

## ORDINANCE # 2009-002

### Ordinance Relative to Regulation of Neighborhood Electric Vehicles

The Town of Trempealeau does hereby ordain as follows:

#### **SECTION 1 – TITLE/PURPOSE**

The title of this Ordinance is the Town of Trempealeau Regulation of Neighborhood Electric Vehicles. The purpose of this Ordinance is to authorize the Town Board of the Town of Trempealeau, or its designees, to allow persons to operate Neighborhood Electric Vehicles on town roads.

#### **SECTION 2 – AUTHORITY**

The Town Board of the Town of Trempealeau, having adopted Village powers, has the specific authority under *Wis. Stat. §349.26* to adopt this Ordinance.

#### **SECTION 3 – DEFINITION**

“Neighborhood Electric Vehicles” (NEV) means a motor vehicle that is propelled by electric power and 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. “Neighborhood Electric Vehicles” does not include a golf cart. *Wis. Stat. §340.01(36r)*.

A NEV is an electric vehicle that meets the National Highway Traffic Safety Administration’s (NHTSA) Federal Motor Vehicle Safety Standard, for a “low speed vehicle.” An NEV must have a certification label affixed to it stating that the vehicle meets low-speed vehicle standards.

#### **SECTION 4 – ADOPTION OF ORDINANCE**

The Town Board of the Town of Trempealeau, by this Ordinance, adopted on proper notice with a quorum and by a roll call vote by a majority of the Town Board present and voting, provides the authority and elects to allow persons to operate Neighborhood Electric Vehicles on town roads.

#### **SECTION 5 – REGULATION**

- a. Each person operating a NEV on a town road in the Town of Trempealeau shall observe all traffic laws and local ordinances regarding the rules of the road. A NEV shall not be operated on a town roadway with a posted speed limit greater than thirty-five (35) miles per hour.
- b. A NEV may not be operated on a connecting highway or an intersection where a town road crosses a county trunk, state trunk, or United States highway.
- c. Each person operating a NEV on a town road in the Town of Trempealeau shall possess a valid driver’s license.
- d. Each person operating a NEV on a town road in the Town of Trempealeau 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 in this section and except as to those provisions which by their nature do not apply to the operation of a NEV.

- e. A NEV, when operated on a town road in the Town of Trempealeau must be titled and registered through the Wisconsin Department of Transportation (WisDOT), Division of Motor Vehicles (DMV) in accordance with *Wis. Stat. §341.25*, as amended and superseded. The license shall be displayed in the rear window of the NEV and if no rear window than in a clear plastic waterproof holder hung from the rear of the NEV top.

**SECTION 6 – ENFORCEMENT**

Any person violating this Ordinance shall, upon conviction thereof, forfeit not less than the amount established therefor in the Wisconsin Uniform State Traffic Deposit Schedule or, in the absence of such amount being established in the Wisconsin Uniform State Traffic Deposit Schedule, not less than \$50.00, plus additional assessments, per occurrence. In the event of failure to pay such forfeiture within 60 days of conviction thereof, the person shall be subject to having their motor vehicle operating privileges revoked for up to two (2) years or until the forfeiture is paid, or shall be subject to confinement in the Trempealeau County Jail for one (1) day for each \$40.00 of unpaid forfeiture.

**SECTION 7 – 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 provisions of application, and to this end, the provisions of this Ordinance are severable.

**SECTION 8 – EFFECTIVE DATE**

This Ordinance shall be effective upon publication as required under *Wis. Stat. §60.80*.

Adopted this 16<sup>th</sup> day of July, 2009

TOWN OF TREMPEALEAU

Wayne Wilber  
Wayne Wilber, Chairman

David Prondzinski  
David Prondzinski, Supervisor

Dennis Bortle  
Dennis Bortle, Supervisor

Attest:  
Doris A. Dahl  
Doris A. Dahl, Clerk/Treasurer

Published: July 23, 2009  
Effective: July 24, 2009  
Vote: 3-yes 0-NO