

**STATE OF WISCONSIN
MILWAUKEE AND OZAUKEE COUNTIES
VILLAGE OF BAYSIDE**

ORDINANCE NO: 23-738

**An Ordinance to Repeal and Recreate Section 32-48 of the Municipal Code
with Regard to Regulated Parking**

The Village Board of the Village of Bayside, Milwaukee and Ozaukee Counties, Wisconsin does ordain as follows:

Section One: Section 32-48 of the Municipal Code is hereby repealed and recreated to read as follows:

Sec. 32-48. - Regulated.

This section shall apply to all districts. The terms "unenclosed parking," "open placement," "unenclosed storage" and "unenclosed parking or storage" shall have the same meaning, which is to leave a vehicle, trailer, refuse or storage receptacle, bus, boat, truck or snowplow blade stationary and unattended for a period in excess of one hour (two weeks in the case of functional passenger automobiles not used in any way in a trade or business or eight hours for a passenger automobile used in a business) with its means of propulsion (if any) shut down without an applicable village permit. The term "passenger automobile" means an automobile seating no more than ten persons and designed primarily for transporting passengers (as defined in 15 U.S.C. § 2001 as amended). No permitted storage under this section shall by reason of such permission have any future claim to legal nonconforming use rights. Such permission may be rescinded at any time for due cause.

The unenclosed parking or storage of any passenger automobile, recreational vehicle, trailer, refuse or storage receptacle, bus, boat, movable storage container, refuse receptacle, portable toilet, truck (except as permitted at Section 32-49) or snowplow blade is expressly prohibited except as follows:

- (1) The unenclosed parking or storage of passenger automobiles which are not for sale and which do not regularly exceed by more than one the number of licensed drivers residing at the residence where such vehicles are stored, provided all such vehicles are licensed and in regular use.
- (2) Unenclosed parking or storage of any vehicle, trailer, machinery, equipment, receptacle, truck or snowplow blade, used in a business, at any bona fide worksite. The term "bona fide worksite" means a location where work is performed at that location on the same day in an arm's length transaction.

(3) Open storage of any recreational vehicle or trailer, or any other trailer otherwise prohibited by this section may be permitted with the approval of the Police Department if such vehicle or trailer satisfies the conditions of the Municipal Code and is reasonably shielded from normal observation.

(4) Open storage of trailers (other than trailers used with recreational vehicles or snowmobiles) which are in use during all periods of the year may only be permitted with the approval of the Police Department as set forth herein.

(5) A recreational vehicle or trailer that belongs to the owner of the property on which it is parked, may be parked unenclosed (but in no case exceeding 35 feet in length and only on a paved area or driveway on the premises) pursuant to a permit issued by the Police Department, during the period extending from April 15 to October 31, provided such recreational vehicle or trailer:

- a. is in fact in actual use off-site during such period and is not merely being stored;
- b. does not obstruct traffic or negatively impact traffic safety;
- c. is in compliance with all setbacks and provisions of this section, and
- d. is parked:

(1) in a fully enclosed accessory permanent structure or screened from adjacent lots in the rear or side yard but no closer than 1 foot from any permanent structure

(2) effectively shielded from the street and adjoining properties by landscaping, walls or other permissible means.

(6) Recreational vehicles registered to a party other than the owner of the property on which it is parked may be parked on a property for no more than four days in any sixty consecutive day period with permission from the property owner and a permit issued by the Police Department. Such recreational vehicles may not be connected to any utility for living purposes.

(7) Snowmobiles on trailers designed to be hauled by passenger automobiles as well as snowplow blades, may be parked unenclosed but only on a paved area or driveway on the premises, during the period extending from November 1 to April 15, provided such trailer with a snowmobile or such snowplow blade is in fact in actual use during such period and is not merely being stored.

(8) Parking and storage of a recreational vehicle or trailer as permitted by this section, does not authorize the use of any such recreational vehicle or trailer for housing, human habitation, entertaining, sleeping, or eating. Such activities are prohibited.

(9) The open placement of a refuse or storage receptacle (dumpster, roll-off box, or storage container) exceeding two and one-half cubic yards in size shall require a permit from the village and payment of a fee in an amount established by the village board from time to time. The open placement of a refuse or storage receptacle exceeding two and one-half cubic yards in size may be permitted for up to 60 days upon the issuance of a permit by the village manager. The village manager, upon request, may in his or her sole discretion authorize one additional 60-day extension, upon the application and payment for an additional open refuse or storage receptacle permit.

(10) On single-family residential district properties no more than two refuse or storage receptacle permits may be applicable to any property at any time. No more than two total refuse or storage receptacle permits may be issued in any 12-month period on any single-family residential district property unless such additional permit is approved by the architectural review committee.

(11) In zoning districts other than single family residential, the village manager, in his or her sole discretion, may approve permits for the placement of up to five refuse or storage receptacles exceeding two and one-half cubic yards on any one property at a time. No more than ten such refuse or storage receptacles shall be allowed on any property in districts other than single family residential, in any 12-month period unless such additional permits are approved by the architectural review committee.

(12) Unenclosed placement of no more than one portable toilet facility per property, provided such facility:

- a. Is subject to an application for a permit to be issued by the village manager at a fee set by the village board;
- b. Is related to construction or a sewer service outage on the property;
- c. Is properly licensed and maintained;
- d. Is placed on a stable, level surface;
- e. Is free of leaks or discharge;
- f. Is placed no less than 15 feet from any property line;
- g. Is placed on the property pursuant to a permit of no more than 60 days; and
- h. Is not the subject of an application for a third (or more) permit in a 12-month period.

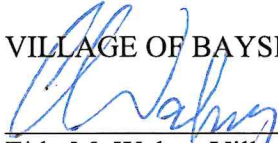
Section Two: Severability: In the event that any provision of this Ordinance is for any reason held to be invalid, unconstitutional, or unenforceable by any court of competent jurisdiction, such portions of this Ordinance shall be deemed separate, distinct and independent

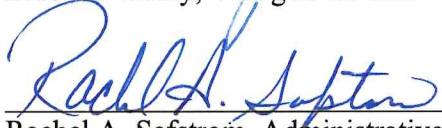
provisions of the Ordinance and all remaining portions of this Ordinance shall remain in full force and effect.

Section Three: All ordinances or parts of ordinances conflicting with the provisions of this ordinance are hereby to such extent repealed.

Section Four: This ordinance shall take effect and be in force after its passage and posting pursuant to law.

PASSED AND ADOPTED by the Village Board of Trustees of the Village of Bayside this sixteenth day of March, 2023.

VILLAGE OF BAYSIDE


Eido M. Walny, Village President


Rachel A. Safstrom, Administrative Services
Director