



## **Public Works and Safety Committee Meeting Agenda**

June 2, 2020 – 5:30 p.m.

Meeting Available on Zoom.us at the following meeting number:

<https://us02web.zoom.us/j/88281244595>

Dial in: 312-626-6799 Meeting ID: 882 8124 4595

1. Call to Order
2. Approve Minutes of March 3, 2020 meeting
3. Citizen Comments
4. Old Business
  - None
5. New Business
  - a) Recommendation to Village Board to Award 2020 Crack Sealing Proposal
  - b) Discussion and Possible Action Regarding Low Speed Vehicles on Village Streets
  - c) Discussion and Possible Action Regarding Posting No Parking Restrictions on First Street
  - d) Discussion and Possible Action Regarding Reserving Street Parking for 203 West Wisconsin Ave.
  - e) Discussion and Recommendation to Village Board for no trailer parking on Lake St between Park Ave & Prospect and Park Ave between Lake St and 247 Park Ave.
6. Adjournment

Note: It is possible that members and/or possibly a quorum of members of other governmental bodies of the municipality may be in attendance at the above-stated meeting to gather information; action will not be taken by any governmental body at the above-stated meeting other than the governmental body specifically referred to above in the notice. Upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals through appropriate aids and services. To request such assistance, contact the Village Clerk at 262-691-5660.

Posted: May 29, 2020

**Village of Pewaukee  
Public Works and Safety Committee Meeting Minutes  
March 3, 2020**

Meeting called to order by Yonke at 5:32 pm. Pledge of Allegiance was followed by a moment of silence.

Members present: Ed Hill, Kevin Yonke, Mark Grabowski, , Art Compton, Laurin Miller, Casey Smith

Members absent: Wayne Vaughn

Also Present: Director of Public Works Naze, Administrator Gosse

Agenda Item 2 – Minutes of January 7, 2020 meeting

Motion Hill to approve, second Grabowski, with corrections. Motion passed unanimously; Smith abstain.

Agenda Item 3 – Citizen Comments

Charles Sheng, 116 Highland Ave., Believes that the recycling center is a big benefit to the Village, a use fee is still a tax. He understands it is difficult to staff. If there is no dump site people will dump on roadsides.

Paul Evert, 327 Lookout Dr: Agreed with comments from Mr. Shong.

Agenda Item 4 – Old Business

None

Agenda Item 5 New Business

a) Discussion and Action on Request by School District to Mount Cameras on Light Poles

John Stangler, Pewaukee Schools, presented the reason they are proposing cameras; The Pewaukee School District received grant money from the Office of School Safety and Wisconsin DOJ to cover the cost of adding license plate recognition (LPR) software to the campus. Power consumption is similar to a 40-watt bulb. Discussion followed. Motion Hill, second Smith to approve installation of equipment on Village light poles, with final height and electrical configuration verbally approved by the Director of Public Works. Motion approved unanimously.

b) Discussion and Action on Recycling Center/Yard Waste Operations

Per past direction from the Village Board, staff presented several options for the reorganization of operations at the recycling center. The Village operates a recycling center that accepts brush, yard waste, motor oil and filters, anti-freeze, scrap metal, and comingled paper and plastics. Historically the center has been open 8 times per month and has been free to Village and County residents. The hours have been every Wednesday from 3:30 to 7:00 pm, and every Saturday from 9 am to 3 pm early-March to mid-December. Due to an agreement with the County, all County residents are welcome to use the comingled dumpsters and waste oil drop off. DPW conducts one spring curb side brush pick up a year. Lengthy discussion followed with emphasis on continuing recycling center operations. Motion Hill, second Smith, to make a recommendation to the Village Board to:

Remain open every Saturday from April through December, from 8:00 am to 1:00 pm;

Open two Wednesdays per month from 3:30 pm to 7:00 pm

Implement a \$25 per year fee for Village residents for unlimited use.



**Village of Pewaukee  
Public Works and Safety Committee Meeting Minutes  
March 3, 2020**

Motion approved unanimously.

- c) Discussion and Action regarding Re-evaluation of Maximum Assessment for Curb and Gutter

Village ordinance 78.108 (c) states that the Village Board shall annually review the maximum assessment rate for special assessments for new construction of curb and gutter. The amount was last set May 2018. Brief discussion followed. Motion Hill, second Grabowski to continue current amount and reevaluate at a future date. Motion approved unanimously.

- d) Information regarding Implementation of Annual Unidirectional Flushing Program

Director Naze presented information on the water system flushing plan being implemented for 2020:

Unidirectional Flushing (UDF) is a water-efficient method of cleaning water distribution pipes to improve water quality and restore capacity. During 2019 I recommended to the Village Board that we retain Ruckert Mielke to first develop and calibrate a water system hydraulic model, then using that data complete a step by step operational plan with the purpose of flushing water from a clean source through a "dirty" pipe and out, working in one direction and one segment at a time. By cutting off other flows, scouring velocities of 5 to 10 ft/s or more are achieved, compared to 1 to 3 ft/s with conventional flushing. At these velocities, UDF scours out sediment, biofilm, corrosion products, and tuberculation. Not only is UDF a more effective way of cleaning than conventional flushing, but it uses on average about 40 percent less water than conventional flushing. Equally important, the sediment, corrosion products and biofilm are flushed out and not just moved to another pipe run that's often the case in conventional flushing. UDF programs are asset management programs that yield long-term benefits

This program is being implemented not only to improve water quality because of greatly increased current and proposed regulatory requirements for lead and copper compliance, but because it's just a good, modern practice for improving water quality and conservation. During 2018 I purchased a turbidity meter to gauge water cloudiness as the first step in improving water quality through flushing. By measuring the turbidity (nephelometric turbidity units, NTU), we had a quantitative number to aim for at each flushing location instead of visually waiting until water looked "clear", which can still have quite high levels of particles. This generally increased the flushing volumes at many hydrants, some significantly.

The consultant has completed program development and during the first half of 2020 we will implement the program. The Village owns approximately 500 hydrants. Instead of opening all 500 hydrants as in old style flushing, the UDF plan as drafted will have us flushing through approximately 240. The trade-off is that anywhere from 1 to 7 system valves may need to be operated for each hydrant.

Agenda Item 6 – Adjournment

Motion Smith, second Grabowski to adjourn the meeting at 6:46 pm. Motion approved unanimously.

Respectfully Submitted,  
Daniel Naze, P.E.,  
Director of Public Works/Village Engineer



PUBLIC WORKS DEPARTMENT  
1000 Hickory Street  
Pewaukee, WI 53072

To: Public Works and Safety Committee and Village Board  
Cc: Scott A. Gosse, Village Administrator  
From: Dan Naze, P.E., Director of Public Works/Village Engineer  
Date: May 28, 2020  
Re: Agenda Item 5a. Recommendation to Award 2020 Crack Sealing

The 2020 budget incorporated \$40,000 for conducting crack sealing on streets based on their rating and capturing them in a maintenance program while pavement is still in good condition, a 6-7 on a scale of 10. I prepared four proposal requests and sent them to qualified firms during April and due May 14th. The proposal requested prices on both narrow conventional routing and crack filling, and filling wider gaps and/or those with significant cupping affecting ride quality. For this year the request was for all streets in Lake Park Subdivision and for Westfield Way in Riverwood/Majeski Acres subdivision for it's entire length.

Two proposals were returned:

|                             |              |
|-----------------------------|--------------|
| American Paving Solutions   | No proposal  |
| Crack Filling Service Corp. | No proposal  |
| Fahrner Asphalt             | \$197,071.00 |
| Thunder Road LLC            | \$65,381.00  |

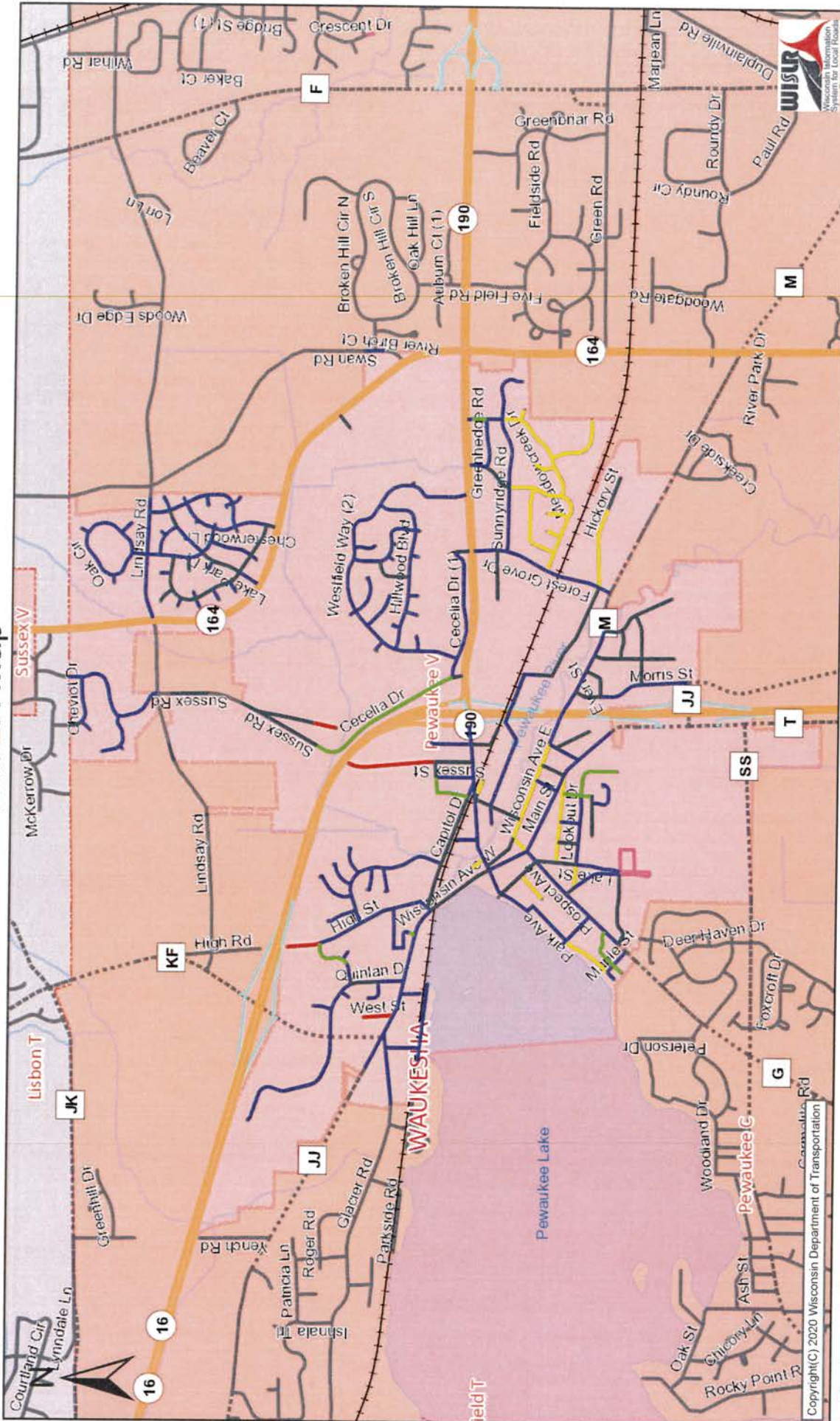
The streets included in the proposal request far exceed the available budget.

Recommendation:

Recommend to the Village Board to authorize Staff to accept the proposal from Thunder Road, LLC, Oconomowoc, WI, to perform services as directed not exceeding a total of \$40,000.

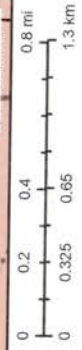


# WISLR Map



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- wislr-fl3** Railroads
- 1-2** State Trunk Network
- 3-4** Interstate Highway
- 5-6** US Highway
- 7-8** US Connecting Highway
- 9-10** State Trunk Highways
- On-Off Ramp**
- Connector**
- Frontage Road**
- Wayside**
- Rest Area**
- County Roads**
- County Trunk Hwy
  - County Forest Roads
  - Other County Roads
- Local Roads**
- Municipal/Local Roads
  - Ineligible Roads
  - Rivers
  - Lakes
- Cities/Villages/Towns**
- City
  - Village
  - Town
  - Counties







To: Kevin Yonke, Chair  
Public Works & Safety Committee

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From: Scott A. Gosse  
Village Administrator

Date: May 29, 2020

Re: Public Works & Safety Committee Agenda Items

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### **BACKGROUND**

Chairman Kevin Yonke has requested discussion regarding three topics by the Public Works & Safety Committee for possible recommendation to the Village Board. These items will be reviewed below.

### **ACTION REQUESTED**

The action requested of the Public Works & Safety Committee is to review the attached information and to provide direction to staff or a recommendation to the Village Board.

### **ANALYSIS**

#### 1. Low-Speed Vehicles

Attached for your review and information please find a copy of Wisconsin Statutes Section 349.26 and 346.94(22) regarding current laws on low-speed vehicles and the ability of local governments to allow on local roads. Also attached please find copies of a variety of articles and/or local ordinances regarding low-speed vehicles. The action requested of the Public Works & Safety Committee by Chairman Yonke is to review the attached and provide direction to staff on if the Committee desires to have staff return with a draft ordinance for review and possible recommendation to the Village Board.

#### 2. Limited No Parking Hours for First Street

Chairman Yonke would like to have a discussion the with the Public Works & Safety Committee regarding the possibility of posting First Street as "No Parking" between the hours of 6AM – 9AM.

#### 3. Designation of Parking Spots on W. Wisconsin Avenue

Chairman Yonke has asked to have a conversation with the Committee to determine if there is a desire to "reserve" parking spots for the Chiropractic & Wellness on Pewaukee Lake business. At this time, there are no other businesses that have public parking spots designated for business specific parking. Please note that there is a 15-minute parking spot located in front of the Lake Country Bakery. The intent of this spot was to provide access for quick pick up of orders from businesses in the 161 W. Wisconsin Avenue building. This item is on the agenda for discussion and direction of the Committee.

#### 4. Discussion and Recommendation to Village Board for no trailer parking on Lake St between Park Ave & Prospect and Park Ave between Lake St and 247 Park Ave.

This matter is on the agenda at the request of Trustee Hill. Attached for your review and information please find copies of minutes from the Village Board meetings in 2018 along with a copy of a letter from Village Attorney Mark Blum regarding trailer parking and local authority to regulate.

Attachments

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**349.25 STATE AND LOCAL POWERS**

Updated 17–18 Wis. Stats. 14

or conviction record, subject to ss. 111.321, 111.322 and 111.335, and until the applicant exhibits proof that liability insurance will be in force for the protection of passengers in the minimum amount of \$10,000 for any one passenger and \$50,000 for any single accident. Section 632.24 is applicable to the insurance required under this section, whether the vehicle is a motor vehicle or is propelled in some other manner. The county board shall set the amount for each license issued, not to exceed an amount reasonably related to the actual and necessary cost of providing the license.

(3) The county board may, after notice and hearing accorded the licensee, revoke any license issued by it pursuant to this section whenever in its judgment the public safety so requires.

(4) No vehicle licensed pursuant to this section shall be operated upon a highway for the purpose of transporting persons for hire unless it is equipped with at least one red reflector at each of the 2 rear corners of the vehicle and with at least one blue reflector at each of the 2 front corners of the vehicle and at the front end of the pole or tongue. All such reflectors shall be of a type approved by the department.

(5) The county board in any county not containing a city of the

first or second class may by ordinance require owners and operators of vehicles to be used for the purposes specified in sub. (1) to be licensed. The actual issuance of the license may be delegated to the county clerk.

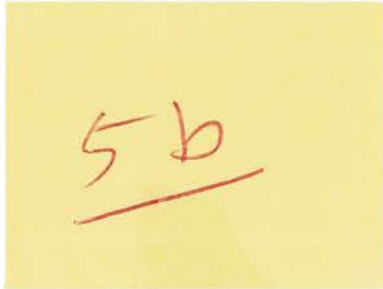
**History:** 1975 c. 375 s. 44; 1975 c. 421; 1977 c. 29 s. 1654 (7) (a); 1981 c. 380; 1981 c. 391 s. 211; 1983 a. 146.

**349.26 Authority to allow or prohibit the operation of low-speed vehicles. (1m)** The governing body of any municipality or county may by ordinance prohibit the operation of low-speed vehicles on any highway that is under the jurisdiction, for maintenance purposes, of the municipality or county. A county ordinance enacted under this subsection does not apply within any municipality that has enacted or enacts an ordinance under sub. (2).

(2) The governing body of any municipality may by ordinance allow the use of a low-speed vehicle on a roadway that has a speed limit of 35 miles per hour or less and that is located within the territorial boundaries of the municipality, regardless of whether the municipality has jurisdiction over the roadway.

**History:** 2005 a. 329; 2007 a. 33; 2009 a. 311.

**Cross-reference:** See also ch. Trans 145, Wis. adm. code.





2. The operator of a vehicle of a public utility. In this paragraph, public utility means any corporation, company, individual, or association which furnishes products or services to the public, and which is regulated under ch. 195 or 196, including railroads, telecommunications, or telegraph companies and any company furnishing or producing heat, light, power, or water.

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.

7. A local authority that has enacted an ordinance in conformity with s. 349.135.

**(17) IN-LINE SKATES ON ROADWAY.** (a) A person riding upon in-line skates may go upon any roadway under the jurisdiction of a local authority, subject to any restrictions specified by municipal ordinance enacted under s. 349.235.

(b) Any person riding upon in-line skates upon any roadway shall ride in a careful and prudent manner and with due regard under the circumstances for the safety of all persons using the roadway.

(c) Notwithstanding any other provision of this subsection or s. 349.235, no person riding upon in-line skates may attach the in-line skates or himself or herself to any vehicle upon a roadway or, except while crossing a roadway at a crosswalk, go upon any roadway under the jurisdiction of the department.

**(18) ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICES ON ROADWAYS AND SIDEWALKS.** (a) 1. Except as otherwise prohibited in this chapter, a person may operate an electric personal assistive mobility device upon any roadway or sidewalk that is under the jurisdiction of the department.

2. Except as provided in s. 349.236 (1) (c), the department may by rule prohibit electric personal assistive mobility devices upon any roadway under its jurisdiction for which the speed limit is more than 25 miles per hour, and may by rule prohibit such devices upon any sidewalk under its jurisdiction. This subdivision does not apply upon any sidewalk at a permanent or temporarily established driveway.

(b) A person may operate an electric personal assistive mobility device upon any roadway under the jurisdiction of a local authority, subject to any prohibitions specified by municipal ordinance enacted under s. 349.236.

**(18m) PERSONAL DELIVERY DEVICES ON SIDEWALKS AND CROSSWALKS.** (a) 1. Except as otherwise prohibited in this chapter, a personal delivery device operator may operate a personal delivery device upon a sidewalk or crosswalk that is under the jurisdiction of the department.

2. Except as provided in s. 349.236 (1) (c), the department may by rule prohibit personal delivery devices upon any sidewalk under its jurisdiction. This subdivision does not apply upon any sidewalk at a permanent or temporarily established driveway.

(b) A personal delivery device operator may operate a personal delivery device upon any sidewalk under the jurisdiction of a local authority, subject to any prohibitions specified by municipal ordinance enacted under s. 349.236.

**(18s) ELECTRIC SCOOTERS ON ROADWAYS, SIDEWALKS, BICYCLE LANES, AND BICYCLE WAYS.** (a) Except as otherwise prohibited in this chapter, a person may operate an electric scooter upon any roadway, sidewalk, bicycle lane, or bicycle way that is under the jurisdiction of the department or that is open to operation of bicycles.

(b) A person may operate an electric scooter upon any roadway, sidewalk, bicycle lane, or bicycle way under the jurisdiction of a local authority, subject to any restrictions or prohibitions specified by municipal ordinance enacted under s. 349.237.

(c) No person may operate an electric scooter upon any roadway, sidewalk, bicycle lane, or bicycle way at a speed in excess of 15 miles per hour.

**(19) OFF-ROAD UTILITY VEHICLES ON ROADWAY.** (a) A person may operate an off-road utility vehicle upon any roadway that has a speed limit of 35 miles per hour or less. This paragraph applies only if the person operating the off-road utility vehicle is employed by, or under contract with, the state or a local governmental unit, as defined in s. 19.42 (7u), and the off-road utility vehicle is being used for the state or local governmental purpose of collecting residential or commercial solid waste, landscaping, or performing incidental street maintenance, and is operated on a highway for a distance not to exceed one half mile.

(b) No person may operate an off-road utility vehicle upon any highway that has a speed limit of more than 35 miles per hour.

**(20) OPENING MOTOR VEHICLE DOOR ON HIGHWAY.** (a) No person may open any door of a motor vehicle located on a highway without first taking due precaution to ensure that his or her act will not interfere with the movement of traffic or endanger any other person or vehicle.

(b) The operator of a motor vehicle located on a highway may not permit any person under 16 years of age to open any door of the motor vehicle without the operator first taking due precaution to ensure that opening the door will not interfere with the movement of traffic or endanger any other person or vehicle.

**(21) LIGHTWEIGHT UTILITY VEHICLES ON HIGHWAYS.** (a) In this subsection:

1. "Agricultural operations" includes transporting farm implements, equipment, supplies, or products on a farm or between farms.

2. "Lightweight utility vehicle" has the meaning given in s. 23.33 (11m) (a) 2., except that the term does not include a device that is equipped with a seat designed to be straddled by the operator.

**NOTE: Section 23.33 (11m) was repealed by 2009 Wis. Act 175.**

(b) 1. Notwithstanding s. 23.33 (11m), a person may operate in the conduct of agricultural operations a lightweight utility vehicle on a highway, including any roadway or, notwithstanding ss. 346.05 (1) and 346.08, any shoulder of a highway, to cross the highway or to travel on the highway.

**NOTE: Section 23.33 (11m) was repealed by 2009 Wis. Act 175.**

2. Any person operating a lightweight utility vehicle on a highway shall exercise due care and, as far as is practicable, avoid interfering with the movement of traffic.

3. Any person operating a lightweight utility vehicle upon any roadway shall operate as close as practicable to the right-hand edge or curb of the unobstructed roadway.

(c) Except as provided in par. (b) and s. 23.33 (11m), no person may operate a lightweight utility vehicle on a highway.

**NOTE: Section 23.33 (11m) was repealed by 2009 Wis. Act 175.**

**(22) LOW-SPEED VEHICLES OPERATED ON HIGHWAYS.** (a) Except as provided in par. (b) and s. 349.26, a person may operate a low-speed vehicle on any highway that has a speed limit of 35 miles per hour or less and that is under the jurisdiction, for maintenance purposes, of a municipality or county.

(b) 1. Paragraph (a) applies to the operation of a low-speed vehicle on a connecting highway only if the connecting highway has a speed limit of 25 miles per hour or less or the municipality or county with jurisdiction has adopted a valid ordinance under s. 349.26 (2).

2. Subject to subd. 3., par. (a) applies to an intersection where the highway under the jurisdiction of the municipality or county crosses a state trunk highway or connecting highway only if the state trunk highway or connecting highway has a speed limit at the intersection of 35 miles per hour or less and traffic at the intersection is controlled by traffic control signals.

3. Paragraph (a) does not apply to an intersection where the highway under the jurisdiction of the municipality or county



crosses an expressway, as defined in s. 346.57 (1) (ag), or freeway, as defined in s. 346.57 (1) (am), or a controlled-access highway designated under s. 83.027 or 84.25.

(c) No person may operate a low-speed vehicle on any highway except as authorized under this subsection or s. 349.26 (2).

(d) No person may operate a low-speed vehicle at a speed in excess of 25 miles per hour.

**(23) COMMERCIAL QUADRICYCLES.** (a) In this subsection:

1. “Alcohol beverages” has the meaning given in s. 125.02 (1).

2. “Fermented malt beverages” has the meaning given in s. 125.02 (6).

(b) No driver of a commercial quadricycle may consume alcohol while the commercial quadricycle is occupied by passengers.

(c) No person may drive a commercial quadricycle while the person has an alcohol concentration of more than 0.02.

(d) No person may drive a commercial quadricycle occupied by passengers after 10:30 p.m. or after any earlier time established by ordinance under s. 349.18 (1) (d).

(e) No person may drive a commercial quadricycle on which any alcohol beverages other than fermented malt beverages are carried or consumed. No person may drive a commercial quadricycle on which any alcohol beverages are sold, including delivery on the commercial quadricycle of alcohol beverages previously sold by a caterer.

(f) No person may possess on, or carry onto, a commercial quadricycle more than 36 fluid ounces of fermented malt beverages.

(g) Upon conviction of a driver of a commercial quadricycle for a violation of this subsection, the court shall enter an order permanently prohibiting the person from driving a commercial quadricycle. No person may drive a commercial quadricycle in violation of such an order.

**History:** 1973 c. 182, 314; 1975 c. 320; 1977 c. 68; 1983 a. 56, 175, 243, 538; 1989 a. 335; 1991 a. 83, 87; 1993 a. 260; 1995 a. 131, 138, 216, 373; 1997 a. 27; 2001 a. 90; 2003 a. 26, 192; 2005 a. 118, 250; 2007 a. 11; 2009 a. 22, 157, 311, 367; 2013 a. 106; 2015 a. 117, 170; 2017 a. 13; 2017 a. 365 s. 111; 2019 a. 11.

An ordinance adopting sub. (4) in its entirety violated the constitutional guarantee of free speech. *Deida v. City of Milwaukee*, 176 F. Supp. 2d 859 (2001).

**346.945 Vehicle owner’s liability for radios or other electric sound amplification devices.** (1) (a) Subject to s. 346.01 (2), the owner of a vehicle involved in a violation of s. 346.94 (16) shall be presumed liable for the violation as provided in this section.

(b) Notwithstanding par. (a), no owner of a vehicle involved in a violation of s. 346.94 (16) may be convicted under this section if the person operating the vehicle or having the vehicle under his or her control at the time of the violation has been convicted for the violation under this section or under s. 346.94 (16).

(2) Any member of the public who observes a violation of s. 346.94 (16) may prepare a written report indicating that a violation has occurred. If possible, the report shall contain the following information:

(a) The time and the approximate location at which the violation occurred.

(b) The license number and color of the motor vehicle involved in the violation.

(c) Identification of the motor vehicle as an automobile, motor truck, motor bus, motorcycle or other type of vehicle.

(3) (a) 1. Within 24 hours after observing the violation, a member of the public may deliver a report containing all of the information in sub. (2) to a traffic officer of the county or municipality in which the violation occurred. A report which does not contain all of the information in sub. (2) shall nevertheless be delivered and shall be maintained by the county or municipality for statistical purposes.

2. Within 48 hours after receiving a report containing all of the information in sub. (2), the traffic officer shall investigate the

violation and may prepare a uniform traffic citation under s. 345.11 and, within 72 hours after receiving such report, any traffic officer employed by the authority issuing the citation may personally serve it upon the owner of the vehicle.

(b) If with reasonable diligence the owner cannot be served under par. (a), service may be made by leaving a copy of the citation at the owner’s usual place of abode within this state in the presence of a competent member of the family who is at least 14 years of age and who shall be informed of the contents thereof. Service under this paragraph may be made by any traffic officer employed by the authority issuing the citation and shall be performed within 72 hours after a report containing all of the information in sub. (2) was delivered to a traffic officer under par. (a) 1.

(c) If with reasonable diligence the owner cannot be served under par. (a) or (b) or if the owner lives outside of the jurisdiction of the issuing authority, service may be made by certified mail addressed to the owner’s last-known address. Service under this paragraph shall be performed by posting the certified mail within 72 hours after a report containing all of the information in sub. (2) was delivered to a traffic officer under par. (a) 1. Except for owners who live outside of the jurisdiction of the issuing authority, service under this paragraph may not be performed unless service under pars. (a) and (b) has been attempted.

(4) Defenses to the imposition of liability under this section include:

(a) That a report that the vehicle was stolen was given to a traffic officer before the violation occurred or within a reasonable time after the violation occurred.

(b) If the owner of the vehicle provides a traffic officer employed by the authority issuing the citation with the name and address of the person operating the vehicle or having the vehicle under his or her control at the time of the violation and sufficient information for the officer to determine that probable cause does not exist to believe that the owner of the vehicle was operating the vehicle or having the vehicle under his or her control at the time of the violation, then the owner of the vehicle shall not be liable under this section or under s. 346.94 (16).

(c) If the vehicle is owned by a lessor of vehicles and at the time of the violation the vehicle was in the possession of a lessee, and the lessor provides a traffic officer employed by the authority issuing the citation with the information required under s. 343.46 (3), then the lessee and not the lessor shall be liable under this section or under s. 346.94 (16).

(d) If the vehicle is owned by a dealer, as defined in s. 340.01 (11) (intro.) but including the persons specified in s. 340.01 (11) (a) to (d), and at the time of the violation the vehicle was being operated by or was under the control of any person on a trial run, and if the dealer provides a traffic officer employed by the authority issuing the citation with the name, address and operator’s license number of the person operating the vehicle or having the vehicle under his or her control on a trial run, then that person, and not the dealer, shall be liable under this section or under the applicable provision of s. 346.94 (16).

(5) Notwithstanding s. 346.94 (16) (b) 6., this section does not apply to the operation of a motorcycle.

**History:** 1995 a. 373; 1997 a. 27; 1999 a. 80.

**346.95 Penalty for violating sections 346.87 to 346.94.**

(1) Except as provided in sub. (13), any person violating s. 346.87, 346.88, 346.89 (4), (4m), or (5), 346.90 to 346.92, or 346.94 (1), (9), (10), (11), (12), or (15) may be required to forfeit not less than \$20 nor more than \$40 for the first offense and not less than \$50 nor more than \$100 for the 2nd or subsequent conviction within a year.

(2) Any person violating s. 346.89 (1) or (3) (a) or 346.94 (2), (4), or (7) may be required to forfeit not less than \$20 nor more than \$400.

(2m) Any person violating s. 346.935 may be required to forfeit not more than \$100.



# Greendale becomes the first area community to allow low-speed vehicles (golf carts) on village streets

Juno Ford-Stewart, Milwaukee Journal Sentinel Published 2:13 p.m. CT Nov. 7, 2018 | Updated 11:10 a.m. CT Nov. 9, 2018

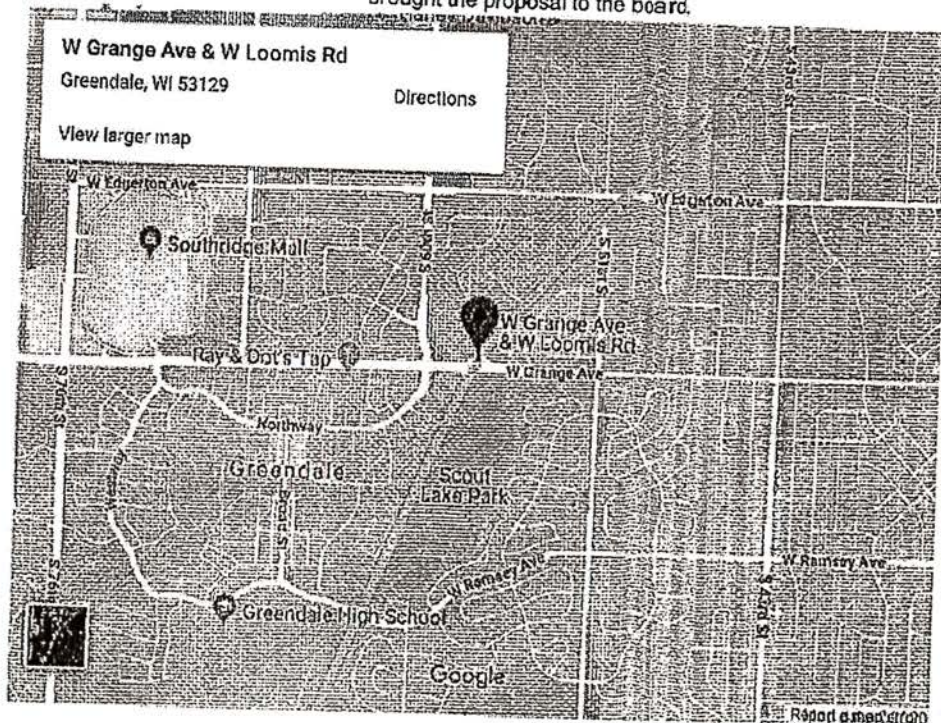


(Photo: Bintliff Electric Vehicles/Submitted)

Greendale might be the first community in southern Wisconsin to approve low-speed vehicles (read: beefed up golf carts) for use on village streets.

You can't even cross Loomis Road or much of 76th Street and you can't go much faster than 25 mph, but low-speed vehicles got the official starting flag to tool around Greendale's streets.

By passing an ordinance Tuesday, Nov. 6, to allow the low-speed vehicles, the village board is believed to have made the village only the third community in the state to welcome the golf cart-like low-speed vehicles on its streets. The other two are in northern Wisconsin (including Princeton), said Trustee Jason Cyborowski, who brought the proposal to the board.



"It's unique and different and perfect for Greendale," he said. "It would get people talking about Greendale,"

The low-speed vehicles are common in Arizona and Florida, he said.

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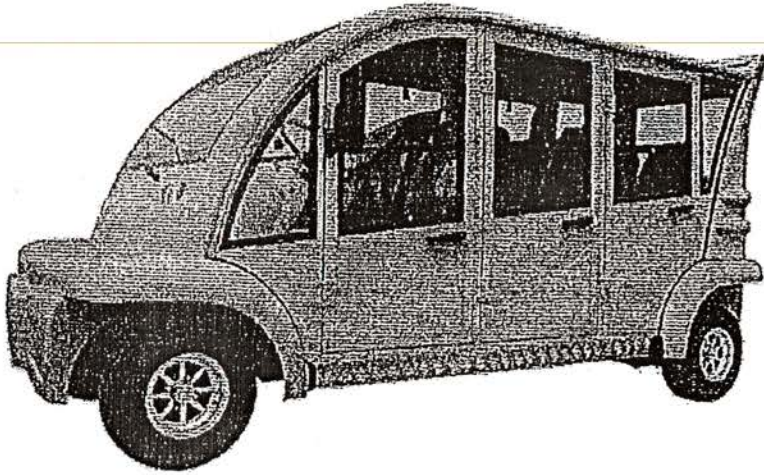


...it's a little like driving a convertible, only much slower and a lot less expensive, he said.

And they have safety features, he said. They have seat belts, lights, directional signals and horns, Cyborowski said. You can even get them with doors, he said. Drivers have to have a drivers license and insurance.

"We allow scooters that go 35 miles per hour, I don't see how that is any safer," Cyborowski said.

Village President James Birmingham was a little nonplussed that anyone would choose to get where they are going in a low-speed vehicle rather than in a car. You can't go very fast and by state law, you can't set a tire on a street with a speed limit higher than 35 mph, he said.



Some low-speed vehicles come with doors. (Photo: Bintelli Electric Vehicles/Submitted)

## Problem streets

Those higher speed streets are 76th Street and Loomis Road. The only place the little vehicles can cross 76th Street is at Grange Avenue because the speed limit goes down for the intersection, Birmingham said. However, they can't cross Loomis Road at all, he said. They can, however, cross Grange, which divides the village in north and south sections.

"I suppose a few people will get them," Birmingham said.

Prices seem to range from \$6,000 to \$16,000 in the vehicles he has seen, Cyborowski said.

"They look like Mercedes," he said of the top of the line models. The low-speed vehicles are electric.

The state of Wisconsin allows low-speed vehicles with safety features, insurance and licensed drivers, but communities must also give their consent, as Greendale just did.

**TOWN OF GIBRALTAR**

**ORDINANCE NO. 2010-\_\_\_\_\_**

**ORDINANCE RELATIVE TO THE OPERATION OF  
LOW SPEED VEHICLES WITHIN THE TOWN OF GIBRALTAR**

The Town of Gibraltar does hereby ordain as follows:

Pursuant to the authority granted to the Town of Gibraltar by Section 349.26(2) of Wisconsin Statutes, the following provisions are hereby created to read as follows:

**Article I. LOW SPEED VEHICLES ALLOWED**

**a. Definition.**

(a) *Low Speed Vehicle* means a vehicle meeting the definition set forth in Sec. 340.01(27h), Wis. Stats. A golf cart is not a Low Speed Vehicle.

**b. Regulation.**

(a) A Low Speed Vehicle may be operated on those portions of public roadways within the territorial boundaries of the Town of Gibraltar having a speed limit of 35 miles per hour or less, excepting public roadways inside the boundaries of Peninsula State Park. Town of Gibraltar Ordinance 2009-06, relating to use of Neighborhood Electric Vehicles within the boundaries of Peninsula State Park, is unaffected by this ordinance.

(b) Each person operating a Low Speed Vehicle on a public roadway within the Town of Gibraltar must possess a valid driver's license.

(c) Each person operating a Low Speed Vehicle on a public roadway within the Town of Gibraltar shall be granted all of the rights and be subject to all of the duties applicable to a driver of any motor vehicle in the State of Wisconsin, including maintaining insurance as required by State law, except as to the special regulations applicable to Low Speed Vehicles, and except as to those provisions which by their nature do not apply to the operation of a Low Speed Vehicle.

(d) Each person operating a Low Speed Vehicle on a public roadway in the Town of Gibraltar shall observe all traffic laws and local ordinances regarding the rules of the road.

**c. Penalties.**

(a) Any person who shall violate any Wisconsin traffic law in a Low Speed Vehicle may be issued a Uniform Traffic Citation and be subject to the penalties provided by the Uniform State Traffic Deposit Schedule.

(b) Any person who shall violate any provision of this ordinance in a Low Speed Vehicle may be issued a Town citation, and shall forfeit \$25.00 for the first offense and \$50.00 for subsequent offenses.

This Ordinance shall take effect upon passage and publication thereof.

Passed this \_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
Town Chairperson

\_\_\_\_\_  
Town Supervisor

\_\_\_\_\_  
Town Supervisor

\_\_\_\_\_  
Town Supervisor

Attest:

\_\_\_\_\_  
Sharon Kellner, Town Clerk



ORDINANCE # 46  
GOLF CART ORDINANCE

STATE OF WISCONSIN

Town of Namakagon

Bayfield County

SECTION I – TITLE AND PURPOSE

The title of this ordinance is the Town of Namakagon Golf Cart Ordinance. The purpose of this ordinance is for the Town of Namakagon to regulate the use of golf carts in the Town of Namakagon.

SECTION II – AUTHORITY

The Town Board of the Town of Namakagon has the specific authority under s. 175.25, Wis. stats., and general authority under its village powers under s. 60.22, Wis. stats., to adopt this ordinance.

SECTION III – ADOPTION OF ORDINANCE

This ordinance, adopted by a majority of the town board on a roll call vote with a quorum present and voting and proper notice having been given, provides for the regulation of golf carts on town roads.

SECTION IV – DEFINITIONS

Golf cart: A vehicle designed and manufactured for operation on a golf course for sporting or recreational purposes and that is not capable of exceeding 20 miles per hour.

SECTION V - SUBDIVISION AND NUMBERING OF THIS ORDINANCE

This ordinance is divided into sections designated by uppercase Roman numerals. Sections may be divided into subsections designated by uppercase letters. Subsections may be divided into paragraphs designated by numbers. Paragraphs may be divided into subdivisions designated by lowercase letters. Subdivisions may be divided into subdivision paragraphs designated by lowercase Roman

numerals. Reference to a "section," "subsection," "paragraph," or "subdivision" includes all divisions of the referenced section, subsection, paragraph, or subdivision.

(1)

## SECTION VI – COVERAGE

- A. The operation of golf carts on public roads in the Town of Namakagon with the provisions outlined in this ordinance shall be permitted.
- B. No person who is less than 16 years of age or who does not have a valid driver's license issued under or granted by the laws of Wisconsin or some other state may operate a golf cart on any public street within the town. For purposes of this section, a learners permit shall not be considered as a valid driver's license nor shall any license that has been revoked, temporary or otherwise, or suspended for any reason, be considered as a valid driver's license during the period of suspension or revocation.
- C. Golf carts shall not be operated on the public roads of this town except in full compliance with the provisions of this section.
  - a. Hours of operation: Golf carts can be driven on the roads of the Town of Namakagon from sunrise to sunset.
  - b. Golf cart travel is only allowed on town roads having speed limits of 35 mph or less.
  - c. The golf cart must have a reflective slow moving vehicle sign on the back of the cart visible to all that approach the cart from the rear.
  - d. County Highways "M" and "D" are not town roads and golf cart travel is not allowed on these roads under this ordinance.

## SECTION VII – DISCLAIMER AND LIABILITY



- A. Disclaimer: Golf carts are not designed for nor manufactured to be used on public roads and the Town of Namakagon neither advocates nor endorses the golf cart as a safe means of travel on public streets, roads, and highways. The Town of Namakagon in no way shall be liable for accidents, injuries, or death involving the operation of golf carts.
- B. Assumption of risk. Any person who owns, operates, or rides upon a golf cart on a public street, road, or highway within the Town of Namakagon does so at his or her own risk and peril and assumes all liability resulting from the operation of the golf cart.

(2)

#### SECTION VII --PENALTY PROVISION

Any person that violates this ordinance shall pay a forfeiture of not more than \$100 for a first violation and not more than \$250 for any further violations.

#### SECTION IX – SEVERABILITY

If any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable.

#### SECTION X – EFFECTIVE DATE

This ordinance is effective on publication or posting.  
The town clerk shall properly post or publish this ordinance as required under s. 60.80, Wis. stats.  
Adopted this 8th day of August, 2017.





## Chapter 545. Vehicles and Traffic

### Article IV. Miscellaneous Provisions

#### § 545-33. Low-speed vehicles.

This section is adopted pursuant to the authority set forth in § 349.26, Wis. Stats., and adopted for the protection of the public health, benefit and welfare of the City.

A. Definition and requirements.

- (1) "Low-speed vehicle (LSV)" means a motor vehicle that conforms to the definition and requirements for low-speed vehicles as adopted in the federal motor vehicle safety standards for low-speed vehicles under 49 CFR 571.3(b) and 571.500. "Low-speed vehicle" does not include a golf cart.
- (2) Low-speed vehicles shall be four-wheeled and have a speed range of at least 20 miles per hour and not more than 35 miles per hour on a paved surface and have a gross vehicle weight at rest of less than 2,500 pounds. A low-speed vehicle does not include an electric golf cart and shall be equipped with the following and meet the general test conditions under 49 CFR 571.500, S6:
  - (a) Headlamps.
  - (b) Front and rear turn signals.
  - (c) Stop lamps.
  - (d) Reflex reflectors: one red on each side as far to the rear as practicable, and one red on the rear (three total).
  - (e) An exterior mirror mounted on the driver's side and either an exterior mirror on the passenger side or an interior rearview mirror.
  - (f) Parking brakes.
  - (g) A windshield that conforms to the requirements of the federal motor vehicle safety standard on glazing material (49 CFR 571.205).
  - (h) A vehicle identification number (VIN) that complies with federal law (49 CFR 565).
  - (i) A type 1 or type 2 seatbelt assembly conforming to 49 CFR 571.209 and Federal Motor Safety Standard No. 209, for each designated seating position.

- B. Permitted users of low-speed vehicles. To use a low-speed vehicle on a City street meeting the criteria set forth in Subsection A above, the individual driver must have a valid Wisconsin driver's license.

- C. Permitted use of low-speed vehicles on City streets. Any driver meeting the requirement of Subsection B above may operate a licensed LSV on the City streets having a posted speed limit of 35 miles per hour or less. A LSV may be used upon connecting highways with the City of Prescott but only upon those sections where the speed limit is 35 miles per hour or less. These vehicles cannot be driven on US Highway 10 or State Road 29/35. Headlamps must be on at all times during operation on City streets.
  - D. Operation of low-speed vehicles. Low-speed vehicles shall comply with all state and local traffic laws, including, but not limited to, this chapter, and owners and operators of low-speed vehicles shall be subject to citations and forfeitures for any such violation. Electrical cords, connections, or other charging devices shall not cross public land such as a sidewalk, terrace, street, etc.
  - E. License. Low-speed vehicles shall be licensed by the Wisconsin Department of Transportation.
  - F. Enforcement. Any person who violates any provision of this section shall be subject to forfeiture as provided in this chapter.
- [1] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*



[https://madison.com/wsj/news/local/govt-and-politics/off-road-vehicles-could-be-on-road-thanks-to-change-in-wisconsin-laws/article\\_166f64d2-c985-582a-a378-eff246aab05b.html](https://madison.com/wsj/news/local/govt-and-politics/off-road-vehicles-could-be-on-road-thanks-to-change-in-wisconsin-laws/article_166f64d2-c985-582a-a378-eff246aab05b.html)

BREAKING

TOPICAL

TOP STORY

# Off-road vehicles could be on road, thanks to change in Wisconsin laws

Bill Novak | Wisconsin State Journal  
May 23, 2018

SALE! Subscribe for \$1/mo.



Changes in state law allows ATVs and UTVs to be on roads in communities that authorize their use.  
Department of Natural Resources

**S**eeing an ATV in front of you on a local Wisconsin road might be disconcerting but not illegal, thanks to changes in state law.

The Department of Natural Resources is advising motorists to be careful in municipalities that let ATVs and UTVs to use streets with speed limits of 35 mph or less, after the Legislature passed acts in November and April allowing for this.

"ATVs and UTVs are growing in popularity throughout Wisconsin, and, in some areas, it can be a sure sign of spring and summer to have more four-wheelers out on roads and trails," said Gary Eddy, off-highway vehicle administrator for the DNR.

ATVs are not allowed on Interstate highways, but can be allowed on state highways with approval from the DOT within municipalities allowing for their use on local roads.

"As the weather warms up, we are asking everyone, drivers and riders alike, to eliminate distractions and stay safe," said DOT Secretary Dave Ross.

"Be mindful that motorists may see more ATVs on state and local roads than in the past, and fewer signs indicating ATV routes," Ross said.

The new law allows for ATV/UTV route postings on streets and roads at the territorial boundaries, so motorists might not see as many signs along an individual road.

ATV/UTV riders are also required to stick to authorized areas where riding on roads is allowed, and to travel at the appropriate speed.

Headlights are required and helmets and protective gear should be used.



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**The DOT has a website with more information** about ATVs on the road, as well as how municipalities can establish routes in their jurisdiction.

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### Bill Novak | Wisconsin State Journal

Bill Novak is a general assignment reporter for the Wisconsin State Journal.

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## Most Popular

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### New 'safer at home' order allows businesses to reopen with curbside drop-off services

Apr 28, 2020



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### Wisconsin Supreme Court rejects union attempt to defend stay-at-home order

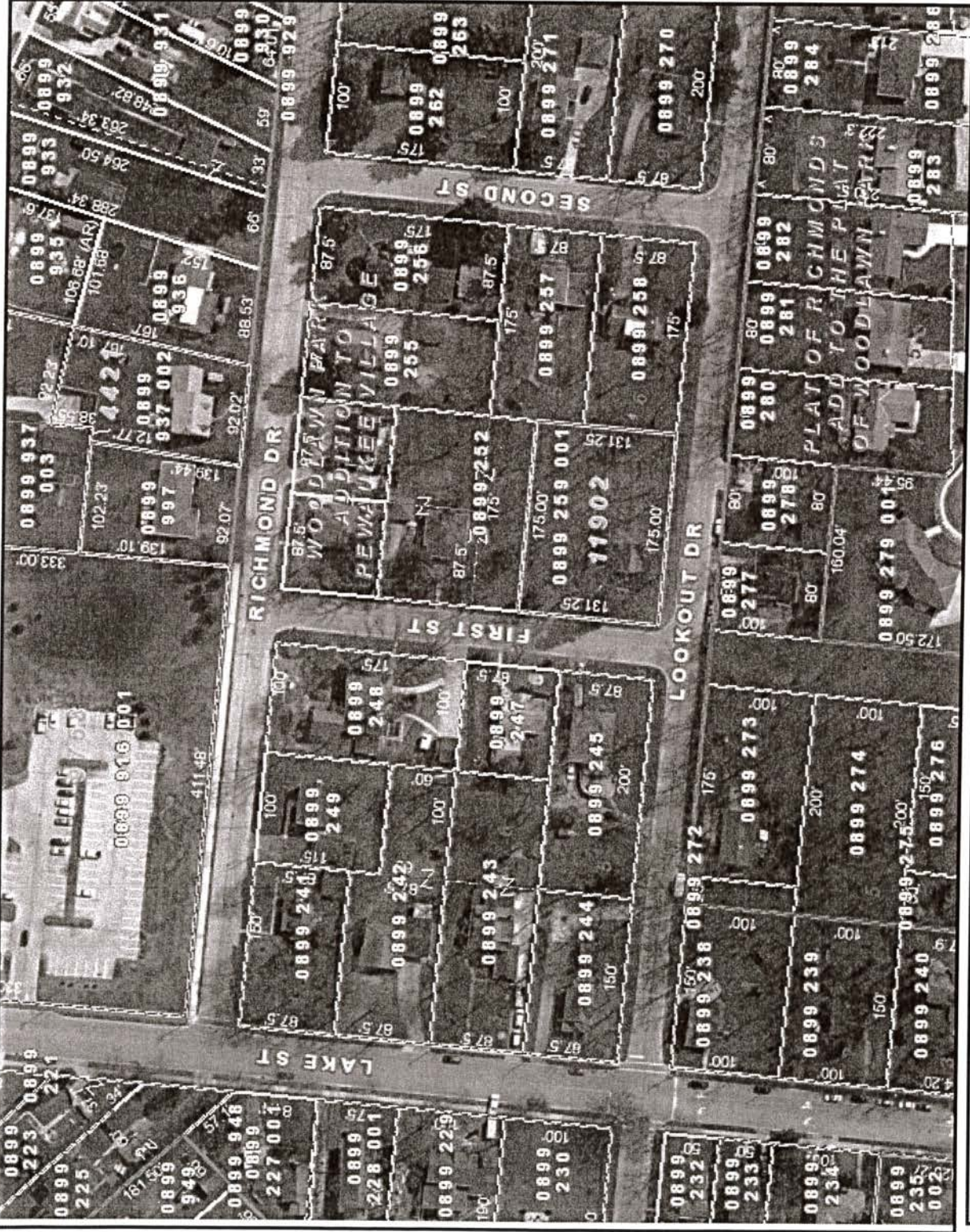
2 hrs ago



5C

# Waukesha County GIS Map

LAND INFORMATION SYSTEMS DIVISION



### Legend

- Municipal Boundary\_2K
- FacilitySites\_2K\_Labels
- Lots\_2K
  - Lot
  - Outlot
  - Unit
- SimultaneousConveyance
  - Assessor Plat
  - CSM
  - Condominium
  - Subdivision
- Cartoline\_2K
  - <all other values>
  - EA-Easement\_Line
  - PL-DA
  - PL-Extended\_Tie\_line
  - PL-Meander\_Line
  - PL-Note
  - PL-Tie
  - PL-Tie\_Line
- Road Centerlines\_2K
- Railroad\_2K
- TaxParcel\_2K
- Waterbodies\_2K\_Labels
- Waterlines\_2K\_Labels

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141.46 Feet

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LAND INFORMATION SYSTEMS DIVISION

# Waukesha County GIS Map

5D



### Legend

- Municipal Boundary\_2K
- FacilitySites\_2K\_Labels
- Lots\_2K
  - Lot
  - Outlot
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- SimultaneousConveyance
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Printed: 5/18/2020

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## 6. Old Business

### *a. Discussion and Direction Regarding Boat Trailer Parking Concern on Sections of Park Avenue, Lake Street, and Orchard Avenue*

Administrator Gosse stated he was asked to draft a survey, it is being presented for the Board's direction. Trustee Rohde stated it should be very specific in the letter that this is for all trailers and that ordinance would be in regards to all trailers. Rohde stated he thought the restrictions were going to be during specific time periods, that should be included. Trustee Yonke stated it should be 3 separate items, yes/no for Park Avenue, yes/no for Lake Street, and yes/no for Orchard Avenue. Trustee Gergen stated that after the last meeting she went down Lake Street on 10 different nights and realized it wasn't as big of an issue as she had previously thought, she thought they didn't have driveways but really, it's only 1 house. Gergen stated she really likes Mr. Grabowski's idea of a parking pass with the launch pass. Gergen stated it would helpful to have separate questions for Park Avenue and Lake Street. Trustee Roberts stated that after the last meeting he thought we were done with this, and asked why we are even doing this, we were elected to represent our constituency, he stated we should not send this out. Discussion followed.

**Trustee Rohde moved, seconded by Trustee Yonke to table item 6a and to require that a better job be done at Laimon Park to inform boaters through maps and signage, that parking is available at Koepp Park. Motion carried 6-0.**

### *b. Discussion and Direction Regarding Proposed Public Boat Pier Location and Cost*

President Knutson stated that when Laimon Park was purchased there were discussions with Kelley Woldanski about adding more piers or boat slip space but she was still getting Laimon Park up and running. Knutson stated that although the pier hasn't been brought up yet, it was on the books years ago. Trustee Rohde stated this discussion is the culmination of many things the last 2-3 months. Rohde stated first, the Park & Recreation Department decided to not allow the mooring of boats anymore and 25-30 people showed up at the next Joint Park & Recreation Board meeting to express their concerns and they were able to reach a compromise. Rohde stated that then, on July 26<sup>th</sup>, Kelley Woldanski and himself were meeting on the beach with a salesman, and watched a pontoon boat coming in – it cut the cables of the new buoys and then left. Rohde stated the decisions aren't based off of 90-95% of people, but off of the few that don't do things right. Rohde stated the vast majority of boaters are competent. Rohde stated it did bring up the fact we need public docking, more people will stop to eat, he see's it at Gina's Sports Dock. Rohde stated an opportunity came along with a developer to help with the installation of a public dock with 5 leased spots, we are gathering information and there have been 5-10 meetings between different entities. Rohde stated he feels the overall proposal makes sense, we will receive income from the leased slips and that money will offset taking the pier in and out, with the cost to do so being approximately \$3,500 a year, while also saving approximately \$6,000 a year for the eventual replacement of the pier. The proposal would provide a minimum of 7 public docking spots. Rohde stated that in regards to location, if the fishing pier on the other side of the dam and closer to the swim area, it would keep the boats away from the swim area and he would rather worry about fishing hooks than boat propellers, but he would recommend moving the fishing pier so that has as little impact as possible. Rohde stated they did meet with the Ski Club and their biggest concern was boat traffic on practice and show nights, the pier would probably have to be closed off from 5:30 p.m. to dusk those nights. Rohde stated they tried to minimize the affect the new pier would have on things that take place, like the ski show. Rohde stated the Village would receive \$35,000 and \$12,500 the first year. Rohde stated the pier would be good for business, allowing boats to dock and it's good



need to be included because of their proximity to the lake and that they are the lake routes into downtown. President Knutson expressed concern with the downtown proper and asked Mr. Casey to look into if Ryan Road can be included. Casey stated the area next to the lake is a no brainer but he will have to ask about Ryan Road.

Trustee Hill moved, seconded by Trustee Gergen to approve Resolution No. 2018-10, a Resolution Authorizing the Downtown Pewaukee Business Development Loan Pool as presented, with an amendment to add the Ryan Road corridor subject to approval by First Bank Financial Centre and to also amend the designated area to include Simmons Avenue and Hickory Street. Motion carried 6-0.

## 6. Old Business

### *a. Discussion and Direction Regarding Boat Trailer Parking Concern on Sections of Park Avenue, Lake Street and Orchard Avenue*

Administrator Gosse stated there was a question at the last meeting about distinguishing between types of trailers, a memo from Attorney Blum has been provided to the Board regarding this. Attorney Blum stated his understanding was if it was possible to restrict just boat trailers, as opposed to other types of trailers, on these streets. Blum stated the basis for which the Board has the authority to regulate in this area is to whether it jeopardizes public health, safety, and welfare to have these parking issues and that restriction. Blum stated with that being the criteria, it doesn't really matter what type of trailer it is, so when it was originally drafted it included all trailers because all trailers could have the same negative impact. Blum stated he has seen areas where 'no boat trailers' signs are posted, so there are developments that feel differently and restrict boat trailers, from his standpoint it's hard to defend why you would restrict one and not the other. Trustee Gergen stated she is the one that brought this up, it has come up several times and she's been against it, she's heard from different residents from both the Village and the City. Gergen stated part of this is we have boat trailer parking all up and down Park Avenue and Lake Street but the parking lot created for them to park in with their boats is empty almost every weekend, people choose not to park in there, the idea is to train people to park in the lot but it seems like that is something that people don't necessarily want to do. Gergen stated the other problem is that it's a single launch, the next person in line has to wait while the person who has just put their boat in the water goes and parks their vehicle and trailer and runs back. Gergen stated Park & Rec needs to work out a better process for that. Gergen stated the 2<sup>nd</sup> issue is that the lines in the parking lot at Laimon Park are not drawn in a way that is easy for people to see. Gergen stated as far as restricting parking on these streets, she feels it's important to get more resident responses back. Gergen stated it makes sense to her that if you live on those streets you should be able to park your boat trailer on those streets along with your vehicle, she doesn't know if we use something like permits, or maybe it's not as big of a problem, maybe we do more signage and educating to those using the launch that we prefer they park over in the lot. Trustee Baumann stated that some of the homes on Lake Street don't have driveways, they park on the street, so are they trapped there all weekend because if they leave someone's going to park their boat trailer or car in front of their house. Baumann stated this is tough, if she's a tax payer and doesn't have a driveway and she can't park in front of her house because someone who doesn't pay her taxes parks in front of her house, she's not going to be a happy person. Baumann stated only one car can go through Orchard at a time, it is not a good street to have any type of parking on it. Baumann referenced the funeral home at the end of Lake Street that is trying to operate a business and it's hard when there are several boat trailers parked outside of his business. Baumann stated she would like to hear more from the residents that live there, she feels that residents should be able to park their vehicles and trailers in front of their homes, maybe having an annual permit, she doesn't know the answer to the problem but if she was a resident there she would be beside herself. Trustee Hill stated the no parking on



Orchard Avenue is a no brainer, in regards to how the launch is utilized, it is tied up while the person is parking their car and it could be 2 minutes or it could be 5 to 10 minutes. Hill stated we would be hurting revenue by having no parking, he feels there is a way to have a boat trailer parking section on Park Avenue north of Lake Avenue, on both sides. Hill stated restricting all of Park Avenue is going to create more issues with tying up the launch, he was contacted by a resident there who had spoken with their neighbors and they are opposed to 'no boat trailer parking.' Trustee Rohde stated his major concern is Lake Street and parking along there, he feels that we are creating more hardships for residents on Park Avenue by having a ban there. Rohde stated Park & Recreation needs to do a better job of putting up signage and telling people where to park. Rohde stated there is only room for about 4 cars and trailers in Laimon Park parking lot. Rohde feels it is overkill to ban trailer parking on Lake Street and Park Avenue. Discussion followed.

Consensus of the Board was to distribute a survey to residents and businesses living in the proposed 'no boat trailer parking' areas of Park Avenue, Lake Street, and Orchard Avenue, requesting input on the no parking ban and possibly issuing permits property owners if a ban is created and allowing for the surveyors to remain anonymous if they prefer.

## 7. New Business

- a. *Review, Discussion, and Possible Action on the Conditional Use Grant Application of Beachscape Pewaukee LLC, in c/o member Joe Grasch, to develop a multi-family (i.e. 5 dwelling unit) plus street grade retail/business mixed use building, approximately 29,698 square feet in floor area with an overall height slightly in excess of 42 feet, on the vacant lands located between the existing buildings of 161 and 125 West Wisconsin Avenue. Property owners are Theodore Janka and Jay & Patty Gregor Revocable Living Trust. Property is Zoned B-2 Downtown Business District.*

Planner Censky stated the request is for a conditional use grant approval at the Village Board level due to the development including multi-family units in a B-2 district and then also because the building itself exceeds the allowable height of 42'. Censky stated that in May the Plan Commission gave their approval pending that certain conditions were met. The building is a 3-story project that will include 5 condos on the 2<sup>nd</sup> and 3<sup>rd</sup> floors and the 1<sup>st</sup> floor dedicated for commercial use. Censky stated restaurants will likely be precluded due to the configuration of the building. Trustee Baumann asked for examples of the permitted uses. Censky stated permitted uses are retail, offices, beauty services by conditional use, financial, toy store, or a candy shop. Trustee Hill asked if the business could be food related if there is no preparation involved. Censky stated it could be. Hill asked if a restaurant could be allowed if they built a venting shaft. Censky stated it would have to be brought forward for consideration. Censky stated the applicant exceeds the required parking, the building is 45' 5" tall when 42' is allowed for and this was due to the applicant's desire to incorporate gables into what is a flat roof design and to help tie it in with the rest of downtown. Censky stated the question to the Village Board is if the use is a density the Board could live with in the downtown area, the Plan Commission felt it was a good match and that it would bring more people downtown. Trustee Baumann asked how tall 'big blue' is. Trustee Roberts stated it is taller than the proposed building. Trustee Rohde asked for clarification of condition #6, that the Village Board may need to approve the 8.7' building offset. Censky stated because there is a 10' construction easement on both sides of the lot line for a 6' pathway that is to be constructed within the easement itself, she questioned if they need to come to Village Board to ask for permission to show the building footprint in that 10' construction easement. Censky stated it is possible, if the project goes forward, that the developer's contractor may also develop the path itself, thereby making the need for a construction easement kind of a moot point. Censky stated it is a temporary easement meaning that once the path is built we wouldn't have much input.

LAW OFFICES OF

**HIPPENMEYER, REILLY, BLUM  
SCHMITZER, FABIAN & ENGLISH, S.C.**

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(1932-2007)

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July 10, 2018

**VIA EMAIL ONLY**

VILLAGE BOARD OF THE  
VILLAGE OF PEWAUKEE

Re: Trailer Parking on Sections of Park Avenue, Lake Street and Orchard Avenue

Dear Members of the Village Board:

It is my understanding that a discussion occurred at your Special Meeting of July 2, 2018 regarding the above-referenced topic. As you are aware, this issue has previously been discussed in 2016. At that time, you had requested me to prepare a draft Ordinance, a copy of which was in your packet to create Section 86.119(5)(e) of the Village Code designating areas where trailer parking would be restricted. My partner, Tom Schmitzer, has advised me that a question arose during your discussion about having the restriction on trailer parking be limited to boat trailers. He advises that you were looking for my opinion as to the legality of such a restriction.

Going through the minutes that Scott included in your packet, I believe that the Minutes of your meeting of June 7, 2016 reference a similar question and my opinion then is the opinion I continue to hold with respect to this issue.

Your authority under Wisconsin law to adopt Ordinances is based upon the exercise of your police power, which refers to the promotion of the public health, safety and welfare. In short, you are allowed to adopt Ordinances that are not otherwise inconsistent with the Wisconsin Statutes, where the Ordinance is necessary to address a public health, safety or welfare issue. Therefore, if the concern is the parking along the above-referenced streets, it really does not matter what kind of trailer might be in question; rather, simply, that the trailers are parked along the roadway. Thus, potentially interfering with traffic movements and the ability of public emergency services to negotiate the streets accordingly. As I had indicated in 2016, while the boat trailers may be an issue, the reason you would adopt such an Ordinance is because of a public health, safety or welfare issue; and that would presumably exist regardless of the type of trailer that might be parked there. As a result, my advice is that should you desire to restrict parking, you would need to do so for all trailers and not discriminate against specific kinds of trailers, such as boat trailers. To do otherwise would bring into question the legitimacy of your reasons for placing the restriction in the



first place, as you would be restricting a particular kind of trailer which presumably would have the same impact on surrounding properties as the parking of any other trailer would. I have seen some Ordinances that would allow for the parking of a trailer or some other sort of recreational vehicle for a limited duration in order to facilitate the loading or unloading of such a vehicle or trailer. Otherwise, if trailer parking is presenting an issue, I believe that the Ordinance I had prepared in 2016 restricting the parking of all trailers would be appropriate. To do otherwise and solely limit your regulation to a particular kind of trailer would undercut the validity of your enactment and thus, present issues regarding the enforcement of the Ordinance.

Please let me know if there are further questions regarding this issue or if the Board needs additional information from me on this subject. Thank you for your consideration of these comments.

Sincerely,

HIPPENMEYER, REILLY, BLUM,  
SCHMITZER, FABIAN & ENGLISH, S.C.

A handwritten signature in black ink that reads "Mark G. Blum | jb". The signature is written in a cursive, slightly slanted style.

Mark G. Blum,  
Village of Pewaukee Attorney

MGB/jb

Cc: Mr. Scott Gosse  
Ms. Chaz Schumacher  
Atty. Thomas Schmitzer

**Village of Pewaukee  
Public Works and Safety Committee Meeting Minutes  
June 7, 2016**

Meeting called to order by Evert at 6:00 pm. Evert led everyone in the pledge of allegiance followed by a moment of silence

Members present: Paul Evert, Kevin Yonke, Laurin Miller, Casey Smith

Members absent: Bill Mertens

Also Present: Director of Public Works White, Attorney Blum, Administrator Gosse, Chief Otto, Lt Garry, President Knutson

Agenda Item 2 - Approve minutes of April 7, 2016 meeting

Miller moved, seconded by Evert to approve the April 7, 2016 minutes. Motion passed 4-0.

Agenda Item 3 – Citizen Comments

Jeff Knutson, 759 Glacier Road, asked that the committee consider recommending posting NO Trailer Parking on Park Ave, Lake Street and Orchard Street. Trailer parking is available at the Koeppe Park parking lot and since the Village now owns Laimon Family Park the Village should be good neighbors and move the parking away from the residences.

Agenda Item 4 – Old Business

None

Agenda Item 5 – New Business

- a) Discussion and possible action on request to prohibit trailer parking on Park Avenue, Lake Street and Orchard Street

A lengthy discussion took place with Atty Blum stating the legal basis for prohibiting parking is health, safety and welfare and Lt Garry stating that there have been no safety concerns. Miller moved, seconded by Smith to recommend to the Village Board to prohibit trailer parking on Saturday, Sunday & Holidays on Park Avenue from Main street to Maple Avenue, on Lake Street from Park Avenue to Lookout Drive and on Orchard Street from Lake Street to the deadend. Motion carried 4-0.

Agenda Item 6 – Adjournment

Smith moved, seconded by Miller to adjourn the meeting at 6:25 p.m. Motion carried 4-0.

Respectfully Submitted,  
David J. White, P.E.,  
Director of Public Works/Village Engineer



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July 10, 2018

**VIA EMAIL ONLY**

VILLAGE BOARD OF THE  
VILLAGE OF PEWAUKEE

Re: Trailer Parking on Sections of Park Avenue, Lake Street and Orchard Avenue

Dear Members of the Village Board:

It is my understanding that a discussion occurred at your Special Meeting of July 2, 2018 regarding the above-referenced topic. As you are aware, this issue has previously been discussed in 2016. At that time, you had requested me to prepare a draft Ordinance, a copy of which was in your packet to create Section 86.119(5)(e) of the Village Code designating areas where trailer parking would be restricted. My partner, Tom Schmitzer, has advised me that a question arose during your discussion about having the restriction on trailer parking be limited to boat trailers. He advises that you were looking for my opinion as to the legality of such a restriction.

Going through the minutes that Scott included in your packet, I believe that the Minutes of your meeting of June 7, 2016 reference a similar question and my opinion then is the opinion I continue to hold with respect to this issue.

Your authority under Wisconsin law to adopt Ordinances is based upon the exercise of your police power, which refers to the promotion of the public health, safety and welfare. In short, you are allowed to adopt Ordinances that are not otherwise inconsistent with the Wisconsin Statutes, where the Ordinance is necessary to address a public health, safety or welfare issue. Therefore, if the concern is the parking along the above-referenced streets, it really does not matter what kind of trailer might be in question; rather, simply, that the trailers are parked along the roadway. Thus, potentially interfering with traffic movements and the ability of public emergency services to negotiate the streets accordingly. As I had indicated in 2016, while the boat trailers may be an issue, the reason you would adopt such an Ordinance is because of a public health, safety or welfare issue; and that would presumably exist regardless of the type of trailer that might be parked there. As a result, my advice is that should you desire to restrict parking, you would need to do so for all trailers and not discriminate against specific kinds of trailers, such as boat trailers. To do otherwise would bring into question the legitimacy of your reasons for placing the restriction in the

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first place, as you would be restricting a particular kind of trailer which presumably would have the same impact on surrounding properties as the parking of any other trailer would. I have seen some Ordinances that would allow for the parking of a trailer or some other sort of recreational vehicle for a limited duration in order to facilitate the loading or unloading of such a vehicle or trailer. Otherwise, if trailer parking is presenting an issue, I believe that the Ordinance I had prepared in 2016 restricting the parking of all trailers would be appropriate. To do otherwise and solely limit your regulation to a particular kind of trailer would undercut the validity of your enactment and thus, present issues regarding the enforcement of the Ordinance.

Please let me know if there are further questions regarding this issue or if the Board needs additional information from me on this subject. Thank you for your consideration of these comments.

Sincerely,

HIPPENMEYER, REILLY, BLUM,  
SCHMITZER, FABIAN & ENGLISH, S.C.

A handwritten signature in black ink that reads "Mark G. Blum" followed by a vertical line and the initials "jb".

Mark G. Blum,  
Village of Pewaukee Attorney

MGB/jb

Cc: Mr. Scott Gosse  
Ms. Chaz Schumacher  
Atty. Thomas Schmitzer