

ORDINANCE #08-25

**AN ORDINANCE TO CREATE CHAPTER 70-21 OF THE CITY OF BERLIN MUNICIPAL CODE
ESTABLISHING A MUNICIPAL VEHICLE REGISTRATION FEE FOR VEHICLES KEPT WITHIN
THE CITY OF BERLIN,
GREEN LAKE COUNTY AND WAUSHARA COUNTY**

WHEREAS, Wisconsin Statutes Section 341.35 allows a municipality to enact an ordinance imposing an annual flat municipal registration fee on all vehicles registered in the state which are customarily kept in the municipality; and

WHEREAS, Wisconsin Statutes Section 341.35(6r) requires that the money received from a municipal vehicle registration fee be used for transportation-related purposes; and

WHEREAS, Wisconsin Statutes Section 341.35(4) requires notice of the enactment of a municipal vehicle registration fee to be provided to the Wisconsin Department of Transportation; and

WHEREAS, the purpose of Wisconsin Administrative Code Chapter Trans 126 is to establish the Wisconsin Department of Transportation's interpretation of the municipal vehicle registration fee; and

WHEREAS, Wisconsin Administrative Code Section Trans 126.02(3) requires certain information to be included in the notification of the enactment of a municipal vehicle registration fee to the Wisconsin Department of Transportation; and

WHEREAS, Wisconsin Administrative Code Section Trans 126.02(4) requires the notification of the enactment of an ordinance to be provided to the Wisconsin Department of Transportation at least 90 days prior to the first day of the month in which the Ordinance and municipal vehicle registration fee are effective; and

WHEREAS, the City Administrator recommended that the City of Berlin adopt a municipal vehicle registration fee to use the fee proceeds for transportation-related purposes in the City; and

WHEREAS, the Common Council of the City of Berlin finds that it is in the best interest of the health, general welfare, and safety of the City of Berlin to implement a municipal vehicle registration fee, and to use the fee proceeds for transportation-related purposes.

NOW, THEREFORE, The CITY OF BERLIN Common Council, Green Lake and Waushara Counties, Wisconsin do hereby ordain as follows:

SECTION 1. Chapter 70 of the City of Berlin Municipal Code entitled "Traffic and Vehicles," Article I entitled "In General," Section 70-21 entitled "Municipal Vehicle Registration Fee" is hereby created to read as follows:

Sec. 70-21. – Municipal Vehicle Registration Fee.

(a) Municipal Vehicle Registration Fee Created.

Fee Established. Pursuant to the authority granted by Wis. Stats. § 341.35, there is hereby created and established a municipal vehicle registration fee in the City of Berlin, Green Lake and Waushara Counties.

(b) Purpose.

The purpose of this ordinance is to provide the City of Berlin a source of revenue to be used to assist with transportation-related purposes to fund construction, repair, reconstruction and resurfacing of roads, and other transportation-related purposes.

(c) Definitions.

Motor vehicle. In this section, a "motor vehicle" shall mean an automobile or motor truck registered under Wis. Stats. §341.25(1)(c) at a gross weight of not more than 8,000 pounds.

(d) Imposition of Motor Vehicle Registration Fee.

There is hereby imposed an annual city vehicle registration fee in the amount of twenty-five dollars (\$25.00) on all motor vehicles registered in the State which are customarily kept in the City of Berlin except those vehicles which are exempt from this fee as provided in Wisconsin Statutes §341.35(2). The city registration fee shall be paid at the time a motor vehicle is first registered or at the time of registration renewal and is in addition to any State registration fees. The Wisconsin Department of Transportation shall collect the City registration fee.

(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 will 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 Berlin vehicle registration fee:

- (i) All vehicles exempt by Wisconsin Statutes Chapter 341 from payment of a State vehicle registration fee.
- (ii) All vehicles registered by the State of Wisconsin under §341.26 for a fee of five dollars (\$5.00).
- (iii) 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 chapter remitted to the City by the Wisconsin Department of Transportation or other applicable agency shall be deposited by the City's general fund and be used solely for assisting with road construction, reconstruction, repair and resurfacing.

SECTION 2. SEVERABILITY. The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision and shall not affect the validity of any other provisions, sections or portions thereof of the ordinance. The remainder of the ordinance shall remain in full force and effect. Any other ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

SECTION 3. NOTIFICATION TO WISCONSIN DEPARTMENT OF TRANSPORTATION. The City Clerk is directed to provide notice of this Ordinance with all required information to the Wisconsin Department

of Transportation pursuant to Wisconsin Administrative Code Section Trans 126.02.

SECTION 4. EFFECTIVE DATE. This Ordinance shall take effect January 1, 2026 upon its passage by the COMMON COUNCIL of the CITY OF BERLIN and publication as required by law.

SECTION 5. The numeric section numbers and headings of any portions of the CITY OF BERLIN Code of Ordinances affected by this Ordinance shall be subject to modification in the discretion of the codifier, and the approval of the CITY OF BERLIN Attorney, during codification into the CITY OF BERLIN'S current Code of Ordinances.


ROLL CALL VOTE:

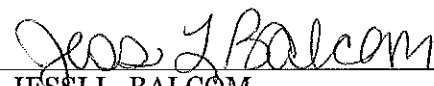
4 AYES

1 NAYS

1 ABSENT

CITY OF BERLIN

BY: 
CATRINA BURGESS
Mayor

ATTEST: 
JESSI L. BALCOM
City Administrator/City Clerk

APPROVED AS TO FORM:


ERIC LARSON
City Attorney