



136 North Monroe Street  
Waterloo, WI 53594-1198  
Phone: (920) 478-3025  
Fax: (920) 478-2021  
www.waterloowi.us

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**PUBLIC NOTICE OF A COMMITTEE MEETING  
OF THE COMMON COUNCIL OF THE CITY OF WATERLOO**

Pursuant to Section 19.84 Wisconsin Statutes, notice is hereby given to the public & news media, that the following meeting will be held:

**COMMITTEE:** PUBLIC SAFETY AND HEALTH COMMITTEE  
**DATE:** Thursday, April 6, 2017  
**TIME:** 6:30 p.m.  
**LOCATION:** Municipal Building Police Training Room, 136 N. Monroe Street

1. CALL TO ORDER AND ROLL CALL
2. APPROVAL OF MEETING MINUTES: March 16, 2017
3. PUBLIC COMMENT
4. UNFINISHED BUSINESS
  - a. Regulation Of Drones
  - b. Modification Of Winter Parking Ordinance (requested by Mayor)
5. NEW BUSINESS
  - a. Temporarily Waiving The Prohibition Of Overnight Parking In Municipal Parking Lots During 2017 Road Construction
6. FUTURE AGENDA ITEMS, COMMUNICATIONS AND ANNOUNCEMENTS
7. ADJOURNMENT

*Mo Hansen*

Mo Hansen  
Clerk/Treasurer


\*\*\* See Council Packet, Also On Tonight's Council Agenda  
Committee Members: Thomas, Griffin and Petts

Printed, Posted, E-mailed and Distributed: 03/31/2017

PLEASE NOTE: IT IS POSSIBLE THAT MEMBERS OF AND POSSIBLY A QUORUM OF MEMBERS OF OTHER GOVERNMENTAL BODIES OF THE MUNICIPALITY MAY BE IN ATTENDANCE AT THE ABOVE MEETING(S) TO GATHER INFORMATION. NO ACTION WILL BE TAKEN BY ANY GOVERNMENTAL BODY OTHER THAN THAT SPECIFICALLY NOTICED. ALSO, UPON REASONABLE NOTICE, EFFORTS WILL BE MADE TO ACCOMMODATE THE NEEDS OF DISABLED INDIVIDUALS THROUGH APPROPRIATE AIDS AND SERVICES. FOR ADDITIONAL INFORMATION OR TO REQUEST SUCH SERVICES PLEASE CONTACT THE CLERK'S OFFICE AT THE ABOVE LOCATION.

**PUBLIC SAFETY AND HEALTH COMMITTEE MEETING MINUTES**  
**March 16, 2017**

1. **Call to Order:**  
The Public Safety Committee meeting was called to order by Alderperson Thomas at 6:30PM
2. **Roll Call:**  
Committee members present – Alderperson Thomas, Griffin, Petts, Alderperson Springer and Interim Chief Lange
3. **Approval of Public Safety Committee Minutes of March 2, 2017.** Motion by Alderperson Petts, second by Griffin, motion carried.
4. **Public Comment:** Alderperson Springer expressed concerns of angled parking on Porter St. by KJM Library. Crosswalks close by, many children present and traffic is bad, backing out into traffic would only make things more hazardous. Thomas, Griffin and Petts agree.  
  
Thomas explained that he will be rewriting the Ordinance for ATV/UTV Route use within City.
5. **Unfinished Business:** (None)
6. **New Business:** a. Discussion and Action on Applicant for Part-Time Police Officer Position. Interim Chief Lange presented information on Part-Time Applicant Gregory S. Worzalla. Motion by Griffin, second by Petts to recommend to City Council for hiring of Gregory S. Worzalla as Part-time Police Officer, motion carried.  
  
b. Permission to Sell 2011 Squad. Thomas explained the process used by Police Department to dispose of squads (Auction). Motion by Griffin, second by Petts giving Interim Chief Lange permission to sell the 2011 squad, motion carried.
7. **Future Agenda Items and announcements:** ( None )
8. **Adjourn :** Motion to Adjourn by Petts, Second by Griffin, motion carried.

Attest to:   
03-17-2017



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## Up, Up and Away: Rising Legal Regulation of Drone Operation

Don't be fooled by drones' size; these tiny aircraft bring with them major legal issues.

KEVIN DAVID TROST



It is hard to ignore the prevalence of unmanned aerial vehicles or drones in modern society. Once reserved for military surveillance and reconnaissance, drones have become a widespread part of private business and recreation. The Federal Aviation Administration (FAA) estimates that up to one million drones were purchased during the last year alone.<sup>1</sup> As privately operated drones are increasingly hovering over our nation's cities and farms, governments are responding by passing laws to regulate their operation in the interests of public safety and privacy.

This article addresses the expanding patchwork of municipal, state, and federal laws that has arisen to govern the private use of drones. It analyzes issues of privacy, trespass, and federal-state jurisdiction that are affected by the private operation of drones.

### Background

The commercial use of drones has exploded over the last several years as drones have become more affordable. Surveyors, photographers, and realtors have started using the machines to obtain unique and impressive aerial images of properties and wedding parties for their clients.<sup>2</sup> Television stations have started using the machines for aerial footage that previously had to be obtained by helicopter. Large farming operations have begun using drones to evaluate crop growth, and conservationists have begun using them to unobtrusively monitor wildlife populations.



**Kevin D. Trost, U.W. 1998,** is a litigator with Axley Brynson LLP, Madison.

Several national retailers are publicly exploring the possibility of delivering purchases by drone. Facebook founder Mark Zuckerberg recently acquired a drone manufacturer, and he is considering deploying solar-powered drones that can remain airborne for years at a time and bring Internet service to remote areas of the planet.

People who use drones recreationally can for the most part operate their machines with few restrictions and limited guidance. Consequently, the private operation of drones has attracted greater attention from the media and legislators as the number of drone incidents affecting public safety has risen. According to the FAA, the number of such incidents reported to the

agency increased from 238 in 2014 to 1,133 through December 2015.<sup>3</sup>

Several incidents have garnered widespread attention from the media. In January 2015, a hobbyist accidentally crashed his drone on the front lawn of the White House.<sup>4</sup> In June 2015, four firefighting planes working to contain a California wildfire had to be grounded for several hours because of the danger of collision with a drone being operated in the area in spite of a FAA flight restriction.<sup>5</sup> In August 2015, a drone crashed into several unoccupied stadium seats during the U.S. Open.<sup>6</sup> And in November 2015, a drone flew into the 175-foot-tall Ferris wheel at Pier 57 in Seattle and then tumbled to the ground, crashing through an empty café table at the bottom of the attraction.<sup>7</sup>

Fortunately, no one was injured in any of these incidents. However, the risks posed by the careless operation of drones have not gone unnoticed. Governmental authorities have increasingly reacted by enacting laws to regulate where and when drones can be operated.

#### Municipal Ordinances

Not waiting for the federal government to weigh in on the issue, many municipalities throughout the country have adopted ordinances regulating drone operation. In Wisconsin, the only community that has adopted its own regulations is Green Bay. In 2015, the city adopted an ordinance prohibiting the operation of drones at an altitude less than 400 feet above the designated boundaries of a special event.<sup>8</sup> The city's ordinances define *special events*<sup>9</sup> to include Packer games and also the city's annual fireworks display, marathon, and Artstreet event.<sup>10</sup> Exceptions to the ordinance are made for law enforcement agencies, persons with permission from the event organizer, and the FAA.<sup>11</sup>

#### Wisconsin Laws

Wisconsin has had a law affecting drone operation in effect since April 2014.<sup>12</sup> Focusing on individual privacy concerns, the law prohibits private citizens from using a drone "with the intent to photograph, record, or otherwise observe another individual in a place or location where the individual has a reasonable expectation of privacy..."<sup>13</sup> Violators of this statute are subject to being charged with a Class A misdemeanor.<sup>14</sup> Critics have noted that the law solely addresses the right to privacy of a person and extends no protection to a person's property (see Privacy discussion below.)

The law also imposes restrictions on law enforcement's use of drones. It mandates that law enforcement agencies obtain a warrant before employing a drone to collect evidence in circumstances in which a person has a reasonable expectation of privacy.<sup>15</sup> However, there are exceptions that permit the use of a drone to locate an escaped prisoner, aid a search-and-rescue mission, or prevent imminent harm to a person or the imminent destruction of evidence.<sup>16</sup> The law also prohibits drones in Wisconsin from being armed with weapons.<sup>17</sup>

#### Recent Wisconsin Legislation

In its most recent session, the Wisconsin Legislature considered two bills that would affect the operation of drones in the state.<sup>40</sup> In March 2016, the legislature passed one of the bills and Governor Walker signed into law 2015 Wisconsin Act 318, which imposes a \$5,000 fine for operating a drone over a state correctional institution.<sup>41</sup> There is concern that individuals could use drones to deliver contraband or weapons to prisoners.

Although there is no known instance of such a use of drones in Wisconsin yet, this phenomenon has occurred in other states. For example, in January 2015, South Carolina correctional officers discovered a crashed drone in a prison yard with drugs and cellphones attached to it.<sup>42</sup> In December 2015, Canadian authorities determined that a drone had been used to deliver a handgun into a notorious prison in Quebec housing alleged mafia and biker-gang members.<sup>43</sup> State and federal authorities are investigating technological methods, such as geofencing, to keep drones out of sensitive areas.

The second bill in the Wisconsin Legislature sought to enhance penalties for crimes that were committed using a drone.<sup>44</sup> This bill passed the Assembly. However, unlike the prison ban bill, this bill did not make the Senate's final agenda and died at the end of the legislative session.

#### FAA Regulations

**Recreational Users.** In December 2015, the FAA entered the arena of recreational drone regulation when it issued an interim final rule for the regulation and marking of recreational drones, termed "small unmanned aircraft systems" in its regulation.<sup>18</sup> A *small unmanned aircraft system* (UAS) is defined as an "unmanned aircraft that is capable of sustained flight in the atmosphere, flown within visual line of sight of the person operating the aircraft, and flown only for hobby or recreational purposes."<sup>19</sup> This broad definition results in the rule affecting not only owners of drones but also owners of remotely controlled model airplanes and helicopters.

The rule requires that owners of recreational drones register with the FAA before operating the drone outdoors.<sup>20</sup> Failure to register a drone can subject a violator to a civil fine of up to \$27,500 and a criminal penalty of up to three years in prison.<sup>21</sup> Registration may be accomplished through the FAA's new

registration website, <https://registermyuas.faa.gov/>. The registration must be in the name of a U.S. citizen at least 13 years old and costs \$5.00 for a three-year registration.<sup>22</sup>

For drones used solely for recreational purposes, registration is required if the drone weighs between 0.55 lbs. and 55 lbs., which encompasses the majority of drones currently available for recreational use. Upon registration, the owner will receive a registration number, which must be marked on all of that owner's recreational drones. In the online registration platform's initial four months of operation, the FAA states, approximately 400,000 registrations were processed.<sup>23</sup>

“ A key component of the revised regulations is that the operator must maintain a visual line of sight with the drone at all times. ”

**Commercial Users.** In June 2016, the FAA released its final rule revising the regulations affecting the commercial operation of drones.<sup>24</sup> Before the release of these updated regulations, commercial operators were required to possess a pilot's license in order to use a drone in their business. For practical reasons, many commercial operators independently contracted with a person holding a pilot's license to satisfy this requirement. Under the revised regulations, commercial operators no longer need a pilot's license but must pass a knowledge-based exam and obtain a drone-specific operator's certificate, termed a remote pilot's airmen certificate, with a small UAS rating.

A key component of the revised regulations is that the operator must maintain a visual line of sight with the drone at all times. This requirement is certain to frustrate companies such as Amazon whose executives hope to deliver packages by drone in the near future. Such companies maintain it is impractical and uneconomical to require delivery operators to keep in constant visual contact with the drone. Nevertheless, the regulations allow for operators to apply for case-specific waivers of the regulatory requirements, so there is a process for these companies to seek approval for remote drone deliveries.

Other requirements placed on commercial operators are that the drones must be operated during daylight hours, stay below 400 feet, weigh no more than 55 pounds, and travel no faster than 100 miles per hour. The new rules took effect Aug. 29, 2016.

#### Privacy and Trespass

The careless, malicious, or salacious operation of drones risks new civil legal claims testing current interpretations of the torts of trespass and invasion of privacy. A married couple owns an abandoned quarry near Richfield, Wis., that they are operating as a clean landfill with the hope of eventually building homes on the property.<sup>25</sup> In 2015, a neighbor flew his drone over their property and uploaded the video to Youtube so members of a group opposed to the couple's plans could check what was occurring on the property. The couple reported the incident to the county sheriff; however, the sheriff advised that no criminal privacy laws had been violated because no person was present. To date, no civil lawsuit has been filed asserting a violation of privacy rights.

Wisconsin appellate courts have yet to address invasion of privacy or trespass claims arising out of the operation of drones. As illustrated by the Richfield couple's predicament, privacy laws focus on the rights of persons to privacy with regard to their physical being, not their real property. Under Wis. Stat. section 995.50 (2), *invasion of privacy* is defined as the "intrusion upon the privacy of *another* of a nature highly offensive to a reasonable person, in a place that a reasonable person would consider private or in a manner which is actionable for trespass" (emphasis added). An aggrieved person would likely need a court to expansively interpret a right to privacy to include those portions of a person's property not generally visible.

Trespass is likewise a murky concept because the drone operator might never physically enter the property owner's land. Juries are instructed that "a person who enters or remains upon property in possession of another without express or implied consent is a trespasser."<sup>26</sup> An operator can argue that in many ways a drone acts similarly to a telescope, which permits a person to view objects from afar.

However, a key difference is that a drone may physically cross into another's real property while still connected to the operator by a live video link on the remote control. Under such circumstances, a court may be persuaded that a drone should be considered an extension of the person operating it, allowing the operator to be held liable for trespass if the drone crosses property lines.

#### Meet Our Contributors

What is an unconventional lesson you've learned about law practice?



Be ready for the unexpected.

The only time in my life that I have been the victim of theft was in open court with the judge on the bench (not in Wisconsin). When my motion was called, I rose from the counsel table with my notes and motion to argue from the podium. I left my briefcase at the counsel



able. When I returned from arguing the motion my briefcase was gone. Neither the judge or his staff nor the bailiff saw anything.

Courthouse security was able to review video footage of everyone who entered and left the courthouse that morning. They noticed a young lady who entered the courthouse emptyhanded but left 45 minutes later clutching a briefcase.

Later that day I received a call from a woman stating she had found a briefcase containing my business card in an alley outside the courthouse. She offered her address where I could pick up the briefcase. I contacted the police, who retrieved my briefcase and arrested the woman after verifying that she fit the description of the lady in the courthouse video footage. She had been at the courthouse for a hearing in a matter where she was a criminal defendant! She pled guilty to charges filed by the district attorney.

*Kevin D. Trost, Axley Brynelson LLP, Madison.*

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#### State or Federal Jurisdiction

Another unresolved issue is the point at which the operation of a drone becomes a strictly federal matter. The federal government claims the exclusive right over the airspace of the United States.<sup>27</sup> The FAA has been delegated authority to prescribe regulations governing the flight and operation of aircraft, including drones, in the “navigable airspace” of the country.<sup>28</sup> The FAA asserts that a state’s ability to pass laws regulating the use of airspace depends on the impetus for the law.<sup>29</sup> The FAA claims exclusive jurisdiction to create and enforce laws based on airspace use and safety.

Accordingly, under its view, states and municipalities are prohibited from imposing limits on where drones may be operated or requiring operators to complete certain training. The FAA concedes that laws passed to address privacy, land use, and local law enforcement powers are within the purview of state and local governments and are not preempted. Nevertheless, it is unlikely state and local governments will agree that their powers to restrict the operation of drones in their communities are circumscribed. This is particularly true when a drone is flying merely several feet off of the ground near local landmarks or events.

The U.S. Supreme Court has yet to resolve the issue of when state statutory and common law gives way to the federal government’s jurisdiction over the navigable airspace of the United States. The closest the Court came to addressing the topic was in a lawsuit brought by a chicken farmer near the end of World War Two.<sup>30</sup> The farmer’s land was adjacent to a military airport where planes flew as low as 80 feet above the chicken coops.<sup>31</sup> Chickens died as they were startled by the planes and flew headfirst into the walls of their coops.<sup>32</sup>

In determining that the farmer’s takings lawsuit was not defeated by the government’s immunity defense, the Supreme Court found that property owners retain the right to “exclusive control of the immediate reaches of the enveloping atmosphere.”<sup>33</sup> The Court stated that a property owner’s exclusive control includes “at least as much of the space above the ground as he can occupy or use in connection with the land.”<sup>34</sup> While this decision may not be instrumental to defining an exact height over which the federal government exercises exclusive control, it at least recognizes that a property owner maintains control for some distance above the blades of grass in the yard.

The FAA’s own interpretation of what constitutes “navigable airspace” may ultimately assist in defining the limits of the federal government’s exclusive jurisdiction. The FAA has interpreted the term navigable airspace to mean the space “at and above the minimum flight altitudes” and that includes the “airspace needed for safe takeoff and landing.”<sup>35</sup>

These minimum flight altitudes vary between urban and rural areas. For urban areas or areas where there are assemblies of persons, the FAA has set the minimum flight altitude at 1,000 feet above the highest obstacle within a 2,000-foot radius.<sup>36</sup> For rural or uncongested areas, minimum flight altitudes are 500 feet or even lower over open water.<sup>37</sup>

A case recently filed in the U.S. District Court for the Western District of Kentucky may soon offer a modern judicial impression of the issue. In 2015, William Merideth shot down a drone that was hovering over his property, stating that it was invading the privacy of his two teenage daughters.<sup>38</sup> The local prosecutor refused to pursue charges against Merideth for illegally shooting a firearm within the municipality after multiple witnesses averred that the drone was hovering approximately 10 feet off the ground in Merideth’s backyard.<sup>39</sup>

In January 2016, drone operator David Boggs sued Merideth in the local federal court seeking, among other things, compensation for his ruined \$1,800 drone. Boggs contends the federal court has subject matter jurisdiction due to the federal government’s regulatory control of the airspace. A jurisdictional dispute is expected over whether the state laws of Kentucky are preempted by federal law due to the federal government’s exclusive sovereignty over national airspace.

#### Conclusion

As the operation of drones becomes increasingly regulated, both commercial and recreational operators must ensure that their aircraft are properly registered and then used carefully: not infringing on other people's rights and avoiding prohibited areas. Two apps, Hover and B4UFly, will allow an operator to identify if there are any no-fly zones in a particular area.

Ultimately, there is likely to be litigation involving drones that impacts legal issues of trespass and privacy and potentially defines the point at which the federal government's exclusive jurisdiction over the national airspace commences. As such cases move through the courts, we will likely gain a greater understanding of when the operation of these machines impinges on the rights of the people whose land they are traveling over and whose images they may be recording.

#### Endnotes

- <sup>1</sup> Michael Addady, "The Number of Drones Expected to Sell During the Holidays is Scaring the Government," *Fortune* (Sept. 29, 2015).
- <sup>2</sup> Joseph Dussault, "Seven Commercial Uses for Drones," *Boston Globe*, Web, Mar. 14, 2014.
- <sup>3</sup> Ralph Morris & George Thurston, "Interim Final Rule Regulatory Evaluation," U.S. Dep't of Transp., FAA, Dec. 2015, at 6-7.
- <sup>4</sup> Bart Jansen, "Small Drone Crashes Near White House Despite Ban Against Flights in D.C.," *U.S.A. Today* (Oct. 9, 2015).
- <sup>5</sup> Polly Mosendz, "Drones Interfere with Firefighters Battling California Wildfire," *Newsweek* (June 26, 2015).
- <sup>6</sup> Wayne Coffey & Joseph Stepansky, "NYC Teacher Arrested after Drone Crashes into Stands at U.S. Open," *New York Daily News* (Sept. 4, 2015).
- <sup>7</sup> Eric Limer, "Drone Slams into Seattle Ferris Wheel," *Popular Mechanics* (Nov. 12, 2015).
- <sup>8</sup> Green Bay Municipal Code § 27.310(2).
- <sup>9</sup> Green Bay Municipal Code § 6.201(9).
- <sup>10</sup> *Id.*
- <sup>11</sup> Green Bay Municipal Code § 27.310(2).
- <sup>12</sup> Drone Privacy Protection Act, SB 196.
- <sup>13</sup> Wis. Stat. § 942.10 .
- <sup>14</sup> *Id.*
- <sup>15</sup> Wis. Stat. § 175.55 .
- <sup>16</sup> *Id.*
- <sup>17</sup> Wis. Stat. § 941.292 .
- <sup>18</sup> Morris & Thurston, *supra* note 3.
- <sup>19</sup> FAA, *Unmanned Aircraft Systems (UAS) Frequently Asked Questions/Help*, question 1.
- <sup>20</sup> FAA Press Release, "FAA Announces Small UAS Registration Rule" (Dec. 14, 2015).
- <sup>21</sup> FAA, *Unmanned Aircraft Systems (UAS) Frequently Asked Questions/Help*.
- <sup>22</sup> FAA Press Release, *supra* note 20.
- <sup>23</sup> FAA, FAA News and Updates, *FAA Administrator Talks Drones at SXSW*, Mar. 14, 2016.
- <sup>24</sup> FAA, FAA Fact Sheet, Fact Sheet – Small Unmanned Aircraft Regulations (Part 107) (June 21, 2016).
- <sup>25</sup> Stephen Davis & Bryan Polcyn, "Aerial Trespassing? Local Battle Over Drone Use Highlights Patchwork of Laws and Regulations," *Fox6now.com* (Nov. 15, 2015).
- <sup>26</sup> Wis. JI-Civil 8012.
- <sup>27</sup> 49 U.S.C. § 40103.
- <sup>28</sup> 49 U.S.C. § 40103(b)(1).
- <sup>29</sup> FAA, Office of the Chief Counsel, "State and Local Regulation of Unmanned Aircraft Systems Fact Sheet" (Dec. 17, 2015).
- <sup>30</sup> *United States v. Causby*, 328 U.S. 256 (1946).
- <sup>31</sup> *Id.* at 258-59.
- <sup>32</sup> *Id.*

**See sections E., F. & G.  
relating directly to two agenda items.**

*City of Waterloo, WI  
Saturday, April 1, 2017*

## Chapter 350. Vehicles and Traffic

### § 350-7. Parking restrictions.

[Amended by Ord. No. 88-2]

- A. Stopping, standing and parking regulated. Pursuant to § 349.13, Wis. Stats., the authority to regulate the stopping, standing and parking of vehicles is delegated to the Chief of Police, subject to control of the Council. The Chief, with the cooperation of the Director of Public Works, is hereby authorized to designate and sign streets, or portions thereof, where the stopping, standing or parking of vehicles is prohibited at all times or during certain designated hours.
- B. Parking on certain streets prohibited. Unless specifically otherwise provided, no person shall park a vehicle at any time upon the following streets or portions thereof:
- (1) On both sides of South Jackson Street, from its intersection with West Madison Street south to its intersection with Polk Street.
  - (2) On the east side of Harrison Street, from its intersection with West Madison Street south to its intersection with Taylor Street.
  - (3) On the south side of West Madison Street, from its intersection with South Jackson Street west 144 feet.
  - (4) On both sides of STH 19, from its intersection from the west line of Central Avenue extended northerly across STH 19 to its intersection with the east line of Grove Street extended northerly through STH 19.  
[Added by Ord. No. 91-4]
  - (5) On the south side of West Porter Street, from Monroe Street to Minnetonka Way.  
[Added by Ord. No. 93-7]
  - (6) On both sides of West Madison Street, from Canal Road to Minnetonka Way.  
[Added by Ord. No. 95-10]
  - (7) On the north side of Knowlton Street, from its intersection with South Monroe Street west to its intersection with McKay Way.  
[Added by Ord. No. 1-01; amended by Ord. No. 02-6; 4-5-2012 by Ord. No. 2012-02]
  - (8) On the north side of McKay Way, from its intersection with STH 19 east to Knowlton Street.  
[Added by Ord. No. 1-01; amended by Ord. No. 02-6; 4-5-2012 by Ord. No. 2012-02]
  - (9) On the East side of Minnetonka Way, from its intersection with East Indian Hills Drive to 175 feet north of West Madison Street between the hours of 4:00 p.m. and 7:00 p.m., except Saturdays, Sundays and holidays.  
[Added 8-4-2005 by Ord. No. 2005-2]
  - (10) On the south side of East Madison Street, from its intersection with Adams Street to 105 feet west of Adams Street.  
[Added 1-3-2008 by Ord. No. 2008-01]
  - (11) On the west side of South Jackson Street, from its intersection with Polk Street south to its



intersection with Knowlton Street.

[Added 7-16-2009 by Ord. No. 2009-13]

- (12) On the west side of South Washington Street, from a point 200 feet north of Leschinger Street south to its intersection with Knowlton Street.

[Added 11-5-2009 by Ord. No. 2009-16]

- (13) On the south side of Franklin Street, from its intersection with Edison Street east to its intersection with North Monroe Street.

[Added 6-6-2013 by Ord. No. 2013-02]

- (14) On the south side of Taylor Street, from its intersection with Harrison Street to 142 feet east of Harrison Street.

[Added 11-7-2013 by Ord. No. 2013-04]

- C. Limited time parking at all times. Unless specifically otherwise provided, no person shall park a vehicle for any longer than two hours upon the following streets or portions thereof:

- (1) On the west side of Harrison Street, from its intersection with West Madison Street south to its intersection with Taylor Street.

- (2) On the south side of West Madison Street, from its intersection with Harrison Street east 238 feet.

- (3) On the south side of McKay Way, from its intersection with Knowlton Street west to a point 258 feet east of STH 19.

[Added 4-5-2012 by Ord. No. 2012-02]

- D. Limited time parking during certain hours. Unless specifically otherwise provided, between the hours of 8:00 a.m. and 5:00 p.m., except on Sundays and legal holidays, no person shall park a vehicle for any longer than two hours upon the following streets or portions thereof:

- (1) On the south side of East Madison Street, from its intersection with South Monroe Street easterly to its intersection with South Washington Street, except the first parking stall east of South Monroe Street which shall have a fifteen-minute time limit.

[Amended 6-16-2011 by Ord. No. 2011-03]

- (2) On the north side of East Madison Street, from its intersection with North Monroe Street easterly to its intersection with Mill Street.

- (3) On both sides of South Monroe Street, from its intersection with East and West Madison Streets southerly to Taylor Street.

- (4) On North Monroe Street, from its intersection with East and West Madison Streets northerly to and including 176 North Monroe Street.

- (5) On West Madison Street, from its intersection with North and South Monroe Streets westerly to North and South Jackson Streets.

- E. Parking in parking lots regulated. No person shall park any vehicle in any public parking lot for more than 24 hours without the permission of the Police Department or by permit as hereinafter set forth.

[Amended by Ord. No. 93-1]

- (1) Unlimited parking by permit only shall be permitted on a year-round basis in 10 individually assigned stalls located on the south end of the parking lot behind the Municipal Building on North Monroe Street and five individually assigned stalls located on the east end of the Taylor Street Parking Lot which is located immediately west of 211 South Monroe Street. The permit shall be issued for a calendar year for a permit fee as stated in the City of Waterloo Fee Schedule.<sup>[1]</sup> Permits issued after the month of January will be prorated starting with the month of application through the balance of the calendar year.

[Amended by Ord. No. 5-00; 2-7-2008 by Ord. No. 2008-02; 1-7-2010 by Ord. No. 2010-02]

[1] *Editor's Note: The Fee Schedule is on file at the office of the City Clerk-Treasurer.*

- (2) Permits shall be issued on a first-come-first-served basis, with a maximum of 15 permits being available. Applications shall be obtained, completed and paid for at the office of the Clerk-Treasurer.  
[Amended by Ord. No. 5-00; 2-7-2008 by Ord. No. 2008-02; 1-7-2010 by Ord. No. 2010-02]
- (3) Reserved parking stalls shall be designated by signs installed at the direction of the Police Department, and the Police Department shall be authorized to tow any nonpermitted vehicles, the cost of towing to be paid by the operator/owner in addition to the forfeiture for parking violation.
- (4) Permit holders are responsible for complying with rules set forth by the Department of Public Works. Failure to comply shall result in revocation of a parking permit.  
[Amended by Ord. No. 5-00]
- (5) The permit must be displayed as required on the permit whenever a vehicle is parked in the reserved parking space. Failure to display the permit, as required, shall result in vehicle parking violations and subject the vehicle to being towed at the expense of the operator/owner.

F. All-night parking on certain streets regulated. No person, except a licensed physician on an emergency call, shall park a vehicle between 3:00 a.m. and 5:00 a.m. on any day on the following streets or parking lots:  
[Amended by Ord. No. 93-1; Ord. No. 93-2]

- (1) On Monroe Street, from the railway track north to and including 176 Monroe Street.
- (2) On Madison Street, from Mill Street to Jackson Street.
- (3) In the municipal parking lot on North Monroe Street adjacent to the Municipal Building, except by permit as set forth in Subsection **E** above.  
[Amended 3-15-2007 by Ord. No. 2007-06]

G. Winter parking regulations. No person shall park in any City street or public parking lot in the City between the hours of 1:00 a.m. and 6:00 a.m. from November 15 to April 1, except by permit as set forth in Subsection **E** above or as hereinafter set forth:  
[Amended by Ord. No. 93-1]

- (1) Overnight parking on City streets may be allowed by permit only. The permit fee shall be as stated in the City of Waterloo Fee Schedule for each winter season from November 15 to April 1.<sup>[2]</sup>  
[2] *Editor's Note: The Fee Schedule is on file at the office of the City Clerk-Treasurer.*
- (2) Permits for winter on-street parking shall be issued only on the basis of unusual need for vehicles owned by City residents residing on property which does not have a driveway, lacks sufficient space to provide for off-street parking and does not have a reasonable alternative for overnight parking.
- (3) Permit applications are to be obtained, completed and paid for at the office of the Clerk-Treasurer. Applications shall be submitted to the Council for review and granting or denial.
- (4) The permit shall be displayed as required on the permit whenever a vehicle is parked on the City street overnight from November 15 to April 1. Failure to display the permit, as required, shall result in vehicle parking violations and subject the vehicle to being towed at the expense of the operator/owner.

H. Truck parking regulations.

- (1) No person shall, at any time, park, stop or leave standing, whether attended or unattended, any trailer or semitrailer, whether or not attached or connected to a truck tractor or road tractor, on any street in any district zoned residential.
- (2) No person shall park, stop or leave standing, with the engine running, any unattended truck tractor or road tractor on any street in any district zoned residential.

I. Parking in alleys regulated. All parking in alleys is prohibited, except in alleys in the business district for the purpose of loading or unloading freight. The business district is defined as East and West Madison Street

from Mill Street to South Jackson Street, and North and South Monroe Street from 176 North Monroe Street south to the river.

[Amended 9-20-2007 by Ord. No. 2007-18]

- J. Parking in driveways prohibited. No person shall park or leave standing any motor vehicle in any private driveway without the permission of the owner or lessee of the property upon which such driveway is located, whether or not such driveway is posted to prohibit parking.
- K. Street maintenance or temporary snow removal. Whenever it is necessary to clear or repair a City street or any part thereof, the Department of Public Works shall post such streets or parts thereof with appropriate signs prohibiting parking. Such signs shall be erected at least two hours prior to the time that street maintenance work is to be commenced. No person shall park a motor vehicle in violation of such signs.  
[Amended 9-20-2007 by Ord. No. 2007-18; 4-17-2008 by Ord. No. 2008-06]
- L. Parking reserved for City employees.  
[Amended by Ord. No. 90-6; Ord. No. 4-00]
- (1) No person, except City employees, shall park in any parking stall designated by signs stating "City Employees Only" in the Municipal Building parking lot between the hours of 7:00 a.m. and 5:00 p.m. Monday through Friday, exclusive of holidays.
- (2) No person, except police personnel, shall park in any parking stall designated by signs stating "Police Parking Only" in the municipal parking lot at any time.
- M. Temporary parking restrictions for special events. Pursuant to the provisions of § 349.13, Wis. Stats., the Chief of Police is authorized to direct that temporary "No Parking" signs be erected by the Department of Public Works during parades, festivals and other authorized events that require the regulating of vehicle stopping, standing or parking on City roadways. The temporary regulation shall be limited to the time the event exists or is likely to exist.  
[Amended 9-20-2007 by Ord. No. 2007-18]
- N. Designated parking spaces. The Chief of Police, with the cooperation of the Director of Public Works, shall cause lines or markings to be painted upon the curb and/or upon the street or parking lot surface for the purpose of designating a parking space. It shall be unlawful to park any vehicle across any line or marking or to park a vehicle in such position that the same shall not be entirely within the area designated by such lines or markings.
- O. Removal of chalk marks prohibited. In order to monitor the continuous length of time that a vehicle is parked in a parking space or zone subject to parking time restrictions, it is necessary that the Police Department place a chalk mark or other mark on one or more tires of parked vehicles. It shall be unlawful to remove, erase or alter, or attempt to remove, erase or alter, any chalk mark or other mark of any kind placed upon any tire of a vehicle parked in any parking zone or space subject to parking time restrictions.
- P. Legal holidays designated. For purposes of enforcement of parking restrictions in the City, the following days shall be defined as legal holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day; provided, however, that in the event any of said days falls on a Sunday, the following Monday shall be deemed to be the legal holiday.