

ORDINANCE NO. 2478.2

AN ORDINANCE TO AMEND SECTION 38-73 OF THE MUNICIPAL CODE OF THE CITY OF CUDAHY CONCERNING ALL NIGHT PARKING IN PUBLIC PARKING LOTS

WHEREAS, the City of Cudahy, Wisconsin has adopted Chapter 38 of the Municipal Code of the City of Cudahy, the Traffic and Vehicle Code, which regulates, among other things, parking of motor vehicles within the City of Cudahy pursuant to the provisions of section 349.06 of the Wisconsin Statutes; and

WHEREAS, the City of Cudahy currently prohibits the parking of any vehicle or trailer in a public parking lot between the hours of 2:30 a.m. and 5:30 a.m. of any day with the exception of city employees for work-related matters; and

WHEREAS, there currently exists within the City of Cudahy the need to permit overnight parking in the City owned parking lot at the Cudahy Family Library Municipal lot; and

WHEREAS, the City of Cudahy Common Council has determined that the provision of overnight parking in the City of Cudahy owned parking lot at the Cudahy Family Library Municipal lot will provide needed parking spaces for vehicles needing overnight parking; and

WHEREAS, the City of Cudahy Common Council further determines that providing overnight parking through the issuance of parking permits for the parking lot at the Cudahy Family Library Municipal lot will promote efficient parking of vehicles and further will promote the health, safety and welfare of the City of Cudahy

NOW, THEREFORE, the Common Council of the City of Cudahy, Milwaukee County, Wisconsin, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1: Chapter 38 of the City of Cudahy Code of Ordinances, entitled “Traffic and Vehicles,” Article III entitled “Stopping, Standing and Parking,” Section 38-73 entitled “All Night Parking Prohibited,” is hereby repealed and re-created as follows.

Sec. 38-73. - All night parking prohibited.

- a) No person shall park any vehicle or trailer in a public parking lot in the city between 2:30 a.m. to 5:30 a.m. of any day with the exception of city employees for work-related matters, or as permitted in 38-73(d).
- b) No person shall park any vehicle on any street in the city between 2:30 a.m. and 5:30 a.m. of any day, except as allowed under the following conditions:

- 1) Every resident desiring overnight parking privileges on city streets shall purchase a permit sticker from the police department, the price of which shall be as provided in the city fee schedule. The sticker shall be displayed on the vehicle as directed by the police department.
 - 2) Persons may obtain four parking permissions per month, per license plate, not to exceed eight overall parking permissions per year.
 - 3) Vehicles shall be parked seven days per week on the odd-numbered side of the street on the calendar date, before midnight, that is odd-numbered, and on the even-numbered side of the street on the calendar date, before midnight, that is even-numbered.
 - 4) All night parking privilege shall not be used for storage of vehicles on the public streets. Failure to move a vehicle during a 72-hour period is prima facie evidence of storage of the vehicle. Each day thereafter that the vehicle is not moved shall be a separate violation of this section.
 - 5) *Exemption.* The prohibition of subsection (b)(1) of this section shall not apply between Friday evening through Monday morning, and on the days itemized below, to include the following morning of the day listed:
 - a. New Year's Eve Day;
 - b. Memorial Day;
 - c. July 4th;
 - d. Labor Day;
 - e. Thanksgiving Day;
 - f. Christmas Day.
- c) No person shall park any vehicle or trailer overnight on streets and zones posted as "No Parking, Any Time".
 - d) The City may provide not to exceed 22 parking permits for validly registered and currently licensed vehicles for the Cudahy Family Library Municipal Parking Lot. Permits shall be issued for legally registered, and currently licensed noncommercial vehicles, on a first come first served basis.
 - 1) Parking permits for the Cudahy Family Library Municipal Parking Lot may be purchased at the Cudahy Police Department. Cudahy Family Library Municipal Parking Lot parking permits shall include overnight street parking privileges as defined in Section (b).
 - 2) Permits shall be issued for a period of one calendar year. The cost of said permits shall be as indicated on the City fee schedule, on file in the office of the City Clerk. If a permit is issued in the middle of the calendar year, the cost will be pro-rated based upon the remaining months of the year.

- 3) Vehicles issued parking permits for the Cudahy Family Library Municipal Parking Lot shall display the parking sticker as indicated by the Cudahy Police Department.
- 4) Vehicles with a parking permit for the Cudahy Family Library Municipal Parking Lot shall park the permitted vehicles in the designated first or second rows of said lot, depending on the calendar date. Vehicles shall be parked seven days per week in row 1 of the parking lot on the calendar date, before midnight, that is odd-numbered, and in row 2 of the parking lot on the calendar date, before midnight, that is even-numbered.
- 5) Vehicles with parking permits in the Cudahy Family Library Municipal Parking Lot shall comply with any snow removal or other maintenance directives of the City.
- 6) The Cudahy Family Library Municipal Parking Lot shall not be used for the storage of vehicles, equipment or anything at all in the lot. Permits issued pursuant to this Section (d) do not authorize storage within the Cudahy Family Library Municipal Parking Lot or on the public streets. Failure to move a vehicle during a 72-hour period is prima facie evidence of storage of the vehicle. The presence of equipment or other thing not classified as a vehicle at any time is prima facie evidence of storage. Each day that the vehicle, equipment or thing is not moved shall be a separate violation of this section.

SECTION 2: CONTINUATION OF EXISTING PROVISIONS. The provisions of this ordinance, to the extent that they are substantively the same as those of the ordinances in force immediately prior to the enactment of this ordinance, are intended as a continuation of such ordinances and not as new enactments, and the effectiveness of such provisions shall date from the date of adoption of the prior ordinances. In addition, the adoption of this ordinance shall not affect any action, prosecution or proceeding brought for the enforcement of any right or liability established, accrued or incurred under any legislative provision prior to the effective date of this ordinance for the time that such provision was in effect, and the repeal of any such provisions is stayed pending the final resolution of such actions, including appeals.

SECTION 3: SEVERABILITY. The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and shall not affect the validity of any other provisions, sections or portions thereof of the ordinance. The remainder of the ordinance shall remain in full force and effect. Any other ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

SECTION 4: EFFECTIVE DATE. This ordinance shall take effect immediately upon passage and posting and/or publication as provided by law.

Dated this _____ day of _____, 2022.

CITY OF CUDAHY:

Thomas Pavlic, Mayor

ATTEST:

Kelly Sobieski, City Clerk
Published and/or posted this _____ day of _____, 2022.