**ORDINANCE # 2019-09-10B**

**PARKING ORDINANCE**

AN ORDINANCE TO REGULATE PARKING WITHIN TOWNSHIP BOUNDARIES.

The Hamilton Town Board, Township of Hamilton, La Crosse County does ordain as follows:

**SECTION 1.0 INTRODUCTION**

* 1. Purpose

The purpose of this ordinance is to regulate the parking within the Town of Hamilton. The Town Board of the Town of Hamilton has determined that it is necessary for the public health, safety and general welfare of the Town that parking be regulated within the Town. In addition, it is the Town’s intent that such regulation will ensure adequate access for timely emergency response from the police, fire departments and other emergency personnel.

* 1. Authority

The Town Board of the Town of Hamilton, has the specific statutory authority and power

to adopt this Parking Ordinance and all penalties, pursuant to Sections 345.28 and 349.06 Wis. Stats. and having been authorized by the Town meeting under Sec. 60.10(2)(c), Wis. Stats., to exercise village powers, hereby exercises village powers under Sections 61.34(1) and 61.50, Wis. Stats.

* 1. Applicability

The provisions of Wisconsin Statutes Sections 345.28 and 349.06 relating to the regulation of nonmoving violations and traffic regulations are hereby adopted by reference.

* 1. Definition

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

1. Board: The Town Board of Town of Hamilton
2. Corner side yard setback area: that portion of the yard extending from the inside lines of the Town right-of-way to the side of a building or side yard setback established for building purposes pursuant to the zoning ordinance.
3. Driveway: that area within the setback line on approximately a right angle to the street which is used to convey a motor vehicle in the most direct manner to a parking area or garage.
4. Front setback area: the front yard area extending from inside line of the Town right-of-way to the front corner of a building or the front yard setback established for building purposes pursuant to the zoning ordinance.
5. Road right-of-way: that portion of the Town property extending beyond the road pavement and abutting property following the Town road standards as established in Section 82.50 Wis. Statutes. The right-of-way allows access for future road maintenance, road upgrades and/or utility work.
6. Roadway/Town Road: that portion of a street, road or highway that includes both the traveled lanes and shoulders or, if curb and gutter, the traveled lanes and gutters.
7. Arterial streets: Those streets which provide rapid movement of concentrated volumes of traffic over relatively long distances. They provide principally for movement of persons and goods between high activity areas.
8. Collector streets: Those streets which provide moderate speed movement of persons and goods within large areas. They are basically local streets which usually, because of more directness of routing and higher capacity than other local streets, receive higher volumes of traffic to be distributed from or collected toward nearby arterial streets.
9. Local (minor) streets: Those streets which are designed for low speeds and volumes and are to provide access from low-generation land activities to the collector and arterial systems.
10. Cul-de-sac: Streets closed at one end with turnarounds.
11. Dead-end streets: Streets closed at one end with temporary turnarounds.
12. Recreational vehicles: shall include but are not limited to the following: boats, jet skis, travel trailers, motor homes, camping trailers, boat or snowmobile trailers, snowmobiles, off-road vehicles, motorized three-wheelers, mini-bikes and convert or chopped vans.
13. Vehicle: every device in, upon or by which any person or property is or may be transported or drawn upon a roadway, as set forth in Section 340.01(35), Wis. Statutes.
    1. Severability

This ordinance and its individual provisions are declared to be severable. If any section, clause, provision, or portion of this ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, this decision shall not affect the validity of the ordinance as a whole. All parts of the ordinance not declared invalid or unconstitutional shall remain in full force and effect.

* 1. Conflict

If any part of this ordinance is found to be in conflict with any other ordinance or with any other part of this ordinance, the most restrictive or highest standard shall prevail. If any part of this ordinance is explicitly prohibited by federal or state stature, that part shall not be enforced.

**SECTION 2.0 PARKING RESTRICTIONS**

1. Prohibited parking: No owner or operator of a motor vehicle, except an emergency vehicle, shall park or stop a vehicle in any of the following places:
2. On any paved roadway.
3. In the arc of a curve, cul-de-sac or turnaround.
4. In front of corner side yard setback areas adjoining a Town roadway, except within those areas in a permanent driveway constructed in accordance with the Town Subdivision Ordinance.
5. On any property dedicated for public use, including property dedicated for roadway purposes appearing on the official Town road map, unless the Town has designated an area for public parking.
6. “No Parking” signage: Appropriate “No Parking” signage shall be erected to inform owners and/or operators of the “No Parking” areas.
7. Other parking regulations:
8. RECREATIONAL VEHICLES: No person shall park or store any recreational vehicle:
9. On a Town road or within a Town right-of-way.
10. Within a vision triangle.
11. On a vacant property.
12. On any property dedicated for public use, including property dedicated for roadway purposes appearing on the official Town road map, unless the Town has designated an area for public parking.
13. Not owned by the property owner or resident on whose property the vehicles are being parked or stored, unless temporary (less than 14 days in any calendar year), unless authorized by Conditional Use Permit.
14. For dwelling purposes, except for overnight sleeping for a maximum of 14 days in any calendar year on the same property and shall not be parked or stored on public land or with in the Town’s right-of-way without the Town’s approval. This includes, but is not limited to, recreational vehicles used as temporary housing during construction of a permanent dwelling or remodeling of an existing dwelling. This section may be suspended by the Town Chair for a specific period of time only upon a Presidential disaster declaration.
15. TRUCK/SEMI VEHICLES: No person shall park or store any truck, truck tractor, trailer or semi-trailer:
16. On any Town roadway.
17. In any district zoned “residential” under the La Crosse County Zoning ordinance except that this section shall not apply to any person using a roadway for the purpose of moving or delivering supplies or commodities to or from any place of business or residence fronting on such Town road.

**SECTION 3.0 PARKING PERMIT**

3.01 Parking Permit Application:

If an exception is required, a Parking Permit application may be filed with the Town Clerk. All applications shall be referred to the Town Chair for review and approval. Applications for a Parking Permit shall include the following where pertinent and necessary for proper review:

1. Name(s) and address(es) of the applicant, owner of the site, and/or contractor.
2. Description of event and the duration (including hours).
3. Additional information as may be required by the Town.

3.02 Permit Conditions:

1. The permit holder is specifically responsible to ensure that the parking does not block traffic. Cars shall be parked on the shoulder of the road to the extent reasonably possible.
2. The permit holder is liable for any accidents resulting from the permitted parking.
3. The granting or denying of a Parking Permit is entirely within the discretion of the Town Chair.
4. Due to safety concerns, the Town will not normally approve on-street parking during hours of darkness.

**SECTION 4.0 ENFORCEMENT & PENALTIES**

4.01 Enforcement:

The Town Board of the Town of Hamilton, or designee, is authorized to enforce the provisions of this ordinance. Enforcement may be made either through monetary penalties, injunctive relief or such other means as the Town deems appropriate to ensure compliance with this Ordinance. The Town Board may authorize the Town Chair, or such designee, or law enforcement officer to issue citations to enforce this Ordinance.

Whenever any law enforcement office finds a vehicle parked on any Town road that is properly posted “no parking” or if the vehicle is obstructing emergency operations or snow removal operations, or is creating a public nuisance by obstructing the flow of vehicles or pedestrian traffic, the law enforcement officer may require the owner or operator of such vehicle to remove the vehicle to a non-obstructing location.

4.02 Penalties:

If an owner cannot be located or refused to comply, or is otherwise unable to move the vehicle, the officer, or Town official shall issue a parking citation and may have the vehicle removed to a storage lot. The vehicle shall not be released to the owner until payment of the citation or posting of a bond is made and any charges for towing and storage are satisfied, pursuant to provisions of Section 349.13(3) Wis. Statues.

1. First time violations shall be twenty-five dollars ($25) and all subsequent violations shall not be less than one hundred dollars ($100). Failure to pay such forfeitures will result in imprisonment in the County Jail until such forfeitures is paid, not exceeding five (5) days.
2. Any person cited for a nonmoving traffic violation who does not mail the penalty payment to the Town Clerk within ten (10) days of the date of the citation, an authorized law enforcement officer may issue an uniform traffic citation to the violator.

**SECTION 5.0 EFFECTIVE DATE**

Following passage by the Town Board, this ordinance shall take effect the day after the date of publication or posting as provided by sec. 60.80, Wis. Stats.

Adopted by the Hamilton Town Board of the Township of Hamilton, La Crosse County, Wisconsin, this 10th day of September, 2019.

By: Blaine Lee, Town Chairman

Attest: Sara Schultz, Town Clerk

Published 9/29/2019