

## Ordinance 05-03-10-01

### An Ordinance Amending Sections 74-6, 74-7, 74-8, 74-9, 74-10 and 74-12 of the Village of Fontana Municipal Code Re. Parking meter/pay to park charges.

The Board of Trustees for the Village of Fontana on Geneva Lake, Walworth County, Wisconsin, do ordain as follows:

**Section 1.** Section 74-6 shall be amended to read as follows:

Section 74-6. Meter/Pay to Park charges.

Meter/Pay to Park charges and times of collection shall be as may be determined by the board.

**Section 2.** Section 74-7 shall be amended to read as follows:

Section 74-7. Damaging meters/pay stations prohibited.

No person shall deface or damage a parking meter or pay station.

**Section 3.** Section 74-8 shall be amended to read as follows:

Section 74-8. Counterfeit coins prohibited.

No person shall use counterfeit coins or slugs or any other method of activating parking meters/pay station except through the use of legal U.S. coins, currency or credit cards.

**Section 4.** Section 74-9 shall be amended to read as follows:

Section 74-9. Parking meter/pay to park income.

The income from parking meters/pay to park, including any income from penalties for violating the charge and time limitation provisions, shall be deposited in the village general fund for purposes of providing for the convenience, safety and welfare of persons using the streets and highways of the village for vehicular traffic; and the appropriation for such uses shall be considered to include such income and that it is first used for such purposes.

**Section 5.** Section 74-10 shall be amended to read as follows:

Section 74-10. Overtime parking.

No person shall park in a parking meter or pay to park area without depositing the proper coins or currency, nor shall any person park beyond the time limit specified. No person shall deposit coins in a parking meter so as to extend the time shown on the meter beyond the time limitations. Enforcement patrol shall monitor vehicles no more than once an every three hours and ~~no more than one citation shall be issued to the same vehicle daily.~~

**Section 6.** Section 74-12 shall be amended to read as follows:

Sec. 74-12. Penalty.

(a) *Procedures.* A duly authorized police officer, community service officer, lakefront service officer or harbormaster, upon observing any parking violation within article V, division 6, shall affix a notice of such violation upon a

prominent place on the vehicle, and the violator shall have five days in which to ~~deposit~~ submit \$15.00 as a forfeiture for such violation to the designated processing agency or ~~in a forfeiture deposit box, or to pay such amount to the village police department.~~ If the \$15.00 forfeiture is not submitted ~~deposited in a forfeiture deposit box, paid in person to the village police department, or sent in the United States mail, addressed to the Fontana Police Department,~~ within five days of the violation, then said forfeiture shall be increased to \$25.00. If the forfeiture is not submitted ~~deposited in a forfeiture deposit box, paid in person to the village police department, or sent in the United States mail, addressed to the Fontana Police Department,~~ within 20 days of the violation, then said forfeiture shall be increased to \$30.00. Payment shall constitute admission of guilt of the violation and shall conclude the case. Any person who shall fail to so pay the forfeiture within the required time shall be subject to a penalty as provided in section 74-3.

(b) *Participation in the State of Wisconsin Nonmoving Violation and Registration Program.* In addition to the above procedures, the village elects to participate in the nonmoving traffic violation and registration program of the Wisconsin Department of Transportation, pursuant to the provisions of Wis. Stats. § 345.28(4), and pay the costs established by the department under Wis. Stats. § 65.13. Such costs shall, in turn, be assessed against persons charged with nonmoving traffic violations. The village police department shall be responsible for complying with the requirements set forth in Wis. Stats. § 345.28(4).

(c) *Appeal.* A not guilty plea may be entered within five days of the violation by written notice to and upon notifying the Fontana Police Department ~~of the Fontana Municipal Court,~~ or by depositing the not guilty plea in the United States mail, addressed to ~~either~~ the police department, within five days of the violation.

**Section 7. Effective Date:** This ordinance shall be in full force and effect upon its passage approval, and publication as required by law.

**Passed and Adopted** by the Village Board of the Village of Fontana on Geneva Lake, Walworth County, WI this 3<sup>rd</sup> day of May, 2010.

Village of Fontana on Geneva Lake

By: 

Arvid Petersen, President

Attest: 

Dennis L. Martin, Clerk