

..Number
171519
..Version
SUBSTITUTE 1

..Reference

..Sponsor
ALD. WITKOWSKI

..Sections
101-25-2 am
101-25-3 rn
101-25-3 cr
101-25-4 rn
101-25-4 cr
101-25-5 cr
101-34-3 am

..Title
A substitute ordinance relating to parking citations and vehicle towing.

..Analysis
This ordinance aligns Milwaukee code with State statutes concerning the towing of registered and unregistered vehicles. The ordinance also authorizes the commissioner of public works to reduce reclamation costs and to forego late charges on citations.

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

Part 1. Section 101-25-2 of the code is amended to read:

101-25. Towing Away of Vehicles.

2. ~~[[ADJUSTMENTS. Whenever the vehicle reclamation charges are paid, the vehicle shall be released to its owner.]]>>CITATION RELEASE OR DISMISSAL.<< Whenever the citation upon which removal and storage is authorized is released by the chief of police, or by the city attorney after a review, or whenever the charge for which the citation upon which removal and storage is authorized is dismissed by the court, the commissioner of public works shall release the vehicle without payment of vehicle reclamation charges and shall refund any vehicle reclamation charges or vehicle removal charges for such vehicle which shall have previously been paid.~~

Part 2. Section 101-25 3 and 4 of the code is renumbered 101-25-6 and 7.

Part 3. Section 101-25-3 to 5 of the code is created to read:

3. RELEASE OF REGISTERED VEHICLES. Notwithstanding sub. 6, the owner of a motor vehicle impounded under this section that is properly registered under Wisconsin law shall secure release of the motor vehicle by paying any forfeiture imposed for violation of this section, unless contested and scheduled before municipal court, and any reclamation charges imposed under sub. 1-b.

4. RELEASE OF UNREGISTERED VEHICLES. Notwithstanding s. 101-24.7-6, the owner of a motor vehicle impounded under this section that is not properly registered under Wisconsin law shall secure release of the motor vehicle by paying any forfeiture imposed for violation of this section, except a citation contested and scheduled before municipal court, paying any reclamation charges imposed under sub. 1-b. and providing satisfactory evidence of one of the following:

- a. That the motor vehicle is currently registered in the state of Wisconsin.
- b. That a complete application for registration for the motor vehicle, including evidence of inspection under s. 110.20, Wis. Stats., when required, accompanied by the required fee has been delivered to the Wisconsin department of transportation or deposited in the mail properly addressed with postage paid.

5. RECLAMATION CHARGE ADJUSTMENTS. The commissioner of public works, the commissioner's designate and the city attorney may, solely at their discretion, from time to time reduce reclamations charges imposed under sub 1, para. b, and the city attorney may enter into repayment agreements with owners of vehicles impounded under this section for the payment of citations issued under this section and reclamation charges imposed under sub. 1-b. to facilitate repayment of the forfeiture and the reclamation charges.

Part 4. Section 101-34-3 of the code is amended to read:

101-34. Stipulation or Contestation Procedure; Nonmoving Traffic Violations.

3. PAYMENT AFTER 10 DAYS. Except in circumstances where state statutes are applicable, the forfeiture shall be increased as follows, unless for good cause shown the city attorney, chief of police or his or her designee >>or the commissioner of public works, or the commissioner's designee, extends the<< ~~[[extends such]]~~ time limit:

..LRB
APPROVED AS TO FORM

Date: _____

..Attorney

IT IS OUR OPINION THAT THE ORDINANCE
IS LEGAL AND ENFORCEABLE

Office of the City Attorney

Date: _____

..Requestor

..Drafter

LRB #170585 -2

Aaron Cadle

February 13, 2018