300.15 Regulate Stopping, Standing or Parking of Vehicles Ordinance

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SECTION I – AUTHORITY
The Town Board of the Town of Berry, Dane County, Wisconsin, has the specific authority under Wisconsin Statute 349.13 to adopt this ordinance.

SECTION II – ADOPTION
This ordinance, adopted by a majority of the Town Board with a quorum present and voting and proper notice having been given, provides for the regulation of the stopping, standing or parking of vehicles on a town highway in the town as stated in this Chapter.

SECTION III – PARKING RESTRICTED

A. Definitions.
   1. Parking. The halting of a vehicle, whether occupied or not, except temporarily for the purpose of and while actually engaged in loading or unloading property or passengers.
   2. Stopping. The halting of a vehicle even momentarily.
   3. Standing. Halting a vehicle other than to drop off or pick up a passenger.

B. Parking is prohibited on the following designated Town of Berry highways as described herein:
   1. Scherbel Road: Parking is prohibited on both sides of the portion of the highway running between Highway 14 and a point 250 feet north of the north boundary of Festge County Park.
   2. Carya Road: Parking is prohibited anywhere within the cul-de-sac turnaround during the period from November 1 to March 31.
   3. Knickmeier Road: Parking is prohibited anywhere within the cul-de-sac turnaround during the period from November 1 to March 31.
   4. Scheele Road: Parking is prohibited on both sides of the entire highway.
   5. Cowling Road: Parking is prohibited on both sides of the entire highway.
   6. Indian Trail: Parking is prohibited on both sides of the entire highway.
   7. Matz Road Parking is prohibited on both sides of the entire highway.

C. The Town Chairperson or the Town Highway Superintendent may temporarily designate and post limits on any portion of a town highway when necessary to prevent an unsafe special or temporary condition, which are likely to impede traffic or cause an unsafe condition on town highways, in the absence of such special limitations. Such designation and posting shall expire upon the next Town Board meeting, unless extended or made permanent by the Town Board.

D. The Town Chairperson or the Town Highway Superintendent shall direct the Town Roadman to place appropriate traffic signs on the above described highways on or before

the effective date of this ordinance, or at any location subject to temporary restrictions. Sign placement is governed by the Manual on Uniform Traffic Control Devices and authorized under Wisconsin Statute 84.02(4)(e).

E. Removal of Unlawfully Parked Vehicles. Whenever an authorized representative of the Town finds a vehicle standing upon a street, highway, public or private property in violation of a prohibition, limitation or restriction on stopping, standing or parking, he or she is authorized to move such vehicle or to require the operator in charge thereof to move such vehicle to a position where such stopping, standing, or parking is not prohibited. Such removal shall not relieve the owner of such vehicle from any penalty because of such violation. Any vehicle parked or left standing in violation of any parking restriction may be towed to a impound area, public garage, or other legal parking area, and the cost of towing and storage, if any, shall be assessed against the owner as costs, in addition to the penalty provided for the ordinance violation. The vehicle shall be detained until all such costs and expenses have been paid.

SECTION IV – ABANDONED VEHICLES

A. No person shall leave unattended any motor vehicle, trailer, semi-trailer, or mobile home on any public street or highway or private or public property in the Town for such time and under such circumstances as to cause the vehicle to reasonably appear to have been abandoned. Except as otherwise provided in this Subsection, whenever any vehicle has been left unattended on any street or highway in the Town or upon private or public property without the permission of the property owner or other person charged with the lawful jurisdiction thereof for more than forty-eight hours, the vehicle is deemed abandoned and constitutes a public nuisance. A motor vehicle shall not be considered an abandoned motor vehicle when it is out of ordinary public view, or when designated as not abandoned by the Town's authorized enforcement agent or his or her designee.

B. Any vehicle in violation of Subdivision A shall be removed and impounded until lawfully claimed or disposed of under the provisions of Subdivision C except that if it is deemed by the Town's authorized enforcement agent or his or her designee that the cost of towing and storage charged for the impoundment would exceed the value of the vehicle, the vehicle may be junked or sold prior to expiration of the impoundment period upon determination by the or his or her designee that the vehicle is not stolen or otherwise wanted for evidence or other reason. All substantially complete vehicles in excess of nineteen model years of age shall be disposed of in accordance with Subdivision C.

C. The provisions of this Subdivision shall apply to the removal, storage, notice, reclaim or disposal of abandoned vehicles.

1. Removal. The Town's authorized enforcement agent officer who discovers any motor vehicle, trailer, semi-trailer or mobile home on any public street or highway or private or public property in the Town which has been abandoned shall cause the vehicle to be removed to a suitable place of impoundment. Upon removal of the vehicle the police officer shall notify the Town's authorized enforcement agent or her or his designee of the abandonment and of the location of the impounded vehicle.
2. Storage and Reclaim. Any vehicle which is deemed abandoned by the Town's authorized enforcement agent or designee and not disposed of under Subdivision C shall be retained in storage for a minimum period of ten days after certified mail

notice, as hereinafter provided, has been sent to the owner and lienholders of record to permit reclamation of the vehicle after payment of accrued charges. Any abandoned vehicle may be lawfully reclaimed, may be released upon the payment of all accrued charges, including towing, storage and notice charges and upon presentation of the vehicle title or other satisfactory evidence to the Town's authorized enforcement agent or designee to prove an ownership or lienholder interest in said vehicle.

3. Notice to Owner or Lienholders of Record. Pursuant to Wisconsin Statute 342.40(3), certified mail notice, as referred to herein, shall notify the owner of the abandoned vehicle, if any, and or the lienholders of record, if any, of the year, make, model and serial number of the abandoned vehicle and the place where the vehicle is being held and shall inform the owner or lienholders to exercise their rights to reclaim the vehicle under this Section. The notice shall state that the failure of the owner or lienholders to exercise their rights to reclaim the vehicle under this Section shall be deemed a waiver of all right, title, and interest in the vehicle and a consent to the sale of the vehicle and that the vehicle has been deemed abandoned and impounded by the Town and if the "determined value" of the abandoned vehicle or the cost of towing and storage charges will exceed the determined value of the vehicle; that if the vehicle is not wanted for evidence or for any other reason, the vehicle may be reclaimed upon the payment of all accrued charges, including towing, storage and notice charges, within ten days of the date of mailing the notice, unless the Town's authorized enforcement agent or designee has determined that the cost of towing and storage charges for impoundment will exceed the value of the vehicle. Within ten days from the date of mailing the notice and upon the payment of the aforesaid charges the owner or aforesaid lienholders or record may, upon request made within the ten day period, be granted a hearing relative to the determinations made with respect to the value of said vehicle. Said hearing shall be before the Town Chairman.
4. Disposal of Abandoned Vehicles. Any abandoned vehicle impounded by the Town which has not been reclaimed or junked or sold by direct sale to a licensed salvage dealer pursuant to the provisions hereof, may be sold by public auction sale or public sale, pursuant to Wisconsin Statute 342.40(c), Class 1 Notice, including the description of the vehicle, the name(s) and address(es) of the owners and lienholders of record, if known, as well as the information contained in the notice sent to the owners and lienholders of record, and the time of the sale, shall be published before the sale, at which sale the highest bid for any such motor vehicle shall be accepted unless it is deemed inadequate by the Town's authorized enforcement agent or designee. The Town's authorized enforcement agent or designee may re-advertise the sale, adjourn the sale to a definite date, sell the motor vehicle at a private sale or junk the vehicle. Any interested person may offer bids on each abandoned vehicle to be sold. The purchaser shall have ten days to remove the vehicle from the storage area, but shall pay a storage fee for each day the vehicle remains in storage after the second business day subsequent to the sale date. Ten days after the sale, the purchaser shall forfeit all interest in the vehicle and the vehicle shall be deemed abandoned and may be sold again.
5. Report of Sale or Disposal. Within five days after the direct sale or disposal of a vehicle as provided in this Subsection or Subsection (b), the Town's authorized enforcement agent or designee shall advise the State of Wisconsin Department of

Motor Vehicles, of such sale or disposal on a form supplied by the Division. A copy of the form shall be given to the purchaser of the vehicle.

6. Owner Responsible for Impoundment and Disposal Costs. The owner of any abandoned vehicle, except a stolen vehicle, is responsible for the abandonment and all costs of impounding and disposing of the vehicle. Costs not recovered from the sale of the vehicle may be recovered in a civil action by the Town against the owner.

SECTION V – PENALTIES

A. No person may operate or leave any vehicle on the above-noted highways, or any portion of a highway then subject to a temporary restriction and posting, in violation of the posted restriction on stopping, standing, or parking.

B. The forfeiture for a first violation of any provision of this ordinance shall be $25.00. The forfeiture shall increase to $50.00 for second and subsequent offenses occurring within a 12-month period.

C. Pursuant to Wisconsin Statute 345.47, the Town, shall recover as costs of the action under Wisconsin Statutes 814.01 and 814.036, its actual reasonable expert witness and attorneys' fees.

SECTION IV – EFFECTIVE DATE

This ordinance shall take effect and be in force from and after the day after passage and publication as required by law.

Dated this 20th day of April, 2026

Published: April 23, 2026
Posted: April 23, 2026

Brenda Kahl, Clerk/Treasurer
David Evert, Supervisor
Nichole Schwoerer, Supervisor

Duane Haag, Chairperson
Michael Statz, Supervisor
Derek Statz, Supervisor