



136 North Monroe Street, Waterloo, Wisconsin 53594-1198
Phone (920) 478-3025
Fax (920) 478-2021

ORDINANCE #2017-05

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF WATERLOO, CHAPTER 53, THEREOF ENTITLED, FINANCE AND TAXATION, TO ADD A NEW SECTION PROVIDING AN ANNUAL \$30 MUNICIPAL MOTOR VEHICLE REGISTRATION FEE PURSUANT TO THE AUTHORITY GRANTED BY WISCONSIN STATUTES SECTION 341.35

Therefore the Common Council of the City of Waterloo, Jefferson County Wisconsin do ordain as follows:

SECTION 1: Chapter 53 of City of Waterloo Municipal Code is hereby amended to add a new section following Section 53-14 to be known as Section 53-15 as follows:

§ 53-15 Motor Vehicle Registration Fee

A. **Authority.** This section is adopted pursuant to the authority granted by Wisconsin Statutes §341.35, as from time to time amended.

B. **Purpose.** The purpose of this section is to provide the City of Waterloo a source of revenue to fund transportation purposes.

C. **Definitions.** As used in this section, the following terms shall have the meanings indicated:
MOTOR VEHICLE -- An automobile or motor truck registered under §341.25(1)(c) at a gross weight of not more than 8,000 pounds.

D. **Imposition of motor vehicle registration fee.**

(1) Pursuant to §341.35 of the Wisconsin Statutes, an annual flat fee as set forth herein, in the amount of \$30, is hereby imposed on all motor vehicles registered in the State of Wisconsin that are customarily kept in the City of Waterloo.

(2) This fee shall be paid by the registration applicant at the time that a motor vehicle is first registered and at each time of registration renewal.

(3) The City registration fee shall be paid as provided in Wisconsin Statutes §341.35(5).

(4) The City registration fee shall be in addition to state registration fees.

E. **Administrative costs.** The Wisconsin Department of Transportation shall retain a portion of monies collected equal to the actual administrative costs related to the collection of these fees. The method for computing the administrative costs shall be reviewed annually by the Wisconsin Department of Transportation, as provided in Wisconsin Statutes §341.35.

F. **Exemptions.** The following motor vehicles are exempt from the annual City of Waterloo vehicle registration fee:

(1) All vehicles exempted by Wisconsin Statutes Chapter 341 from payment of a state vehicle registration fee.

(2) All vehicles registered by the State of Wisconsin under Section §341.26 for a fee of \$5.

(3) No City vehicle registration fee may be imposed on a motor vehicle which is a replacement for a motor vehicle for which a current City vehicle registration fee has been paid.

G. **Deposit of fee revenues.** All monies under the applicable statute and this section remitted to the City by the Wisconsin Department of Transportation or other applicable agency shall be deposited into the City's capital fund and used solely for assisting with transportation-related purposes.

H. **Collection of fees.** Collection of fees by the Wisconsin Department of Transportation shall commence on March 1, 2018.

SECTION 2: This ordinance shall take effect and be in force after its passage and publication in a manner provided for by law.

Acted on and adopted at a regular meeting of the Common Council on _____.

City of Waterloo

Signed _____
Robert H. Thompson, Mayor

Attest:

Morton J. Hansen
City Clerk/Treasurer

Date Adopted: _____
Date Published: The Courier, _____

Select Pages Only

CHAPTER 341

REGISTRATION OF VEHICLES

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SUBCHAPTER I

REGISTRATION

341.01 Words and phrases defined. (1) Words and phrases defined in s. 340.01 are used in the same sense in this chapter unless a different definition is specifically provided.

(2) In this chapter:

(af) “Former military vehicle” means a vehicle, including a trailer but excluding a tracked vehicle, that was manufactured for use in any country’s military forces.

(b) Notwithstanding s. 340.01 (42), “owner” means, with respect to a vehicle that is leased to a lessee for a period of one year or more, the lessee of the vehicle for purposes of vehicle registration under this chapter.

History: 1989 a. 105; 1997 a. 27; 2013 a. 103, 377.

341.03 Operating vehicle after suspension, revocation or cancellation of registration. (1) **PROHIBITION.** No person may operate or knowingly permit the operation of a motor vehicle if the registration for that vehicle is suspended, revoked or canceled under s. 285.30 (6) (d) or 342.255, ch. 344 or this chapter, or if the registration for that vehicle is suspended, canceled or revoked under the law of another jurisdiction.

(2) **PENALTIES.** (a) Any person who violates sub. (1), where the vehicle used is an automobile or any other vehicle having a gross weight rating of 10,000 pounds or less, as determined by the manufacturer of the vehicle, may be required to forfeit not more than \$200.

(b) Any person who violates sub. (1), where the vehicle used is a vehicle not enumerated under par. (a), may be required to forfeit not more than \$500.

credit may be applied toward the reregistration of the vehicle only up to the date when the previous registration would have expired.

(2) Whenever the owner or other person responsible for registration of a vehicle required to be registered on the basis of gross weight desires to carry a greater load than that permitted under the current registration of such vehicle, he or she shall make application for reregistration of the vehicle at a higher gross weight. Whenever such person is convicted of carrying a greater load than that permitted under his or her current registration, the court, in addition to imposing the penalty prescribed by law, shall order such person to make application for reregistration of the vehicle at a gross weight sufficiently high to cover the load which he or she was convicted of carrying. The fee payable upon reregistration shall be computed on the basis of one-twelfth of the difference between the annual fee prescribed for the vehicle as previously registered and the annual fee prescribed for the vehicle as reregistered or one twenty-fourth of the difference between the biennial fee prescribed for the vehicle as previously registered and the biennial fee prescribed for the vehicle as reregistered, multiplied by the number of months of the quarter or year for which the vehicle is being reregistered which had not fully expired when the vehicle became subject to the higher fee. This subsection does not apply under the circumstances stated in sub. (3).

(3) A motor truck with a registered gross weight of 10,000 pounds or less and loaded exclusively with fluid milk or cream may, during the months of May, June and July, carry from the point of production of such milk to the primary market therefor 1,500 pounds or less in excess of the gross weight for which such motor truck is registered without a reregistration of such motor truck on account of such excess loading.

History: 1977 c. 29 ss. 1443, 1654 (7) (a); 1989 a. 31.

341.33 When fees refundable. (1) The department shall not refund a fee paid to it except when expressly authorized or directed by this section or some other provision of the statutes to do so.

(2) The department shall refund the unused portion of a registration fee paid for the registration of a vehicle owned by a person who is entering active service in the naval or military forces of the United States or who is a member of the U.S. foreign service appointed under 22 USC 3942 (a) (1) or 3943 entering active service if the person makes application for such refund upon a form prescribed by the department, furnishes any proof that the department requires that the vehicle will not be operated in this or another state during the remainder of the period for which the vehicle is registered, and returns to the department the certificate of registration and registration plates. The refund shall be computed on the basis of one-twelfth of the annual registration fee or one twenty-fourth of the biennial registration fee paid for the vehicle, multiplied by the number of full months remaining in the period for which the vehicle is registered when the vehicle ceases to be operated.

(3) Upon request, the department shall refund 50 percent of a registration fee paid for a vehicle registered on a biennial basis if the person who registered the vehicle furnishes such proof as the department requires that the person has transferred his or her interest in the vehicle or terminated leasing the vehicle before the beginning of the 2nd year of the period for which the vehicle is registered or that the vehicle will not be operated in this state after the beginning of the 2nd year of the period for which the vehicle is registered. The department may require the person to return the certificate of registration and registration plates for the vehicle to the department. Except as provided in sub. (1), the department may not refund more than 50 percent of the fee paid for the registration of a vehicle registered on a biennial basis.

History: 1975 c. 32, 199; 1977 c. 29 ss. 1444, 1654 (7) (a), (e); 1989 a. 31; 1997 a. 27; 2015 a. 323.

341.335 Notice of change of address, name or vehicle color. (1) Whenever any person, after applying for and receiving registration plates, moves from the address named in the appli-

cation for the registration plates or when the name of the licensee is changed by marriage or otherwise, the person shall within 10 days notify the department in writing of the old and new address or of such former and new names and of all registration plate numbers held.

(1m) No person is required to notify the department before the next renewal of registration for the vehicle that a vehicle's color has been changed from the color stated in the most recent application for registration of the vehicle.

(2) Any person who fails to comply with any of the requirements of sub. (1) may be required to forfeit not more than \$50.

History: 1973 c. 129; 1977 c. 29 s. 1654 (7) (a); 1977 c. 273; 1985 a. 332 s. 251 (4); 1999 a. 90.

341.35 Municipal or county vehicle registration fee.

(1) ANNUAL REGISTRATION FEE. In this section "municipality" means a town, village or city and "motor vehicle" means an automobile or motor truck registered under s. 341.25 (1) (c) at a gross weight of not more than 8,000 pounds. The governing body of a municipality or county may enact an ordinance imposing an annual flat municipal or county registration fee on all motor vehicles registered in this state which are customarily kept in the municipality or county. A registration fee imposed under this section shall be in addition to state registration fees.

(2) EXEMPTIONS. The following vehicles are exempt from any municipal or county vehicle registration fee:

(a) All vehicles exempted by this chapter from payment of a state vehicle registration fee.

(b) All vehicles registered by the state under s. 341.26 for a fee of \$5.

(3m) COUNTY AND MUNICIPAL FEES. If a municipality and the county in which the municipality is located enact ordinances under this section, a motor vehicle customarily kept in the municipality shall be subject to a municipal registration fee and a county registration fee.

(4) NOTICE OF FEES. The governing body of a municipality or county which enacts a municipal or county vehicle registration fee shall notify the department that it has so elected and report the amount of such fee. The municipality or county shall report any change in such amount to the department. The notification shall be made at the time and in the form prescribed by the department.

(5) PAYMENT OF FEES. At the time a motor vehicle is first registered or at the time of registration renewal, the applicant shall pay to the department any fee imposed by a county or municipality under this section in addition to fees required under this chapter.

(6) DEPARTMENT TO REMIT FEES TO MUNICIPALITIES AND COUNTIES. Beginning July 1, 1984, and annually thereafter, the department shall remit those moneys collected under this section, less administrative costs under sub. (6m), to any municipality or county which has imposed a fee under this section. The department may by rule provide that the moneys be remitted at more frequent intervals if the department deems it advisable.

(6m) ADMINISTRATIVE COSTS. The department shall retain a portion of the moneys collected under this section equal to the actual administrative costs related to the collection of these fees. The department shall establish the method for computing the administrative costs by rule and review the methodology annually to ensure full reimbursement of its expenses.

(6r) USE OF FEE PROCEEDS. Any municipality or county receiving moneys under sub. (6) shall use the moneys only for transportation related purposes.

(7) REPLACEMENTS. No municipal or county vehicle registration fee may be imposed on a motor vehicle which is a replacement for a motor vehicle for which a current municipal or county vehicle registration fee has been paid.

(8) RULES. The department shall adopt rules necessary to implement this section.

History: 1971 c. 125 s. 521; 1971 c. 164 s. 83; 1977 c. 29 ss. 1446, 1654 (7) (a); 1977 c. 273; 1979 c. 221; 1983 a. 27; 1987 a. 216; 1997 a. 27; 1999 a. 80.

Cross-reference: See also ch. Trans 126, Wis. adm. code.

Chapter Trans 126

MUNICIPAL OR COUNTY VEHICLE REGISTRATION FEE

Trans 126.01 Purpose and scope.
 Trans 126.02 Notice of enactment, amendment, or repeal.
 Trans 126.03 Evidence of payment to be shown on registration certificate.

Trans 126.04 Computation of administrative costs and collection and distribution of monies.

Note: Chapter Trans 126 as it existed on April 30, 1983, was repealed and a new chapter Trans 126 was created effective May 1, 1983.

Trans 126.01 Purpose and scope. (1) **STATUTORY AUTHORITY.** As authorized by ss. 227.11, and 341.35 (4), (6), (6m) and (8), Stats., the purpose of this chapter is to establish the department of transportation's administrative interpretation of s. 341.35, Stats., relating to a municipal or county vehicle registration fee.

(2) **APPLICABILITY.** (a) This chapter applies to any municipality or county which enacts, amends, or repeals a vehicle registration fee ordinance.

(b) As provided in s. 341.35 (1), Stats., vehicles subject to the municipal or county vehicle registration fee are automobiles or motor trucks registered under s. 341.25 (1) (c), Stats., at a gross weight of not more than 8,000 pounds.

(c) For purposes of determining where a vehicle is customarily kept, the municipality or county of domicile as indicated by the vehicle owner and contained in the department's title database shall be used. In the absence of an indicated municipality or county of domicile, the owner or lessee's post office address shall be used to determine municipality or county of domicile.

History: Cr. Register, April, 1983, No. 328, eff. 5-1-83; am. Register, October, 1985, No. 358, eff. 11-1-85; correction in (1) made under s. 13.93 (2m) (b) 7., Stats., Register, December, 1987, No. 384; CR 08-113: renum. (2) to be (2) (a), cr. (2) (b) and (c) Register May 2009 No. 641, eff. 6-1-09.

Trans 126.02 Notice of enactment, amendment, or repeal. (1) **WHEN NOTIFICATION REQUIRED.** A municipal or county governing body which enacts, amends, or repeals a municipal or county vehicle registration fee ordinance under s. 341.35, Stats., shall notify the department of transportation, as required by s. 341.35 (4), Stats.

(2) **NOTIFICATION TO BE MAILED TO DEPARTMENT.** The notification of enactment, amendment, or repeal from the municipality or county shall be sent to:

Administrator
 Division of Motor Vehicles
 Wisconsin Department of Transportation
 4802 Sheboygan Avenue
 Room 255
 P.O. Box 7911
 Madison, Wisconsin 53707-7911

(3) **CONTENTS OF ENACTMENT NOTIFICATION.** A notification of enactment shall include:

- (a) The name of the municipal or county governing body enacting the ordinance.
- (b) The date on which the ordinance was enacted.
- (c) The effective date of the ordinance.
- (d) The amount of the municipal or county vehicle registration fee.

(e) The name, address and telephone number of the person in the municipality or county responsible for the administration of the ordinance.

(f) The signature of an authorized party of the municipal or county governing body.

(g) The date the notification of enactment was signed.

(4) **ENACTMENT NOTIFICATION REQUIREMENTS.** A municipality or county shall provide the notification of enactment as described in subs. (1), (2) and (3) at least 90 days prior to the first day of the month in which the ordinance is effective.

(5) **CONTENTS OF AMENDMENT NOTIFICATION.** A notification of amendment shall include:

- (a) The name of the municipal or county governing body amending the ordinance.
- (b) The date on which the ordinance was amended.
- (c) The effective date of the amendment.
- (d) A description of the amendment, or a copy of the amended ordinance.
- (e) The signature of an authorized party of the municipal or county governing body.
- (f) The date the notification of amendment was signed.

(6) **AMENDMENT NOTIFICATION REQUIREMENTS.** A municipality or county which amends a municipal or county vehicle registration fee ordinance shall notify the department of the amendment at least 90 days prior to the first day of the month in which the amendment is effective.

(7) **CONTENTS OF REPEAL NOTIFICATION.** A notification of repeal shall include:

- (a) The name of the municipal or county governing body repealing the ordinance.
- (b) The date on which the ordinance was repealed.
- (c) The effective date of the repeal.
- (d) The signature of an authorized party of the municipal or county governing body.
- (e) The date the notification of repeal was signed.

(8) **REPEAL NOTIFICATION REQUIREMENTS.** A municipality or county which repeals a municipal or county vehicle registration fee ordinance shall notify the department of the repeal at least 90 days prior to the first day of the month in which the repeal is effective.

History: Cr. Register, April, 1983, No. 328, eff. 5-1-83; renum. (intro.), (1) and (2) to be (1), (2) and (4) and am., cr. (3) and (5) to (8), Register, October, 1985, No. 358, eff. 11-1-85; CR 08-113: am. (2), (3) (d), (4), (6) and (8) Register May 2009 No. 641, eff. 6-1-09.

Trans 126.03 Evidence of payment to be shown on registration certificate. (1) **TOTAL AMOUNT PAID TO BE DESIGNATED.** The total amount paid to the department for the municipal or county vehicle registration fee may be designated on the registration certificate by words similar to "municipal fee," or by the total amount paid.

(2) **MULTIPLE FEES NOT ITEMIZED.** If separate fees are collected for one vehicle for a municipality and a county, no itemization will be made on the registration certificate for the individual municipality or county.

History: Cr. Register, April, 1983, No. 328, eff. 5-1-83; r. and recr. Register, October, 1985, No. 358, eff. 11-1-85.

Trans 126.04 Computation of administrative costs and collection and distribution of monies. (1) **REIMBURSEMENT FOR ADMINISTRATIVE COSTS.** In accordance with s. 341.35 (6m), Stats., the department shall capture and recover the

administrative costs related to the collection of the municipal or county vehicle registration fee as follows:

(a) The administrative costs shall be computed and recovered as an administrative fee per vehicle application.

(b) The administrative fee per vehicle application shall be based on the direct costs of operation, including employee salaries and fringe benefits, office space, office supplies and equipment, postage, computer charges, printing and forms, and other necessary or indirect expenses.

(c) The department shall review the administrative fee per vehicle application annually and any over or under recovery shall become a component in the next fiscal year administrative fee.

(2) NOTICE OF CHANGES IN THE ADMINISTRATIVE FEE PER VEHICLE APPLICATION. The department shall notify any participating municipality or county of changes in the administrative fee per vehicle application at least 30 days prior to the effective date of the change.

(2m) APPLICATION OF MUNICIPAL OR COUNTY VEHICLE REGISTRATION FEE. The department shall apply a municipal or county

registration fee to a vehicle covered by this chapter when the registration of the vehicle is made for the first time after the effective date of the applicable enacted municipal or county vehicle registration fee ordinance and for each renewal of the registration for the vehicle due on or after the effective date of the ordinance.

(3) DISTRIBUTION OF MONIES TO MUNICIPALITY OR COUNTY. (a) The amount of the municipal or county registration fees returned to a municipality or county shall be the total amount collected less the administrative costs described in sub. (1).

(b) The department shall pay municipal or county vehicle registration fees collected during any month to the municipality or county no later than 30 days after the end of that month.

(4) REFUNDS. (a) The department may not refund a municipal or county vehicle registration fee to an applicant.

(b) An applicant shall request a refund of a municipal or county vehicle registration fee from the appropriate municipality or county.

History: Cr. Register, October, 1985, No. 358, eff. 11-1-85; CR 08-113: am. (title), (1), (2) and (3) (title), cr. (2m) Register May 2009 No. 641, eff. 6-1-09.