices giving notice of the restrictions, prohibitions and limitations shown on the Official Traffic Manual are erected and maintained in accordance with the provisions of this section, a violation of the restriction, prohibition or limitation shown on the Official Traffic Manual shall be a violation of the provisions of this chapter.

(3) PROHIBITED SIGNS AND MARKERS IN HIGHWAYS. No person, other than an officer authorized by this chapter to erect and maintain official traffic control devices or his designee, shall place within the limits of any street or highway maintained by the City any sign, signal, marker, mark or monument unless permission is first obtained from the Chief of Police or the State Highway Commission. Any sign, signal, marker, mark or monument placed or maintained in violation of this subsection shall be subject to removal, as provided in sub. (4) below.

(4) REMOVAL OF UNOFFICIAL SIGNS, SIGNALS, MARKERS AND TRAFFIC CONTROL DEVICES. The Chief of Police may direct the Director of Public Works to remove any sign, signal, marker or other device which is placed, maintained or displayed in violation of this chapter or State law. Any charge imposed against premises for

removal of a prohibited or illegal sign, signal, marker or device shall be reported by the Director of Public Works to the Council for review and certification at its next regular meeting following the imposition of the charge. Any charge not paid on or before the next succeeding November 15 shall be placed upon the tax roll for collection as other special municipal taxes.

7.03 THROUGH HIGHWAYS DESIGNATED. (Rep. & Recr. Ord. #2528 – 6/14/04; Am. Ord. #2587 - 3/27/06). In the interest of public safety and pursuant to the authority granted by Wisconsin law, the following streets within the City are hereby designated as through highways.

1. Barton Avenue, from Main Street to the northern City limits
2. Chestnut Street, except at Main Street
3. Creek Road
4. Decorah Road
5. Indiana Avenue, from Washington Street to Decorah Road
6. Jefferson Street, from Main Street to the western City limits
7. Kilbourn Street
8. Main Street, from Walnut Street to the southern City limits and from Franklin Street to the northern City limits
9. Paradise Drive
10. Park Avenue
11. Progress Drive
12. River Road
13. Rusco Road
14. Salisbury Road
15. Scenic Drive West
16. Schmidt Road
17. Silverbrook Drive, except at Hawthorn Drive, Decorah Road and Chestnut Street

18. Veterans Avenue

19. Walnut Street, from 7th Avenue to Main Street

20. Washington Street

21. Wildwood Road

22. 7th Avenue, except at Decorah Road

23. 18th Avenue, except at Jefferson Street

24. Schloemer Drive, from 18th Avenue to 7th Avenue except at Silver brook Drive

25. Sand Drive from Decorah Road to CTH G

7.04 SAFETY ZONES AND ISLANDS, TRAFFIC LANES AND LOADING ZONES.

The Chief of Police is hereby authorized to establish safety zones and islands, loading zones and traffic lanes of such kind and character and at such places as deemed necessary for the protection of persons using the public streets. The Board of Public Works, upon the recommendation of the Chief of Police, is hereby authorized and empowered to erect and maintain or cause to be erected and maintained such pavement markings, structures and/or signage as may be deemed necessary to mark the areas designated pursuant to this section consistent with the provisions of this chapter.

7.05 HEAVY TRAFFIC ROUTES.

(Am. Ord.# 2827 – 3/23/19) (Rep. & Recr. Ord. #2528 – 6/14/04).

(1) ROUTES DESIGNATED. The following streets and parts of streets within the City are hereby designated heavy traffic routes:

(a) Such street as is designated as U.S. 45

(b) Such street as is designated as S.T.H. 33

(c) Such street as is designated as S.T.H. 144

(d) Continental Drive

(e) Corporate Center Drive

(f) Creek Road, from Schoenhaar Drive to its western terminus

(g) (Rep. Ord. # 2529 – 7/12/04) (Recr. Ord. #2533 – 8/9/04)

Decorah Road East of South Main Street

(h) Enterprise Street

(i) Indiana Avenue between E. Washington Street and Water Street

(j) Lang Street

(k) Main Street, from Walnut Street to the southern City limits

(l) Main Street, from Franklin Street to the northern City limits

(m) Paradise Drive

(n) Parkway Drive

(o) Progress Drive

(p) River Road

(q) Rolfs Avenue from E. Washington Street to Creek Road

(r) Rusco Road, from Progress Drive to the eastern City limits

(s) Schmidt Road

(t) Schoenhaar Drive, from Creek Road to its southern terminus

(u) Stockhausen Lane

(v) Stonebridge Circle

(w) Stonebridge Road, from Paradise Drive to its southern terminus

(x) Trenton Road

(y) Water Street

(z) Wildwood Road

(aa) Wingate Street

(bb) 18th Avenue, from Washington Street to the southern City limits

(2) TRAVEL PROHIBITED. (Am. Ord. #2603 - 12/18/06). No vehicle, except a motor bus, which is not equipped with pneumatic tires or has a registered vehicle weight, as defined in sec. 7.08(4)(c) of this Code, exceeding 12,000 pounds shall be operated or moved on any street or alley not a part of the heavy traffic route designated in sub. (1) above except for the purpose of obtaining orders for, moving or delivering supplies or commodities to or from a place of business or residence facing thereon, provided that in no event shall the

weight of the vehicle and load on such other street exceed the limitations of §§348.15 and 348.16(3), Wis. Stats.

(3) SIGNS. The Director of Public Works shall cause to be secured and erected appropriate signs to give notice of the heavy traffic routes.

7.06 SPEED RESTRICTIONS. The speed restrictions set forth in the West Bend Official Traffic Manual are hereby adopted by reference.

7.07 LIMITED TIME PARKING RESTRICTIONS. (Ord. Am. #2260 - 9/16/96).

(1) ESTABLISHED IN TRAFFIC MANUAL. The limited time parking restrictions set forth in the Official Traffic Manual are adopted by reference.

(2) DISTRICT PERMITS.

(a) Persons whose principal residences abut a street within the district specified in this subsection may obtain a permit to park their vehicles therein without regard to official signs limiting parking to two hours. All other parking restrictions including but not limited to parking prohibitions and 24-hour and winter parking restrictions shall apply to vehicles with such permits.

(b) The district includes: (Am. Ord. #2334 – 4/5/99; Am. Ord. #2378 – 10/16/00).

1. Acadia Avenue north of Decorah Road
2. Eastern Avenue between Redwood Street and Decorah Road
3. Imperial Court from Redwood Drive to Kilbourn Ave.
4. James Court
5. Janet Place from Juniper Court to James Court
6. Judith Court
7. Juniper Court from Redwood Drive to Kilbourn Avenue
8. Madison Avenue from Decorah Road to Hillcrest Street
9. Redwood Street from Eastern Avenue to Acadia Avenue
10. River Road from Decorah Road to Kilbourn Street
11. Sheridan Drive from Redwood Drive to Kilbourn Avenue

12. Hillcrest Street

13. (Cr. Ord. #2387 – 1/15/01) 8th Avenue from Elm Street to Cedar Street.

(c) Applications for a permit shall be accompanied by a currently valid vehicle registration certificate and the permit fee, which shall be $5 per five year period or any portion thereof with no reduction for partial periods.

(d) A Permit shall be valid from August 1 of a year ending with a 1 or 6 to July 31 of the next year ending with a 1 or 6. It shall be valid for only one vehicle and attached to and displayed on the vehicle as directed by the Chief of Police. A permit shall be valid for parking on the street upon which the permittee's principal residence abuts, except if the residence abuts on two or more streets, it shall be valid only on the street shown as the permittee's address on both the application and the vehicle registration certificate. It ceases to be valid if the ownership or leasehold of the vehicle is transferred or terminated or if the owner or lessee changes his or her principal residence.

7.075 PERMIT PARKING LOTS (Created Ord. #2508 – 12/15/03).

(1) GENERAL PERMIT REQUIREMENTS.

(a) (Am. Ord. #2684 –03/07/2011; Am. Ord. #2908—01/12/2023) Application. Prior to the issuance of any permit, the City Clerk's Office must be provided with the name of the person to whom the permit is to be issued, the business where the person is employed, and the license plate number(s) of the person's vehicle(s). The permit fee, as specified from time to time by the Common Council, must be paid at the time of application. It is the responsibility of the permit holder to notify the Clerk's Office of vehicle or license plate changes. Permits shall be issued on a first-come, first-served basis. If there are no permits available, a waiting list will be established. Persons on the waiting list will be contacted on a first-come, first-served basis when a permit becomes available. Any permit which becomes available shall be offered for purchase as an annual permit to the waiting list, or if no waiting list exists to the general public. If, after one week, no person has purchased the available permit on an annual basis, the permit shall be offered for sale on an annual or monthly basis.

(b) (Am. Ord. #2772 – 08/01/2015; Am. Ord. #2908 – 01/12/2023) Term. Permits shall be issued on a monthly or annual basis. The permit year runs from January 1 to December 31.

(c) (Am. Ord. #2908 – 01/12/2023) Renewal of Permits.

1. Annual Permits. Persons or businesses holding annual permits shall be given the opportunity to renew these permits on or before the close of business on the second Friday in December of each year. Any permit not renewed by the holder shall be

sold pursuant to Section (1)(a) on the third Monday of December.

2. Monthly Permits. Persons or businesses holding monthly permits shall be required to renew their permits by making the required payment by close of business on the first Friday of each month. Any permit for which payment is not received shall be revoked and offered for sale pursuant to Section (1)(a) on the second Monday of the month.

(d) Transfer of Permit Prohibited. Transfer or assignment of a permit from one person to another, except within a business holding the permit, is prohibited.

(e) Discontinued Use of Permit. When a permit holder no longer needs or uses the parking permit, it should be turned in to the Clerk's Office. At that time, the parking permit will be offered to the next person/business on the waiting list. No refund shall be issued to the original permit holder upon turning the permit in to the Clerk's Office.

(f) Exhibition of Permit. The permit shall be placed in the vehicle so that it is visible to persons outside of the vehicle.

(2) PARKING LOTS. Any person parking a vehicle in the following parking lots must comply with the permit requirements of the section:

(a) Fire Department Station #1 Parking Lot. (Rep. & Recr. Ord # 2884 – 8/24/21). A permit is required for the upper parking lot located at 325 N 8th Ave. between the hours of 9:00 a.m. and 5:00 p.m., Monday through Friday.

(b) Hickory Street Parking Lot. (Am. Ord. #2684 – 3/7/11). A permit is required for the parking lot located at the northeast corner of Hickory Street and 7th Avenue between the hours of 7:00 a.m. and 5:00 p.m., Monday through Friday.

(c) Walnut Street Parking Lot (Am. Ord. #2684 – 3/7/11). A permit is required for the southernmost three rows of the parking lot located at the northwest corner of Walnut Street and 5th Avenue between the hours of 9:00 a.m. and 5:00 p.m., Monday through Friday.

(d) (Rep. Ord. #2684 – 3/7/11)

(e) (Rep. Ord. #2908 – 01/12/2023)

7.08 MISCELLANEOUS PARKING RESTRICTIONS.

In addition to parking prohibited in the City of West Bend Official Traffic Manual, no vehicle shall be parked in violation of any of the provisions of this section.

(1) TWENTY FOUR HOUR PARKING PROHIBITED (Am. Ord. #1994 – 5/21/90). No person shall park a vehicle, nor shall any owner of a vehicle permit a vehicle to be parked on any public street, alley, public parking lot or any public parking place

maintained by the City for a period longer than 24 consecutive hours without the vehicle being moved at least 75 feet.

(2) ALL NIGHT PARKING REGULATED. (Am. Ord. #2614 - 7/2/07; Am. Ord. #2664 – 12/7/09). No person shall park any vehicle between the hours of 3:00 A.M. and 6:00 A.M. of any day on any of the following streets:

(a) Main Street, from Washington Street to Poplar Street.

(b) Fifth Avenue, from Main Street to Walnut Street.

(c) Sixth Avenue, from Main Street to Walnut Street.

(d) Cedar Street, between Main Street and 7th Avenue.

(e) Elm Street, between 6th Avenue and 7th Avenue.

(f) Hickory Street, between Main Street and 7th Avenue.

(g) Walnut Street, between Main Street and 7th Avenue.

(h) Mill Street, on the south side of the street, between Main Street and Service Drive except for 6 parking spaces east of the driveway behind 243 North Main Street.

(3) WINTER PARKING REGULATIONS (Rep. & Recr. Ord. #1824- 10/27/86; Am. Ord. #2664 – 12/7/09). Beginning at 11:00 P.M. on December 1 and ending at 6:00 A.M. on April 1, no person shall park in any public street, alley or highway of the City between the hours of 11:00 P.M. and 6:00 A.M. from December 1 to April 1, except that if not otherwise prohibited by this chapter, vehicles may be parked on the streets on the even-numbered side of the street on those nights which at 11:00 P.M. bear an even calendar date and continue to the following 6:00 A.M. and on the odd-numbered side of the street on those nights which, at 11:00 P.M., bear an odd calendar date and continue to the following 6:00 A.M.

(4) HEAVY VEHICLE PARKING REGULATIONS (Rep. & Recr. Ord. #1743 – 5/6/85; Rep. & Recr. Ord. #2327 -1/11/99; Am. Ord. #2603 - 12/18/06).

(a) Restrictions. Except as provided in par. (b), the following types of vehicles shall not be parked on any street between the hours of 12:00 A.M. and 6:00 A.M. of any day:

1. Any vehicles having a registered vehicle weight in excess of 12,000 pounds;

2. Mobile homes as defined in sec. 340.01(29), Wis. Stats.;

3. Motor buses as defined in sec. 340.01(31), Wis. Stats.;

4. Motor homes as defined in sec. 340.01(33m), Wis. Stats.;

5. School buses as defined in sec. 340.01(56), Wis. Stats.;

6. Semitrailers as defined in sec. 340.01(57), Wis. Stats.; or

7. Any trailer that is not attached to another licensed vehicle.

(b) Exceptions. The parking restrictions of this subsection do not apply when:

1. Any of the exceptions to stopping and parking restrictions in sec. 346.50 Wis. Stats., are applicable;

2. (Repealed)

3. The parked vehicle is a trailer that is owned or used by a unit of government;

4. The parked vehicle is a construction or demolition trailer being used for construction work in the immediate area; or

5. The parked vehicle is a public service vehicle

(c) Definitions. As used in this subsection, the following words shall be defined as follows:

1. PUBLIC SERVICE VEHICLE. Any vehicle owned by a public utility as defined in sec. 196.01(5), Wis. Stats., or a telecommunications carrier, as defined by sec. 196.01(8m), Wis. Stats., or any authorized emergency vehicle as defined in sec. 340.01(3), Wis. Stats., or any vehicle used for towing by a licensed towing service.

2. REGISTERED VEHICLE WEIGHT. The maximum weight of a vehicle and its contents as reported by the vehicle's registration information provided by the Wisconsin Department of Transportation.

(5) (Rep. Ord. #2742 – 08/24/2013)

(6) PARKING IN ALLEYS REGULATED. All parking in alleys which obstructs traffic is prohibited, except in alleys in the business district for the purpose of loading or unloading freight.

(7) PARKING IN DRIVEWAYS PROHIBITED. No person shall park or leave standing any motor vehicle in any private driveway without the permission of the owner or lessee of the property upon which such driveway is located, whether or not such driveway is posted to prohibit parking.

(8) STREET MAINTENANCE. (Am. Ord. #2305 – 1/26/98) Whenever it is necessary to clear or repair a City roadway or any part thereof, the Street Department shall post such highways or parts thereof with appropriate signs prohibiting parking. Such signs shall be erected at least 2 hours prior to the time that street maintenance work is to be commenced. No person shall park a motor vehicle in violation of such signs.

(9) DESIGNATED PARKING SPACES. (Am. Ord. #2672 – 4/19/2010). The Board of Public Works may have lines or markings painted upon the curb and/or upon the street or parking lot surface for the purpose of designating a parking space. Approval of a street design and/or awarding the contract to construct a street shall constitute approval by the Board of Public Works of any lines or marking designating parking spaces included in the street design or plans. It shall be unlawful to park any vehicle across any line or marking or to park vehicle in such position that the same shall not be entirely within the area designated by such lines or markings.

(10) PARKING BETWEEN CURBS ONLY (Cr. Ord. #1896 – 6/13/88; Am. Ord. #2011 – 11/5/90).

(a) On streets with curbs, no person shall park or leave standing any vehicle on the street outside of the paved area between the curbs, except as provided in par. (b) below.

(b) Vehicles may be parked between the sidewalk and curb in single family and 2-family residential districts if all of the following conditions are met:

1. The distance between the sidewalk and the roadway is at least 18 feet.

2. The vehicle is parked on a paved driveway.

3. No part of the vehicle extends over the roadway or the sidewalk.

4. No part of the vehicle is within 25 feet of intersecting street or alley right of way lines.

(11) PARKING ON UNPAVED SURFACES PROHIBITED (Cr. Ord. #2739 – 6/1/13). Except as otherwise permitted by the Zoning Code, off-street parking of motorized vehicles and all other vehicles requiring registration with the Wisconsin Department of Motor Vehicles shall be in an enclosed building or on a paved driveway or parking area.

7.085 DOWNTOWN PARKING REGULATIONS. (Cr. Ord. #2452 – 9/16/2002; Rep. & Recr. Ord #2908 – 01/12/2023).

(1) DEFINITIONS.

(a) Customer.

1. "Customer" means:

a. A person purchasing, receiving, or viewing for potential purchase or receipt, goods or services from a business or service organization.

b. A person visiting or providing services to a business or service organization.

c. A person utilizing any amenities within a public space or attending an event.

2. "Customer" shall exclude the following:

a. Any owner, employee, agent, volunteer, or independent contractor of any business or service organization located in the Customer Parking Zone; or

b. Any resident or visitor of a dwelling unit located within the Customer Parking Zone.

c. A person otherwise excluded by this section may be a Customer for purposes of this Section if the person is engaged in any of the activities described in (1), above, for the full duration of the time the person has a vehicle parked within the Customer Parking Zone.

(b) Customer Parking Zone. The Customer Parking Zone is designated on the map included herein, more specifically described as:

1. Street parking in the following area: east of, but not including, 7th Avenue; north of and including Poplar Street; West of the Milwaukee River; and South of, but not including, Washington Street.

2. Street parking on Veterans Avenue between E. Washington Street and Water Street.

3. The northernmost three rows of the parking lot located at the northwest corner of Walnut Street and 5th Avenue.

(c) Public Parking Lots. The following lots shall be designated as public parking:

1. The parking lot located east of Veterans Avenue and north of Water Street.

2. The parking lot located south of Water Street and east of the Eisenbahn State Trail.

3. The parking lot north of Water Street between Wisconsin Street and Forest Avenue.

Downtown West Bend
Customer Parking Zone and Public Parking Lots



(2) PARKING WITHIN THE CUSTOMER PARKING ZONE. Between the hours of 9:00 a.m. and 5:00 p.m., Monday through Friday, all parking within the Customer Parking Zone, as defined herein, shall be limited to Customers only.

(3) PARKING IN PUBLIC PARKING LOTS. The lots designated herein as Public Parking Lots shall be available for general public parking. Pursuant to Section 7.08(1) of the Municipal Code, no person may park in the Public Parking Lots for a period longer than 24 consecutive hours without the vehicle being moved at least 75 feet.

(4) CITY PERMIT PARKING LOTS. Parking in lots designated City Permit Parking shall comply with the provisions of Section 7.075.

7.09 SNOW EMERGENCY REGULATIONS. (Rep. & Recr. Ord. #2305 – 1/26/98)

(1) DEFINITIONS.

(a) Snowstorm. A snowstorm which produces traffic congestion or impedes the operation of emergency vehicles.

(b) Emergency Vehicles. Includes police cars, fire fighting apparatus, ambulances, rescue squad cars, snow removal equipment and machinery, and any other emergency vehicles.

(c) Emergency Thoroughfare. Any street, alley, lane or public highway which may be used by an emergency vehicle.

(2) DECLARATION OF EMERGENCY. The Mayor or, in his absence, the President of the Council, the Director of Public Works or the Chief of Police, in such order of priority, may, when necessary, declare a state of public emergency and the duration thereof. Declarations of emergency shall be made by public proclamation.

(3) NOTICE OF EMERGENCY. The Mayor or other authorized officials, as stated in sub. (2) above, may proclaim the state of emergency through the medium of TV, radio, the press, placards, audible signals or other means of public communication.

(4) DURATION OF EMERGENCY. Such emergency shall continue for 48 hours or until such earlier time as the Mayor or other authorized official has declared the snow removal operation completed.

(5) PARKING REGULATIONS DURING EMERGENCY. Whenever a snow emergency has been declared, as provided in this section, no person shall park a vehicle on any public street, alley, public parking lot or highway of the City.

(6) EMERGENCY POWERS. Notwithstanding the provisions of sub. (5) above, the Director of Public Works is authorized to erect temporary "no parking" signs during the

existence of snow emergency, as defined by this section, and it shall be unlawful for any person to park, or suffer to be parked, any vehicle of any kind or description upon any public street, alley, public parking lot or highway where such temporary "no parking" signs have been erected.

7.10 REMOVAL OF ILLEGALLY PARKED VEHICLES. (Am. Ord. #2614 - 7/2/07).

(1) Any vehicle parked or left standing upon a highway, street or alley or other public grounds in violation of any of the provisions of this chapter is declared to be a hazard to traffic and public safety. Such vehicle shall be removed by the operator, upon request of any police officer, to a position where parking, stopping or standing is not prohibited. Any police officer, after issuing a citation for illegal parking, stopping or standing of an unattended vehicle in violation of this chapter, is authorized to remove such vehicle to a position where parking is not prohibited. The officer may order a motor carrier holding a permit to perform vehicle towing services, a licensed motor vehicle salvage dealer or a licensed motor vehicle dealer who performs vehicle towing services to remove and store such vehicle in the police impound lot, any storage garage or rental parking grounds or any facility of the person providing the towing services.

(2) (Am. Ord. #2630 – 7/7/08). Pursuant to its authority under sec. 349.13(3), Wis. Stats., the City hereby establishes a towing charge forfeiture. Whenever a vehicle is lawfully towed by or at the direction of the police department, the owner or operator of the towed vehicle shall forfeit a towing charge equal to the City's actual cost for the towing services as documented by an invoice, receipt or other document from the company or person who towed the vehicle and a storage charge of $10.00 per day.

7.11 ABANDONED VEHICLES. (Rep. & Recr. Ord. #2214 – 7/10/95)

(1) ABANDONMENT OF VEHICLES PROHIBITED. No person shall leave unattended on any public highway or any public or private property in the City any motor vehicle, trailer, semi-trailer or mobile home as defined in sec. 340.01, Wis. Stats., whether or not registered under Ch. 341, Wis. Stats., for such time and under such circumstances as to cause it reasonably to appear abandoned.

(2) PRESUMPTION OF ABANDONMENT.

(a) Unattended Vehicles. Any such vehicle left unattended for more than 48 hours on any public highway or property or on any private property where parking is prohibited or restricted, without the permission of the authority or owner in charge thereof, is deemed abandoned and constitutes a public nuisance.

(b) Inoperable and Unregistered Vehicles. Any such vehicle which is disassembled, dismantled, inoperable, wrecked or unregistered and any parts thereof stored or remaining in the open on any public highway or property, or on any private property not

utilized as a vehicle junk or salvage yard permitted under this Code, may be determined by the Police Department to be abandoned and to constitute a public nuisance.

(c) Enclosed and Covered Vehicles. (Am. Ord. #2364 - 3/27/00) This subsection does not apply to such vehicles located on private property, not in violation of this Code, if enclosed completely in a building.

(3) EXEMPTION. Any owner or operator of a registered vehicle which becomes disabled or inoperable for any reason, who is unable to remove it from any highway or public property not a prohibited or restricted parking area, shall notify the Police Department within 12 hours of such occurrence of the location of the vehicle and transfer and deliver clear title to the vehicle to the City together with towing costs for junking the vehicle, and thereupon shall be exempt from the provisions of this section. When so requested by the owner or operator, the Chief of Police is authorized to remove and junk such vehicle directly from its location.

(4) IMPOUNDMENT OF ABANDONED VEHICLES. Any vehicle found abandoned in violation of this section shall be impounded by the Police Department until reclaimed or disposed of under sub. (5) below, except if the Chief of Police determines that the towing costs and storage charges for the impoundment would exceed the value of the vehicle, it may be disposed of by private sale or junked by the Chief of Police directly from its location and prior to the expiration of the impoundment period unless the vehicle is stolen or otherwise needed for evidence or another reason. All substantially complete vehicles in excess of 19 model years of age shall be disposed of in accordance with sub. (5) below.

(5) DISPOSAL OF ABANDONED VEHICLES.

(a) Reclamation of Vehicles. Any vehicle abandoned in violation of this section and impounded shall be retained in storage for a minimum of 10 days after notice by certified mail has been sent to the owner as defined in sec. 340.01, Wis. Stats., and to any secured party of record of their right to reclaim it upon payment of the towing cost and accrued storage charges. Such notice shall contain the information set forth in sec. 342.40, Wis. Stats.

(b) Vehicles Not Reclaimed. Any vehicle not reclaimed by the owner or lien holder under par. (a) above may be disposed of by sealed bid or auction sale in accordance with sec. 342.40, Wis. Stats., except if the Chief of Police determines that the value of the vehicle is $500 or less, it may be disposed of by private sale or junked by the Chief of Police. A list of vehicles to be sold shall be made available by the Chief of Police to any interested person or organization upon request.

(c) Removal of Vehicles; Forfeiture of Interest. The purchaser of any vehicle sold under this subsection shall have 10 days after the sale date to remove it from storage and shall pay a reasonable storage charge for each day it remains in storage after the second business day subsequent to the sale date. The purchaser shall forfeit all interest in the vehicle, and it shall be deemed to be abandoned and may be sold again, if it is not removed within 10 days after the sale date.

(d) Title to Vehicles. Upon sale of an abandoned vehicle under this subsection, the Chief of Police shall furnish the purchaser with a completed form designed by the State Department of Transportation enabling the purchaser to obtain a regular certificate of title. Within 5 days after the sale or disposal of a vehicle under this subsection or sub. (4) above, the Chief of Police shall advise the department of its disposition on a form supplied by the department.

(e) Claims Barred; Exception. The sale of a vehicle under this subsection or sub. (4) above shall bar forever all prior claims thereto and interest therein except that, at any time within 2 years after the sale, any person claiming ownership or another financial

interest in such vehicle may present a claim to the Council setting forth any facts necessary to establish the ownership or interest and to demonstrate that failure to reclaim the vehicle prior to sale was excusable neglect. The Council may allow such claim only to the extent of the claimant's interest in the vehicle and in an amount not to exceed the proceeds of the sale.

(6) INVENTORY REQUIRED. The Police Department shall maintain an inventory of all vehicles disposed of under this section, whether by sealed bid, auction sale, private sale or junking, including the dates and methods of disposal, the consideration received for the vehicles, if any, and the names and addresses of the persons taking possession of the vehicles.

(7) OWNER LIABILITY. The owner of any abandoned vehicle except a stolen vehicle is responsible for the abandonment and liable for the costs of any charges of its impoundment and disposal. Costs and charges not recovered from its sale may be recovered by the City in a civil action against the owner.

7.12 LEAVING KEYS IN IGNITION PROHIBITED.

No person shall permit a motor vehicle in his custody to stand or remain unattended on any street, alley or in any other public place except an attended parking area unless the starting lever, throttle, steering apparatus, gear shift or ignition of said vehicle is locked and the key removed.

7.13 UNNECESSARY NOISE.

(Rep. & Recr. Ord. #1815 – 8/4/86; Renumbered & Am. Ord. #2318 - 7/27/98).

(1) GENERALLY. No person shall make unnecessary and annoying noises with a motor vehicle by squealing of tires, excessive acceleration of engine, or emission of loud exhaust system noise.

(2) RADIOS OR OTHER ELECTRIC SOUND AMPLIFICATION DEVICES. (Cr. Ord. #2318 – 8/3/98)

(a) Except as otherwise provided in sec. 347.38(1) of the Wis. Stats., no person may operate or park, stop, or leave standing a motor vehicle while using a radio or other electric sound amplification device emitting sound from the vehicle that is clearly

audible under normal conditions from a distance of 50 or more feet, unless the electric sound amplification device is being used to request assistance or warn against an unsafe condition.

(b) This subsection does not apply to any of the following:

1. The operator of an authorized emergency vehicle, when responding to an emergency call or when in the pursuit of an actual or suspected violator of the law or when responding but not returning from a fire alarm.

2. The operator of a vehicle of a public utility, as defined in sec. 11.40(1) (a), Wis. Stats.

3. The operator of a vehicle that is being used for advertising purposes.

4. The operator of a vehicle that is being used in a community event or celebration, procession, or assemblage.

5. The activation of a theft alarm signal device.

6. The operator of a motorcycle being operated outside of a business or residence district.

(3) USE OF DYNAMIC BRAKING DEVICES PROHIBITED. (Cr. Ord. #2427 - 3/11/02).

(a) Definition. A dynamic braking device, commonly referred to as “jake” brakes, “jacob’s” brake, engine brake or compression brake, means a device primarily on trucks for the conversion of the engine from an internal combustion engine to an air compressor for the purpose of braking without the use of wheel brakes.

(b) Use Prohibited No person shall use a motor vehicle within the city limits where the dynamic braking device is in any way engaged or activated on such motor vehicle or any unit a part thereof, except for emergency situations for the purpose of avoiding a collision with another object or vehicle.

7.131 CRUISING (Cr. Ord. #2008 – 9/17/90).

(1) DEFINITIONS. In this section, the following words and phrases have the designated meanings unless the context clearly indicates a different meaning:

(a) (Am. Ord. #2070 – 5/18/92). "Cruising" means driving a motor vehicle in the same direction past a traffic control point on a street in the designated area three (3) or more times within a two (2) hour period between the hours of 8:00 p.m. and 4:00 a.m. in a manner and under circumstances manifesting a "purpose" of unnecessary, repetitive driving in such area. Among the circumstances which may be considered in determining whether

such purpose is manifested are that such person or any other person present in the vehicle attempts to gain the attention of other motorists or pedestrians or engages them in conversation, whether by hailing, arm waving, horn blowing, or another action or device; that such person or any other person present in the vehicle enters or exits the vehicle directly from or to another vehicle driven in or parked in close proximity to the designated area; that such person or any other person present in the vehicle violates state or municipal traffic regulations or municipal ordinances; or that such person has declared his or her purpose for driving to be that of cruising. The violator's conduct must be such as to demonstrate a specific intent to cruise. No arrest shall be made for a violation of this section unless the arresting officer first affords an opportunity to explain such conduct; and no person shall be convicted of violating this section if it appears at trial that the explanation given was true and disclosed a lawful purpose, not unnecessary, repetitive driving. Lawful purposes include traveling to a specific destination by a person whose residence address is in the designated area or by a person whose business or employment requires driving in the designated area, and operating an official emergency or police vehicle in the designated area.

(b) Designated Area. Main Street, between Paradise Drive and Washington Street.

(c) Traffic Control Point. A point on a street in the designated area selected by a police officer for the purpose of enforcing this section.

(2) CRUISING PROHIBITED. No person shall cruise. The person having care, custody or control of a motor vehicle shall be considered the person cruising regardless of whether that person was actually driving the motor vehicle all or any of the times it passed the traffic control point. For the purposes of this section the person having care, custody or control of a motor vehicle shall mean the owner of the vehicle if present in the vehicle at the time of the violation or the person operating the vehicle if the owner is not present.

(3) (Rep. Ord. #2070 – 5/18/92).

7.132 EXHIBITION DRIVING (Cr. Ord. #2579 - 12/5/05)

(1) PRIMA FACIE EVIDENCE. It is prima facie evidence of exhibition driving when a motor vehicle stops, starts, accelerates, decelerates or turns at an unnecessary rate of speed so as to cause tires to squeal, gears to grind, soil to be thrown, engine backfire, fishtailing or skidding, or, as to two-wheeled or three-wheeled motor vehicles, the front wheel to lose contact with the ground or roadway surface.

(2) EXHIBITION DRIVING PROHIBITED. No person shall do any exhibition driving on any street, parking lot or other public or private property, except when an emergency creates necessity for the operation to prevent injury to persons or damage to property.

7.14 OBSTRUCTION OF RAILROAD CROSSINGS.

(1) TIME LIMITATIONS. It shall be unlawful to stop any railroad train, locomotive or railroad car upon or across any highway or street crossing or to cause obstruction of vehicular traffic on public streets at such crossing by the stopping, leave standing, switching or otherwise maintaining constant railway use at such crossing longer than 5 continuous minutes, or for more than 7 minutes out of any 12 continuous minutes.

(2) PENALTY. Either the owner or any conductor, engineer, switchman, brakeman or other employee or agent in charge of, or otherwise responsible for, such offending railroad locomotive or car who shall violate the provisions of this section shall, upon conviction, pay the City a forfeiture of not less than $50 nor more than $150 for each such violation, and a violation for each 12 minute period shall constitute a separate offense, plus the cost of prosecution, and, in default of payment, shall be imprisoned not less than 5 days nor more than 15 days in the County jail.

7.15 TRAFFIC AND PARKING REGULATIONS ON SCHOOL DISTRICT GROUNDS.

Pursuant to the provisions of §118.105, Wis. Stats., the following regulations shall apply to the grounds of the West Bend School District located within the City.

(1) (Rep. Ord. #2610 - 3/26/07).

(2) SPEED LIMITS. No person shall at any time operate a motor vehicle upon the West Bend School District grounds at a speed in excess of 15 miles per hour.

(3) (Rep. Ord. #2610 - 3/26/07)

(4) (Rep. Ord. #2610 - 3/26/07)

(5) (Cr. Ord. #2610 - 3/26/07) Where signs are erected by the West Bend School District giving notice of traffic or parking restriction on school premises, no person shall violate those restrictions.

7.16 OPERATION OF BICYCLES, ELECTRIC BICYCLES, ELECTRIC SCOOTERS, PLAY VEHICLES, AND IN-LINE SKATES.

(Rep & Recr. Ord. #8 7/20/2026).

7.161 DEFINITIONS.

The definitions set forth in § 340.01, Wis. Stats, are incorporated into the Municipal Code by reference. The following terms are specifically set forth for reference or defined as follows:

(1) "Bicycle" means every vehicle propelled by feet or hands acting upon pedals or cranks and having wheels any 2 of which are not less than 14 inches in diameter.

(2) "Downtown West Bend Business Improvement District" - see map

(3) "Electric Bicycle" shall have the meaning as defined in § 340.01(15ph), Wis. Stats., and shall be classified as follows:

(a) Class 1 Electric Bicycle - A bicycle equipped with an electric motor of 750 watts or less that provides assistance only when the rider is pedaling and ceases to provide assistance when the bicycle reaches the speed of 20 miles per hour.

(b) Class 2 Electric Bicycle - A bicycle equipped with an electric motor of 750 watts or less that may be used to propel the bicycle without pedaling but does not assist when the bicycle reaches the speed of 20 miles per hour.

(c) Class 3 Electric Bicycle - A bicycle equipped with an electric motor of 750 watts or less that provides assistance only when the rider is pedaling and ceases to provide assistance when the bicycle reaches the speed of 28 miles per hour.

(4) "Electric Scooter" shall have the meaning as defined in § 340.01(15ps), Wis. Stats., means a device weighing less than 100 pounds that has handlebars and an electric motor, is powered solely by the electric motor and human power, and has a maximum speed of not more than 20 miles per hour on a paved level surface when powered solely by the electric motor. "Electric Scooter" does not include an electric personal assistive mobility device, motorcycle, motor bicycle, electric bicycle, or moped. Any non-motorized scooter shall be regulated as a "play vehicle."

(5) "Historic Barton Business District" - see map

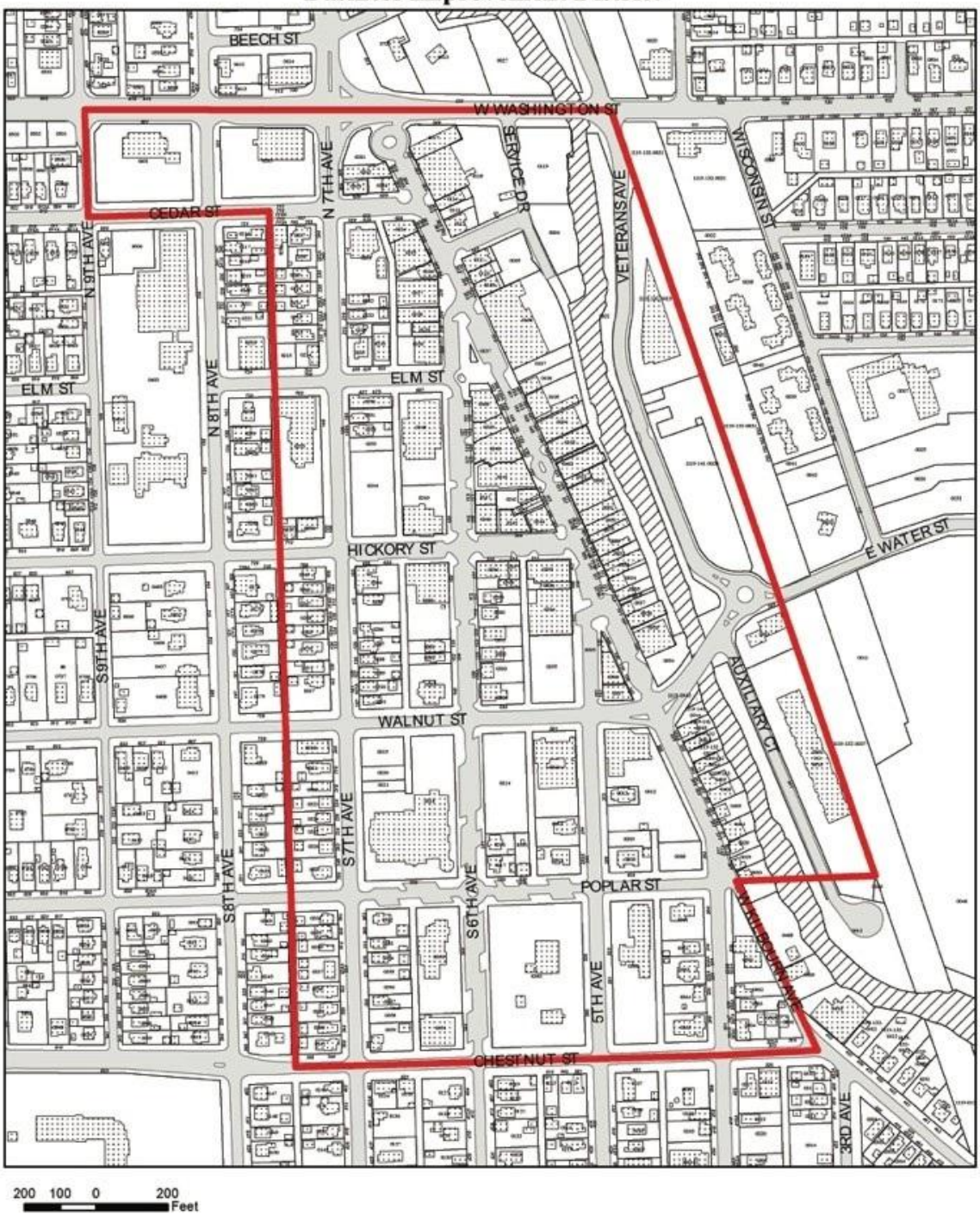
(6) "In-line skates" has the meaning set forth in sec. 340.01(24m), Wis. Stats.

(7) "Motor bicycle" means a bicycle to which a power unit that is not an integral part of the vehicle has been added to permit the vehicle to travel at a speed of not more than 30 miles per hour with a 150-pound rider on a dry, level, hard surface with no wind and having a seat for the operator. "Motor bicycle" does not include an electric bicycle.

(8) "Play vehicle" has the meaning set forth in sec. 340.01(43m), Wis. Stats., and does not include bicycles, electric bicycles, or electric scooters regulated under this Chapter.

(9) "Sidewalk" means that portion of a highway between the curb lines, or the lateral lines of a roadway, and the adjacent property lines, constructed for use of pedestrians. For purposes of this Sections 7.161 through 7.165, "sidewalk" shall also include any area designated as a recreational trail located within the City, including, but not limited to the Riverwalk, Eisenbahn Trail, and any pedestrian pathways located in City parks.

Downtown West Bend
Business Improvement District




Historic Barton Business District
LISBURY RD
MONROE ST
COMMERCE ST
BARTON AVE
SCHMIDT RD
GADOW LN
RIVER DR
HARRISON ST
ROOSEVELT DR
MONROE ST
JEFFERSON ST
N MAIN ST
Legend
Subject Area

7.162 GENERAL REGULATIONS FOR OPERATION.

The following regulations shall apply to the operation of all bicycles, electric bicycles, electric scooters, in-line skates, and play vehicles:

(1) Every person operating a bicycle, electric bicycle, electric scooter, in-line skates, or play vehicle in the City shall be subject to all applicable provisions of this chapter and to applicable State statutes relating to equipping and operating bicycles or electric scooters. The provisions of §§ 346.77 through 346.81, Wis. Stats., are specifically incorporated herein by reference.

(2) Any person operating a bicycle, electric bicycle, electric scooter, in-line skates, or play vehicle in the City must ride in a reasonable and controlled manner at all times.

(3) Any parent or guardian of a person 12 years of age or younger operating a bicycle, electric bicycle, electric scooter, in-line skates, or play vehicle shall be liable for any violations of this Section committed by the minor and shall be subject to forfeitures as set forth herein.

(4) Operators of a bicycle, electric bicycle, electric scooter, in-line skates, or play vehicle and/or parents or guardians of such operators as set forth in (3), above, shall be fully liable for any damage caused to public or private property as a result of purposeful, negligent or illegal actions in conflict with this Section, and thus shall be responsible for complete and full restitution of all costs associated with such damage, in addition to any forfeiture for such violation.

(5) No person shall abandon any bicycle, electric bicycle, electric scooter, in-line skates, or play vehicle on any street, sidewalk or on any public or private property within the city, and no person shall leave any bicycle, electric bicycle, or electric scooter unattended on any public or private property within the city for such time and under such circumstances as to cause the bicycle, electric bicycle, or electric scooter reasonably to appear to have been abandoned.

(6) Operation of Bicycles, Electric Bicycles, Electric Scooters, In-line Skates, and Play Vehicles on Sidewalks.

(a) Any user may operate a bicycle, electric bicycle, electric scooter, in-line skates, or play vehicle on permitted sidewalks.

(b) Prohibited Sidewalk Areas. Operation on the following sidewalks shall be prohibited:

1. Sidewalks in the Downtown West Bend Business Improvement District.

2. Sidewalks in the Historic Barton Business District.

3. Sidewalks where the Chief of Police, or the Chief's designee, determines that operation of bicycle, electric bicycle, electric scooter, in-line skates, or play vehicle jeopardizes the safety of pedestrian users thereon. Any such sidewalk shall be marked with signage

indicating that bicycle, electric bicycle, electric scooter, in-line skates, and/or play vehicle operation is prohibited.

(c) Bicycles, electric bicycles, electric scooters, in-line skates, and play vehicles on sidewalks shall be operated at a reasonable, low rate of speed.

(d) No person operating a bicycle, electric bicycle, electric scooter, in-line skates, or play vehicle on a sidewalk shall attempt to pass another person or persons going in the same direction on the sidewalk without giving a warning and until it becomes evident that the person so warned is aware of the approach of the bicycle, electric bicycle, electric scooter, in-line skates, or play vehicle operator. Pedestrians shall at all times have the right-of-way upon the sidewalks and, if necessary, the person operating a bicycle, electric bicycle, electric scooter, in-line skates, or play vehicle shall dismount and vacate the sidewalk to prevent a collision.

7.163 REGULATION OF BICYCLES, ELECTRIC BICYCLES, AND ELECTRIC SCOOTERS.

(1) GENERAL RULES FOR OPERATION OF BICYCLES, ELECTRIC BICYCLES, AND ELECTRIC SCOOTERS.

(a) Every person operating a bicycle, electric bicycle, or electric scooter in the City shall be subject to all applicable provisions of this chapter and to applicable State statutes relating to equipping and operating bicycles or electric scooters.

(b) Every person operating a bicycle, electric bicycle, or electric scooter upon a roadway shall be granted all the rights and shall be subject to all of the duties applicable to the driver of a vehicle by the laws of this State declaring rules of the road applicable to vehicles or by the traffic ordinances of the City applicable to the driver of a vehicle, except as otherwise specified in this Chapter and except as to those provisions of laws and ordinances which by their nature can have no application.

(c) No bicycle, electric bicycle, or electric scooter shall be operated that is not in safe mechanical condition and equipped with any required safety device(s). It shall be the responsibility of persons 16 years of age or older, or a parent or guardian of a child under 16 years of age, to inspect such bicycle, electric bicycle, or electric scooter to determine if it is in safe mechanical condition and legally equipped.

(d) No electric scooter may be operated on any roadway having a speed limit of more than 25 miles per hour.

(2) SPECIFIC PROVISIONS REGARDING OPERATION OF ELECTRIC BICYCLES.

(a) Operation of electric bicycles within the City of West Bend shall comply with all applicable provisions of §§ 340-351, Wis. Stats., including, but not limited to, § 346.806, Wis. Stats.

(b) Pursuant to § 346.806, Wis. Stats., no person under the age of 16 years may operate a Class 3 electric bicycle. A person under the age of 16 years may ride as a passenger on a class 3 electric bicycle that is designed to accommodate passengers.

(3) RULES FOR PARKING OF BICYCLES, ELECTRIC BICYCLES, AND ELECTRIC SCOOTERS.

(a) Bicycles, electric bicycles, and electric scooters shall be parked in an upright position. Electric scooters shall be parked with all wheels making a point of contact with the ground.

(b) Bicycles, electric bicycles, and electric scooters shall not be parked in a way that provides less than a five (5) foot wide path on the sidewalk for pedestrian access.

(c) Bicycles, electric bicycles, and electric scooters shall not be parked in a way that obstructs access to any building or business.

(d) Bicycles, electric bicycles, and electric scooters shall not be parked between the sidewalk and the curb where such area is less than three (3) feet wide.

(e) Where possible without impeding the flow of pedestrian traffic, an electric scooter may be parked in a bicycle rack.

(4) REASONABLE ACCOMMODATIONS FOR BICYCLE, ELECTRIC BICYCLE, OR ELECTRIC SCOOTER USED AS "OTHER POWER-DRIVEN MOBILITY DEVICE." Reasonable accommodation shall be made in the enforcement of any of the provisions set forth herein for any person using a bicycle, electric bicycle, or electric scooter as an "Other Power-Driven Mobility Device" pursuant to the Americans with Disabilities Act.

(5) SEIZURE, IMPOUND, AND DISPOSITION OF BICYCLES, ELECTRIC BICYCLES, AND ELECTRIC SCOOTERS.

(a) SEIZURE AND IMPOUNDING OF BICYCLES, ELECTRIC BICYCLES, AND ELECTRIC SCOOTERS. Any bicycle, electric bicycle, or electric scooter described in this may be immediately removed in the absence of the owner or person authorized by the owner to operate or have possession of the bicycle, electric bicycle, or electric scooter. The bicycle, electric bicycle, or electric scooter may be removed by persons acting under the authority of the Chief of Police or the Director of Public Works and shall be impounded in facilities designated by the police department. The following bicycles, electric bicycles, and electric scooters shall be subject to seizure and impoundment pursuant to this section:

I. Any bicycle, electric bicycle, or electric scooter used in violation of this Chapter or any other applicable law.

ii. Any bicycle, electric bicycle, or electric scooter determined to be in the possession of a person who is not the legal owner thereof.

iii. Any bicycle, electric bicycle, or electric scooter which has been abandoned.

iv. Any bicycle, electric bicycle, or electric scooter parked in violation of Section 7.163(3).

(b) PERIOD OF IMPOUNDMENT.

I. Impounded bicycles, electric bicycles, and electric scooters shall be held for a minimum of 30 days unless earlier redeemed by the identified owner or person acting on behalf of the identified owner upon payment of any redemption fee.

ii. Bicycles, electric bicycles, and electric scooters owned or operated by minors may only be surrendered to the guardian of the offender.

iii. The Chief of Police may dispose of impounded bicycles, electric bicycles, and electric scooters that are not redeemed within the specified impoundment period in any of the following ways:

1. Public auction or sale.

2. Donation to a suitable nonprofit organization for charitable, educational or other eleemosynary purposes.

3. Maintaining the bicycle, electric bicycle, or electric scooter for police purposes.

4. Scrapping a bicycle, electric bicycle, or electric scooter that cannot be disposed of through any other reasonable means.

iv. Notice of any sale shall be posted on the City's website. The proceeds of the sale shall be remitted to the City Treasurer.

7.164 REGULATION OF SHORT-TERM COMMERCIAL ELECTRIC SCOOTER RENTAL BUSINESSES.

(1) DEFINITIONS.

"Licensee" means the holder of a commercial electric scooter rental license issued under this division.

"Rebalancing" means redistributing electric scooters throughout the city.

"Short-term commercial rental" means a rental with a period of less than 7 days.

"User" means an individual who uses an electric scooter for the purpose of transportation or recreation.

(2) LICENSING OF SHORT-TERM COMMERCIAL SCOOTER RENTAL BUSINESS.

(a) License Required. No person or business shall offer short-term commercial rental of electric scooters to the public unless the person or business has obtained a license in accordance with this section.

(b) License Application Requirements. Application for a commercial electric scooter rental license shall be made in writing to the City Clerk, upon application furnished by the Clerk.

I. In the case of a sole proprietorship, the owner shall sign the application.

ii. In the case of a partnership, in the name of the business and the names and addresses of all partners shall be provided on the application. One of the partners shall sign the application.

iii. In the case of an LLC or a corporation, the name of the business and the names and addresses of the principal officers shall be provided on the application. In the case of an LLC, one of the members shall sign the application. In the case of a corporation, the president and secretary shall sign the application.

(c) Any Licensee shall identify contact information - including a phone number and email address - for an operations manager based within fifteen (15) miles of the City.

(d) Any Licensee shall provide the City Clerk with an up-to-date copy of their user agreement and privacy policy and shall be responsible for updating said documents as they are modified.

(e) Agreement with City. No Licensee shall operate a short-term commercial rental business without first entering into an agreement with the City, approved by the Common Council, consistent with the terms of this Ordinance.

(f) Insurance.

I. Any Licensee shall provide a certificate of insurance with their application that meets the requirements of this Ordinance.

ii. The applicant's insurance shall provide that the City will receive a thirty (30) day written notice of cancellation, non-renewal, or material change by any insurer providing coverage required by this Ordinance.

iii. Insurance policy limits shall meet the minimum requirements currently required by the City for public works contracts.

iv. The City shall be listed as an additional insured on the Licensee's Commercial General Liability Insurance policy.

v. Any subcontractor of the Licensee providing maintenance, rebalancing or other services for the Licensee's rental business shall be covered by the Licensee's insurance or shall demonstrate independent insurance which complies with this Ordinance.

(g) Indemnification. The Licensee shall indemnify, defend, and hold the City and the City's officers, employees, and agents harmless from and against all actions, damages, or claims brought against the City arising out of the applicant's operations. The City Attorney shall have the authority to negotiate the terms of the indemnification provision with the applicant.

(h) Application fee. The application fee for a commercial electric scooter rental license shall be $10.00 per scooter, per year or any fractional part thereof, with a minimum application fee of $250.

(I) Term of License. Any license issued pursuant to this section shall be effective upon issuance and shall expire on the 31st day of December following its issuance.

(3) SHORT-TERM RENTAL BUSINESS OPERATIONAL REQUIREMENTS. In conducting any short-term scooter rental business, each Licensee shall comply with the following:

(a) Maximum Number of Scooters. No Licensee shall have more than 100 scooters available for rent within the City at any one time without prior approval of the Common Council.

(b) Hours of Operation. No Licensee shall make electric scooters available for rent between the hours of midnight and 4:00 am.

(c) User Fees. Any user fee for the rental of an electric scooter shall be clearly and understandably communicated to the user prior to the usage of the electric scooter. All Licensees shall charge a $0.10 per ride surcharge which shall be remitted to the City for operational expenses and enforcement of these Ordinances.

(d) Parking. All Licensees shall:

I. Provide instructions to users regarding the proper parking of electric scooters.

ii. Keep the sidewalk free from obstructions to pedestrians by requiring users to park electric scooters such that a walk space not less than five (5) feet wide shall at all times be kept open for pedestrians.

iii. Use geofencing to prohibit parking in areas which parking is prohibited by this Ordinance or as otherwise directed by the City Administrator.

iv. Upon notification by the Police Department or Department of Public Works to the operations manager that an electric scooter of Licensee is improperly parked, the Licensee shall relocate the electric scooter in accordance with the following requirements:

A. Within three (3) hours of notice between 6:00 am and 7:00 pm.

B. Before 8:00 am for notice received between 7:00 pm and 6:00 am.

C. Failure to relocate improperly parked electric scooters which are not relocated in accordance with this section may, in the sole discretion of the City, be relocated by City staff or impounded at the Police Department or Department of Public Works. The City shall bill $50.00 for each electric scooter it relocates or impounds, which cost is reasonable calculated to recapture the City's costs in relocating or impounding an improperly parked electric scooter.

v. Licensees may appeal fees imposed under this section to the Board of Public Works by providing written notice to the City Clerk within ten (10) business days of receiving notice of any fee.

(e) Safety Education. The Licensee shall provide materials to its users to promote safe riding and educate users on rider responsibilities and encourage safe and courteous riding and parking.

(f) Snow Events. The Licensee shall ensure that their electric scooters do not impede snow removal and ice control operations by the City or any resident/property owner.

(g) Notice of Changes. Licensee shall notify the City within three (3) business days of changing any of the following information previously placed on file with the City: the identity or contact information for the operations manager, user agreement, privacy policy, or insurance coverage or provider.

(h) Notice of Rules of Operation. Any Licensee shall notify users via their website, mobile application, or, if applicable, through paper notice, that:

I. Helmet use is encouraged while riding an electric scooter.

ii. Users are required to follow all rules of the road and rules established by this Ordinance.

iii. Scooters must be parked responsibly and in compliance with the requirements set forth herein.

iv. Licensee shall also provide a means for users to notify the Licensee if there is a safety or maintenance issue with the electric scooter. Licensee shall immediately take the electric scooter out of service upon receipt of notice that there is a safety or maintenance issue, and shall not return the electric scooter to service until Licensee has resolved the safety or maintenance issue.

(I) Electric Scooter Standards. Any electric scooter made available for short-term rental by any Licensee shall comply with the following requirements:

I. Each electric scooter shall meet the requirements described in §§ 340.01(15ps), 347.489(1), 347.489(2). and 347.489(3).

ii. Each electric scooter shall include easily visible contact information, including a local or toll-free phone number, and email address for members of the public to make relocation requests or to report other issues with an electric scooter.

iii. Each electric scooter shall be inspected by Licensee at least once per month. The inspection shall include, at a minimum, a check of the brake function and brake level wear. Any electric scooter deemed unsafe or inoperable shall be placed out of service immediately. Licensee shall maintain records of its inspections, which shall be open to the City for inspection upon reasonable request.

iv. Each scooter shall be equipped with wheel-lock technology to prevent unauthorized use.

v. Geofencing shall be used to prohibit usage or parking in areas so designated by the City, whether through this Ordinance or through direction of the City Administrator.

vi. Each scooter shall be assigned a unique identifying number, which is clearly labeled on the scooter.

(j) Data and Reporting. Licensee shall provide data reasonably requested by the City to assist with monitoring program usage or to enforce any part of the Code, including data necessary for enforcement actions against users.

(4) SUSPENSION OR REVOCATION OF LICENSE.

(a) A license may be suspended by the City Clerk for any of the following reasons:

I. Failure to comply with any of the provisions of this Ordinance;

ii. Violation of any state statutes or the Municipal Code; or

iii. Failure to pay fees for relocation or impounding of electric scooters in the amount of $500 or more.

(b) Any suspension may be appealed to the Common Council upon written notice to the City Clerk. The Common Council shall conduct a hearing within thirty (30) days of receipt of a written appeal.

(c) A license may be revoked by the Common Council for the reasons set forth in this section.

(5) UNLICENSED ELECTRIC SCOOTER RENTALS. In the event that a person or business commences short-term commercial rental of electric scooters to the public in the City without having first obtained a license in accordance with this section, the City may - without advanced notice - impound any unauthorized electric scooters in the right-of-way. The City shall provide notice to the unauthorized person or business that it has taken possession of the electric scooters and invoice the unlicensed person or business at the rate set forth in Section (5)(d), above. The unlicensed person or business may appeal fees imposed under this subsection to the Common Council by providing written notice to the City Clerk within twenty (20) days of receiving notice of a fee. If the unlicensed person or business does not appeal the fees imposed or make payment within forty-five (45) days of receipt of the invoice, the City may dispose of any electric scooters belonging to the unlicensed person or business. Any proceeds from the disposition shall be used to offset the unlicensed person or business's unpaid fees. Any costs from the disposition shall be billed to the unlicensed person or business. No person may obtain a license without first having paid any fees due under this subsection.

7.165 PROHIBITED AREAS FOR PLAY VEHICLES AND IN-LINE SKATES.

In addition to the sidewalks described in Section 7.162(6), above, no person shall ride in or upon a play vehicle or in-line skates in the following areas:

(1) In addition to the prohibited areas under secs. 346.78 and 346.94(17), Wis. Stats., on the roadways of Barton Avenue north of Main Street, Veterans Avenue, Main Street, and Washington Street, except while crossing a roadway at a crosswalk.

(2) In any parking lot owned by the City or on any property posted by means of a sign or signs prohibiting the riding of play vehicles or in-line skates, unless with the express permission of the owner or occupant in charge of such area.

7.17 SNOWMOBILES.

(1) STATE SNOWMOBILE LAWS ADOPTED. (Rep. & Recr. Ord. #2143 – 2/28/94). Except as otherwise specifically provided in this chapter, the statutory provisions of Ch. 350, Wis. Stats., describing and defining regulations with respect to snowmobiles for which the penalty for violation thereof is a forfeiture, and exclusive of any regulations for which the penalty is a fine or term of imprisonment, are hereby adopted

under the authority granted by sec. 350.18, Wis. Stats., and made a part of this section by reference as if fully set forth herein. Any act required or prohibited by any statute incorporated herein by reference is required or prohibited by this section. Any future amendments, revisions or modifications of any statute incorporated herein shall be a part of this section.

(2) (Repealed Ord. #2623 – 4/7/08)

(3) OPERATION OF SNOWMOBILES ON PUBLIC PROPERTY.

(a) Snowmobile Routes and Trails. Except as provided in secs. 350.02 to 350.045, Wis. Stats., no person shall operate a snowmobile upon any public right of way or on any other public property in the City, unless designated by the Board of Public Works and marked as a snowmobile route, or authorized by the Parks and Recreation Commission and marked as a snowmobile trail or permitted in City Parks.

(b) Sidewalks, Pedestrian Ways and Malls. No person shall operate a snowmobile on any sidewalk, pedestrian way or mall in the City, except that they may be crossed at a right angle to gain access to property where operation is permitted under this section.

7.171 LOW SPEED VEHICLES. (Cr. Ord. #2636 – 10/6/08; Am. Ord. #2692 – 8/20/11).

(1) Low-speed Vehicle, as used in this Code, is a motor vehicle that meets the definition in section 340.01(27h) of the Wisconsin Statutes.

(2) (Am. Ord. #2692 – 8/20/11). Subject to the requirements set forth herein, individuals may operate low-speed vehicles on any street within the City that has a posted speed limit of 35 miles per hour or less.

(3) (Am. Ord. #2692 – 8/20/11). All operators of low-speed vehicles shall comply with all traffic statutes, regulations and ordinances contained in this chapter, including the provisions of state motor vehicle laws incorporated herein, except those provisions which by their express terms have no application to low-speed vehicles.

(4) (Am. Ord. #2692 – 8/20/11). Any person operating a low-speed vehicle within the City shall hold a valid driver's license.

(5) (Am. Ord. #2692 – 8/20/11). If a low-speed vehicle's specifications are less than 35 miles per hour, the operator shall place a slow moving vehicle sign on the low-speed vehicle before operating it on any street within the City.

(4) ONLY SNOWMOBILES TO OPERATE ON SNOWMOBILE TRAILS. No person shall operate any vehicle except a snowmobile on any snowmobile trail in the City.

7.172 ALL-TERRAIN ROUTES. (Cr. Ord. #2623 – 4/7/08) (Am. Ord. #2882 – 6/21/21)

(1) PURPOSE AND AUTHORITY. Pursuant to the authority set forth in s. 23.33 (8) (b), Wis. Stats., the Common Council of the City of West Bend, Washington County, hereby adopts this Ordinance to allow for the operation of All-Terrain Vehicles (ATV) and Utility-Terrain Vehicles (UTV) upon the roadways designated herein.

(2) ROUTES. Only city streets authorized by the Common Council by separate resolution shall be open for ATV/UTV operation. The Common Council may also set by resolution a specified time period during which the designated routes are open.

(3) CONDITIONS. The following conditions shall apply to all operators and passengers of ATV/UTV used within the City of West Bend:

(a) No ATV/UTV shall be operated on any roadway not designated as an authorized ATV/UTV route, unless otherwise authorized by the Wisconsin Statutes.

(b) All ATV/UTV operators shall observe posted speed limits.

(c) No person under 18 years of age may operate or be a passenger on an ATV/UTV without wearing protective headgear of the type required under s. 347.485(1)(a), Wis. Stats., and with the chin strap properly fastened, except as specifically exempted under ss.23.33(3g) (b, c and d), Wis. Stats.

(d) All ATV operators under 16 years old must be in direct verbal supervision of a parent or legal guardian when operating on a designated all-terrain vehicle route.

(e) All operators of ATVs/UTVs within the City of West Bend shall keep to the extreme right side of the lane of traffic, on the paved portion of the roadway, except that left turns may be made from any part of the traffic lane that is safe given prevailing conditions.

(f) Approved hand signals are required when making turns if the vehicle is not equipped with appropriate turn signals.

(g) All ATV/UTV operators shall ride single file.

(h) The operator of an ATV/UTV shall obey all traffic laws, local ordinances, and DNR regulations.

(i) The operator of an ATV/UTV shall display a lighted headlamp, tail lamp and working brake light on the ATV/UTV and display the registration license plate at all times.

(j) All roadways must be signed in accordance with ss. NR 64.12, and NR

64.12 (7), Wis. Admin Code.

(k) Pursuant to s. 895.52, Wis. Stats., ATV/UTV operation is at the sole risk of the operator. The City of West Bend shall have no liability for any damage or injury to persons, real property or personal property, arising out of the operation of ATVs and UTVs on designed ATV/UTV routes.

(l) Routes shall be open for the time period set forth in the resolution adopted by the City.

(m) On any roadways shared with another jurisdiction the most restrictive Ordinance shall apply.

(4) ENFORCEMENT. This ordinance shall be enforced by any law enforcement officer authorized to enforce the laws of the State of Wisconsin.

(5) PENALTIES. Wisconsin State All-Terrain Vehicle penalties as found in s. 23.33 (13), Wis. Stats., are adopted by reference.

(6) SEVERABILITY. Any provision of this ordinance shall be deemed severable and it is expressly declared that the City would have passed the other provisions of this ordinance irrespective of whether or not one or more provisions may be declared invalid. If any provision of this ordinance or the application to any person or circumstances is held invalid, the remainder of the ordinance and the application of such provisions to other persons or circumstances shall not be deemed affected.

(7) BOND SCHEDULE. The bond schedule shall be as set forth by the Wisconsin Department of Natural Resources pursuant to § 23.66(4), Wis. Stats.

7.18 PENALTY. The penalty for violation of any provision of this chapter shall be a forfeiture as hereafter provided together with statutory court costs and penalty assessment, if applicable.

(1) STATE FORFEITURE STATUTES. (Am. Ord. #2143 – 2/28/94). Forfeitures for violation of any statutory provision in Ch. 340 to 348 and 350, Wis. Stats., shall conform to the forfeiture permitted to be imposed for violation of the statutes adopted by reference, including any variations or increases for subsequent offenses.

(2) STATE FINE STATUTES. The forfeiture for violation of any statute adopted by reference hereunder for which the penalty is a fine shall not exceed the maximum fine permitted under such statute.

(3) LOCAL REGULATIONS (Am. Ord. #2008 – 9/17/90). The penalty for violation of this chapter other than those specified in subs. (1) and (4) of this section shall be as provided in sec. 25.04 of this Code.

(4) PENALTY FOR PARKING VIOLATIONS. (Am. Ord. #2121 – 7/19/93; 2322 - 9/28-98 eff. 1/1/99; Am. Ord. #2384 - 12/18/00; Am. Ord. #2496 – 10/6/03 eff. 12/1/03; Am. Ord. #2695 – 10/1/11 – eff. 11/1/11; Am. Ord. #2908 – 01/12/2023). The forfeitures for parking violations, other than those violations contained in the Statutes as adopted by reference in sec. 7.01 of this chapter, and notwithstanding any other penalty provided in this chapter, shall be as follows together with the costs of prosecution:

(a) $20 for

1. Parking overtime;
2. Restricted parking downtown 3:00 a.m. to 6:00 a.m.;
3. Violation of Customer only parking – Section 7.085
4. On-street overnight winter parking;
5. Parking without permit;
6. Parking prohibited;
7. Restricted parking as posted;
8. Double parking;
9. Parking in loading zone;
10. Parking on wrong side of street;
11. Improper parking in alley;
12. Parking across sidewalk;
13. Parking too close to corner;
14. Parking blocking driveway;
15. Parking blocking crosswalk;
16. Parking over lines;
17. Parking too far from curb;
18. Parking in undesignated area; or
19. Any unlisted city parking violation.

(b) $20 for:

1. Parking at fire hydrant;
2. Parking on or blocking bus stop; or
3. Parking on private property.

(bn) (Cr. Ord. #2543 – 11/8/04). $30.00 for parking in a permit parking lot without a permit.

(c) (Am. Ord. #2497 – 10/6/03 eff. 12/1/03). $100.00 for parking in barrier-free zone.

(d) $35 for illegal parking of heavy vehicles.

(e) The amount of the forfeiture for any violation listed in this section shall be doubled if not paid within 7 days of issuance of the ticket for the violation.

(f) All violations: program costs. In addition to the applicable forfeiture, failure to pay the forfeiture within 28 days of issuance of a ticket will result in an assessment of $10 for the cost of using the state traffic violation and registration program and related procedures under sec. 345.28, Stats.

7.19 ENFORCEMENT. (Rep. & Recr. Ord. #2269 – 12/16/96)

(1) AUTHORITY AND PROCEDURE. The Chief of Police and police officers shall enforce all of the provisions of this chapter in accordance with §§345.20 to 345.61 and Ch. 800, Wis. Stats. Community service officers and Parking Authority attendants are authorized to issue parking tickets for parking violations.

(2) UNIFORM TRAFFIC CITATION. The uniform traffic citation created by §345.11, Wis. Stats., shall be used for all moving traffic violations and parking violations, except as provided under sub. (3).

(3) PARKING TICKET. (Am. Ord. #2534 – 8/23/04; Am. Ord. #2554 – 2/21/05). A parking ticket in the form prescribed by the Chief of Police may be used for all violations of parking prohibitions, regulations and restrictions under this chapter, in conformity with §345.28, Wis. Stats. It shall specify the amount of the applicable forfeiture and provide for payment by delivery or mailing to the Police Department.