

ORDINANCE NO. 07172024B

AN ORDINANCE TO REPEAL AND RECREATE TITLE 8 TRAFFIC AND MOTOR VEHICLES CHAPTER 3 FOR THE TOWN OF BURKE, DANE COUNTY, WISCONSIN

SECTION 1: the Town Board of supervisors of the Town of Burke, Dane County Wisconsin does hereby ordain as follows:

TITLE 8 TRAFFIC AND MOTOR VEHICLES

8.3.1 Parking

(a) **Abandoned Vehicle.** ~~The time period for a vehicle to be deemed abandoned and constituting a public nuisance under sec. 342.40, Stats., is hereby determined to be 48 hours. The Town Chair or the Town Chair's designee is authorized to make the determinations authorized under sec. 342.40, Stats. In addition to the payment of all costs of impounding and disposing of the vehicle as required by sec. 342.40, Stats., the owner of any abandoned vehicle, except a stolen vehicle, shall be required to pay to the Town a forfeiture in the amount of \$150.00. Any law enforcement officer acting on behalf of the Town and any person designated by the Town Board may regulate abandoned Vehicles.~~

(b) **Alternate Side Parking.**

From November 15 through ~~April~~ ~~May~~ 15~~0~~, no person shall stop, park, or leave standing any vehicle between the hours of ~~midnight~~ 4:00 a.m. and 9:00 a.m. on the even numbered side of the street on the odd numbered calendar days and on the odd numbered side of the street on the even numbered calendar days wherever this prohibition is authorized. (5.23.2003)

(c) **Emergency Parking Regulations.** Any law enforcement officer acting on behalf of the Town and any person designated by the Town Board may regulate the parking and the movement of traffic in emergency situations, including street maintenance and snow removal. Such person or persons shall give notice of such parking restrictions by placing appropriate signs in the areas in which such restrictions will be in effect.

(d) **Towing.** Any vehicle parking in violation of any part of this section or any other ordinance may be towed at the direction of any law enforcement officer acting on behalf of the Town. The owner of any towed vehicle shall pay the reasonable costs of having the vehicle towed and stored.

(e) **Parking Violations.**

(1) **Parking Provisions Adopted.** The parking provisions of Chapters 340 through 350 of the Wisconsin Statutes are hereby adopted and are incorporated herein as if fully set forth. Any act required to be performed or prohibited by any provision incorporated herein is required to be performed by this section. Any future amendment of said Chapters that relates to parking is hereby adopted and is incorporated herein as if fully set forth as of the effective date of that future amendment.

(2) **Parking Violations Prohibited.** No person may park any vehicle in violation of the subsection.

(3) It is unlawful to park any automobile, motorized vehicle, trailer, boat, or other type of device or apparatus within the radius of a Town cul-de-sac.

(4) It is unlawful to park any automobile, motorized vehicle, trailer, boat, or other type of device or apparatus within 50 feet from the terminus of a dead-end road.

(5) It is unlawful to park any automobile, motorized vehicle, trailer, boat or other type of device or apparatus within the right-of-way of Burke Road from the city limits of the City of Madison to the intersection with Reiner Road.

(6) It is unlawful to park any automobile, motorized vehicle, trailer, boat or other type of device or apparatus within the right-of-way of Felland Road from the intersection with Nelson Road to the intersection with County Highway T.

(7) It is unlawful to park any automobile, motorized vehicle, trailer, boat, or other type of device or apparatus within the right-of-way of Hoepker Road from the intersection with Rattman Road to the intersection with County Highway CV.

(8) It is unlawful to park any automobile, motorized vehicle, trailer, boat, or other type of device or apparatus within the right-of-way of Rattman Road from the intersection with Hoepker Road to the intersection with Portage Road.

(9) It is unlawful to park any automobile, motorized vehicle, trailer, boat or other type of device or apparatus within the portion of the railroad right of way subject to an agreement dated October 1, 1949, between the Town of Burke and the Chicago, Milwaukee, St. Paul and Pacific Railroad Company.

~~(f) **Procedure.** Any parking citation issued pursuant to this subsection shall be a citation form prepared by the Town. If payment for any such citation is received by the Town within 10 days of issuance of the citation, the citation shall not be filed with or transmitted to the municipal court and no court costs shall be payable. If payment for any such citation is not received by the Town within 10 days of issuance of the citation, the citation shall be filed with or transmitted to the municipal court for processing and, if a forfeiture is imposed pursuant to the citation, court costs also shall be imposed, and also the following administrative costs shall be imposed:~~

- ~~a. Paid after 10 days and a first notice has been sent: \$10 fee;~~
- ~~b. Paid after 28 days and a second notice has been sent: \$20 fee;~~
- ~~c. Paid after the ticket has been referred to the department of _____ transportation for suspension: \$40.00 fee;~~
- ~~d. If a person cited appears in court and is found guilty, a fee equal to 20% of the citation amount will be assessed.~~

~~(2) **Parking Violation Registration Program.** The Town elects to participate in the Wisconsin Department of Transportation program that allows for suspending and/or refusing the registration of a vehicle as a consequence of any unpaid forfeiture for any nonmoving traffic violation. The Town will pay the costs assessed by the Wisconsin Department of Transportation to the Town for the Town's participation in the program; such costs shall be assessed by the Town against the person charged with the nonmoving traffic violation. The "authority" described as a part of the program shall be any Town official who was authorized to have issued the citation for the nonmoving traffic violation.~~

SECTION 2: Now, therefore, be it resolved that the Town Board of the Town of Burke, Dane County, Wisconsin repeals the above chapters from Title 8.

Effective Date. This ordinance shall take effect and be in force from and after its passage and publication as provided by law.

Severability and Conflict. If any section or part of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

The above and foregoing ordinance was duly adopted at a regular meeting of the Town Board of the Town of Burke on July 17, 2024 by a vote of 5 ayes, 0 nays, and 0 not voting.

Adopted by the Town of Burke Board of Supervisors on July 17, 2024.



Kevin Viney, Chair

Attest: 

PJ Lentz, Clerk