

**ORDINANCE #4-2009**

**AN ORDINANCE PERMITTING NEIGHBORHOOD ELECTRIC VEHICLES (NEV)(S)**

**The Village Board of the Village of Trempealeau, Trempealeau County, Wisconsin do ordain as follows:**

**SECTION 1. PURPOSE.**

The Code of Ordinances of the Village of Trempealeau currently does not regulate Neighborhood Electrical Vehicles. The Governor has signed into law Substitute Amendment 1 to 2005 Assembly Bill 851 creating Wis. Stat. 349.26, which allows a municipality to allow persons to operate Neighborhood Electric Vehicles on local highways.

**SECTION 2. PROVISION CREATED.**

Section 8-1-47 of the Code of Ordinances of the Village of Trempealeau is created by this Ordinance.

**SECTION 3. PROVISION AS RECREATED.**

Section 8-1-47 of the Code of Ordinances is created as follows:

**SEC. 8-1-47 NEIGHBORHOOD ELECTRIC VEHICLES PERMITTED**

**(A) DEFINITIONS**

(1) "Neighborhood Electric Vehicles" (NEV) means a self propelled, electrically-powered motor vehicle that has successfully completed the neighborhood electric vehicle America test program conducted by the Federal Department of Energy 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.

(2) NEVs shall be 4-wheeled and have a speed range of at least 20 miles per hour on a paved surface and have a gross vehicle weight at rest of less than 3,000 pounds. NEV does not include an electric golf cart and shall be equipped with:

- (a) Headlamps;
- (b) Front and rear turn signals;
- (c) Stop lamps;
- (d) Reflex reflectors: one red on each side as far to the rear as practicable; and one red on the rear;
- (e) An exterior mirror mounted on the driver's side and either an exterior mirror on the passenger side or an interior rearview mirror;
- (f) Parking brake;
- (g) A windshield that conforms to the requirements of the federal motor vehicle safety standard on glazing materials (49 CFR 571.205);
- (h) A vehicle Identification Number (VIN) that complies with federal law 949 CFR 565;
- (i) A Type 1 or Type 2 seatbelt assembly conforming to 49 CFF 571.209, and Federal Motor Safety Standard No. 209, for each designated seating position; and
- (j) Meets the general test conditions under 49 CFR 571.50056.

**(B) PERMITTED USE OF NEIGHBORHOOD ELECTRIC VEHICLES ON VILLAGE STREETS.**

Any individual may operate an NEV on the street, connecting highways, and state trunk highway intersections of the Village having a posted speed limit of 35 miles per hour or less. If vehicle specifications are less than 35 miles per hour, the applicant is required to place a slow moving vehicle sign on the vehicle.

**(C) PERMITTED USERS OF NEIGHBORHOOD ELECTRIC VEHICLES.** To use a NEV on streets as set forth in (B) above, the individual must have a valid driver's license.

**(D) OPERATION OF NEIGHBORHOOD ELECTRIC VEHICLES.** The operation of NEVs as permitted herein shall comply in all respects with state and local laws, including but not limited to Chapter 8 of the Code of Ordinances.

(E) LICENSE. Neighborhood Electric Vehicles shall be licensed by the Wisconsin Department of Transportation in accordance with Section 341.25, Wis. Stats., as amended and superseded. The license shall be displayed in the rear window of the NEV and if no rear window then in a clear plastic waterproof holder hung from the rear of the NEV top.

(F) TITLE. Neighborhood Electric Vehicle owners shall be required to obtain a certificate of title from the Wisconsin Department of Transportation.

(G) ENFORCEMENT. Enforcement of this ordinance regulating the use of the Neighborhood Electric Vehicles within the Village if not otherwise provided by the Uniform State Traffic Deposit Schedule, the penalty for the unauthorized use of a NEV within the Village shall be \$50.00 per occurrence, plus additional costs and penalties.

**SECTION II. SEVERABILITY.** If any section, subsection, sentence, clause, paragraph, or phrase of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, or other applicable administrative or governing body, such decision shall not effect the validity of any other section, subsection, sentence, clause, paragraph or portion thereof. The Village of Trempealeau Board of Trustees hereby declares that they would have passed this Ordinance and each section, subsection, sentence, clause, paragraph or phrase thereof irrespective of the fact that any one or more other sections, subsections, sentences, clauses, paragraphs, or phrases may be declared invalid or unconstitutional.

**SECTION III. CONFLICTING ORDINANCES REPEALED.** All ordinances in conflict with the foregoing are hereby repealed or amended to read consistent with this Ordinance.

**SECTION IV. ADOPTION.** This ordinance shall take effect upon passage and publication as provided by law.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

VILLAGE OF TREMPEALEAU

APPROVED:

\_\_\_\_\_  
Kurt Wood, President

ATTESTED:

\_\_\_\_\_  
Vicki Freeman, Clerk/Treasurer  
Village of Trempealeau

Posted: \_\_\_\_\_ day of \_\_\_\_\_, 2009

Effective: \_\_\_\_\_ day of \_\_\_\_\_, 2009

Vote: \_\_\_\_\_ ayes \_\_\_\_\_ noes