

..Number
250163
..Version
SUBSTITUTE 2
..Reference

..Sponsor
ALD. SPIKER, MOORE, JACKSON AND WESTMORELAND

..Title
A substitute ordinance relating to the removal and impoundment of motor vehicles owned by habitual parking violators.

..Section
101-25.7 cr

..Analysis
This ordinance authorizes any city parking enforcement officer to cause a motor vehicle that is legally or illegally parked on the street to be removed for impoundment if all of the following conditions are met:

1. The department of public works or police department has cited the owner of the motor vehicle for 5 or more nonmoving traffic violations that, at the time of the vehicle's removal, occurred more than 60 days previously and for which the owner has neither paid the forfeiture for each of these violations nor scheduled an appearance in court in response to each of these citations.
2. The department has mailed to the last-known address of the owner at least one notice that specifies, for each unpaid citation, the date on which the citation was issued, the license number or vehicle identification number of the vehicle involved, the place where the citation may be paid, the amount of the forfeiture, and the means by which the citation may be contested.
3. The notice also informs the owner that any motor vehicle owned by him or her may be removed and impounded if, within 60 days after the owner has received 5 or more citations and at the time the vehicle is removed and impounded, the owner has neither paid the forfeiture for each violation that occurred more than 60 days previously nor scheduled an appearance in court in response to each citation issued more than 60 days previously for which the forfeiture has not been paid.

The ordinance also specifies the conditions under which the owner of an impounded vehicle may secure release of that vehicle, including payment of towing and storage charges, and unpaid citations, or scheduling of court appearances.

..Body
The Mayor and Common Council of the City of Milwaukee do ordain as follows:

Part 1. Section 101-25.7 of the code is created to read:

101-25.7. Authority to Remove, Impound or Dispose of Motor Vehicles for Nonmoving Traffic Violations. 1. DEFINITIONS. In this section:

- a. "Department" means the department of public works or the police department.
- b. "Impoundment" means the secure storage of a vehicle at a city-designated vehicle storage facility serving as an impoundment location for vehicles towed by the city, including the facility at 3811 West Lincoln Avenue and any other facility designated by the city for this purpose.
- c. "Nonmoving traffic violation" has the meaning given in s. 345.28(1)(c), Wis. Stats.
- d. "Owner" has the meaning given in s. 341.65(1)(am), Wis. Stats.
- e. "Parking enforcer" means a parking enforcement officer in the department of public works or any other person who enforces nonmoving traffic violations and is employed by the city.
- f. "Remove" means the act of securing and transporting via direct city towing or a city-authorized 3rd-party towing firm.

2. PROCEDURE. a. Any parking enforcer may cause any motor vehicle that is legally or illegally parked on any portion of the street, highway, or publicly owned or leased parking facility within the corporate limits of the city to be removed for impoundment if all of the following conditions are met:

a-1. The department has cited the owner of the motor vehicle for 5 or more nonmoving traffic violations that, at the time of the vehicle's removal, occurred more than 60 days previously and for which the owner has neither paid the forfeiture for each of these violations nor scheduled an appearance in court in response to each of these citations.

a-2. The department has mailed to the last-known address of the owner at least one notice that specifies, for each citation counted under subd. 1, the date on which the citation was issued, the license number or vehicle identification number of the vehicle involved, the place where the citation may be paid, the amount of the forfeiture, and the means by which the citation may be contested.

a-3. The notice under subd. 2 also informs the owner that any motor vehicle owned by him or her may be removed and impounded if, within 60 days after the owner has received 5 or more citations and at the time the vehicle is removed and impounded, the owner has neither paid the forfeiture for each violation that occurred more than 60 days previously nor scheduled an appearance in court in response to each citation issued more than 60 days previously for which the forfeiture has not been paid. The notice under this subdivision may be combined with any other notice provided by the city to the owner.

b. Upon removal of a motor vehicle under par. a, the parking enforcer shall follow the notification procedure specified in s. 341.65(2)(b), Wis. Stats.

c. The department may contract with a 3rd party for the performance of services related to removal of motor vehicles. These services shall be rendered only at the request of a parking enforcer.

3. FEES AND CHARGES. The department may assess reasonable towing or storage charges associated with the removal or impoundment of a vehicle, as well as reasonable charges for disposal of a vehicle.

4. RELEASE OF VEHICLE. a. Any motor vehicle impounded as provided in sub. 2 shall remain impounded until lawfully claimed or disposed of as provided in this subsection and sub. 6.

b. The owner of a motor vehicle that is removed and impounded under sub. 2 may secure release of the motor vehicle by doing both of the following:

b-1. Paying all applicable towing and storage charges.

b-2. Paying all forfeitures specified in each notice under sub. 2-a-2 for, or scheduling an appearance in court in response to, or a combination of paying forfeitures and scheduling appearances with respect to, all citations counted under sub. 2-a-1.

c. If an owner secures release of a motor vehicle under par. b by scheduling an appearance in court and thereafter fails to appear or fails to comply with any court order with respect to any citation counted under sub. 2-a-1 for which the forfeiture has not been fully paid, including failure to satisfy in full any court-ordered payment plan or other agreement approved by the court, the department may cause the motor vehicle to be removed and impounded as provided under sub. 2.

d. Notwithstanding par. a, if any motor vehicle impounded is an unregistered motor vehicle for purposes of s. 341.65, Wis. Stats., or an abandoned motor vehicle for purposes of s. 342.40, Wis. Stats., the department may take any action authorized under s. 341.65 or s. 342.40, Wis. Stats.

5. RESPONSIBILITY FOR CHARGES. The owner of any motor vehicle removed and impounded as provided under this section is responsible for all charges associated with removing, impounding, and disposing of the motor vehicle, as provided under sub. 3. Charges not recovered from the sale of the motor vehicle may be recovered in a civil action by the city against the owner.

6. ADDITIONAL PROVISIONS FOR IMPOUNDMENT AND DISPOSAL. The procedures and provisions of s. 341.65(2)(f) to (h), Wis. Stats., shall apply with respect to the impoundment and disposal of motor vehicles authorized to be removed, impounded, and disposed of under this section to the same extent as these provisions

apply to the impoundment and disposal of unregistered motor vehicles that are removed under authority of s. 341.65, Wis. Stats., except that reclamation of the motor vehicle by the owner requires compliance with sub. 5 rather than s. 341.65(2)(e), Wis. Stats. The provisions of s. 349.13(5)(b), Wis. Stats., shall apply with respect to vehicles removed or stored under this section to the same extent as these provisions apply with respect to vehicles removed or stored under authority of s. 349.13, Wis. Stats.

Part 2. This ordinance is effective November 1, 2025.

..LRB

APPROVED AS TO FORM

K. Broadnax

Legislative Reference Bureau

Date: July 31, 2025

..Attorney

IT IS OUR OPINION THAT THE ORDINANCE
IS LEGAL AND ENFORCEABLE

Office of the City Attorney

Date: _____

..Requestor

..Drafter

LRB180751-2

Jeff Osterman

07/31/2025