Legislation Details (With Text)

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Effective date:			
Title:	A substitute ordinance relating to the sale of vehicles on public property.		
Sponsors:	ALD. DONOVAN, ALD. SANCHEZ		
Indexes:	MOTOR VEHICLES, SALES		
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Date	Ver.	Action By	Action	Result	Tally
9/3/2003	0	COMMON COUNCIL	ASSIGNED TO		
9/24/2003	1	CITY CLERK	DRAFT SUBMITTED		
10/13/2003	2	CITY CLERK	DRAFT SUBMITTED		
10/17/2003	2	PUBLIC SAFETY COMMITTEE	HEARING NOTICES SENT		
10/17/2003	2	PUBLIC SAFETY COMMITTEE	HEARING NOTICES SENT		
10/20/2003	3	CITY CLERK	DRAFT SUBMITTED		
10/23/2003	3	PUBLIC SAFETY COMMITTEE	RECOMMENDED FOR PASSAGE	Pass	5:0
11/5/2003	3	COMMON COUNCIL	PASSED	Pass	16:0
11/7/2003	3	MAYOR	SIGNED		
4/30/2013	3	COMMON COUNCIL	PUBLISHED		

030701
SUBSTITUTE 3

ALD. DONOVAN
A substitute ordinance relating to the sale of vehicles on public property.
81-131.3 cr
93-26 cr
101-25-1 am
101-29 cr
101-34-2-d am
101-34-7-d am
320-29-3-e rn
320-29-3-e cr
320-29-3-f rn
320-29-3-g rn
320-29-3-h rn
320-29-3-i rn

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This ordinance requires that each vehicle that is for sale on public property display a certificate issued by the department of public works. In order to receive this certificate, an applicant must submit the vehicle for inspection by the department and be able to demonstrate the following:
1. That the vehicle is his or her property or that he or she has the permission of the vehicle's owner to sell the vehicle on the owner's behalf.
2. That the vehicle's vehicle identification number has not been altered in such a way as to render it illegible.
The fee for each certificate shall be $40 and shall be valid for a period of 6 months from the date of issuance. Vehicles that are for sale on public property without this certificate are subject to being ticketed and towed.
The provisions of this ordinance will be implemented under a 6-month pilot program to be effective in the area of the city bounded by West Pierce Street on the north, South 20th Street on the east, West Cleveland Avenue on the south and South 38th Street on the west.

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

Part 1. Section 81-131.3 of the code is created to read:

81-131.3. Vehicle for Sale on Public Property. 1. The fee for each certificate required for vehicles that are for sale in the public way shall be $40.

2. Certificates shall be valid for a period of 6 months from the date of issuance.

(See s. 101-29.)

Part 2. Section 93-26 of the code is created to read:

93-26. Use of Vehicle For Sale Certificates. No secondhand motor vehicle dealer licensed under this chapter may apply for a certificate issued pursuant to s. 101-29 to leave a vehicle that is for sale on public property.

Part 3. Section 101-25-1 of the code is amended to read:

101-25. Towing Away of Vehicles.

1. AUTHORITY. Whenever any police officer, or the commissioner of public works or any of the commissioner's designees finds a vehicle standing upon any highway in violation of ss. 101-3, 101-22.5, 101-23, 101-24, 101-24.1, 101-24.2, 101-26, 101-26.5, 101-26.7, 101-27 >>, 101-29<< and 101-32, the officer, or commissioner of public works or the commissioner's designee is authorized to remove the vehicle to either private or public parking or storage premises. The removal may be performed by or under the direction of the officer, or the commissioner of public works or the commissioner's designee, or a towing contractor under contract with the city. The vehicle reclamation charge that is imposed in order to reclaim a vehicle under this section shall be $95 per vehicle and $20 for each day of storage. The vehicle reclamation charge shall be paid to the commissioner of public works at the storage facility and the vehicle may be released from storage upon payment of all vehicle reclamation charges and presentation of proper identification. A notice informing the owner of the location of the vehicle, the procedure for reclaiming the vehicle and the availability of a review before the city attorney shall be mailed to the last known address within 24 hours after removal.

Part 4. Section 101-29 of the code is created to read:

101-29. Vehicles For Sale On Public Property.

1. FINDINGS. The common council finds that a disproportionate number of vehicles that are for sale on public property are unlicensed, unregistered or are offered for sale by individuals who have no legal authority to do so, and that, further, the sale of stolen vehicles to unsuspecting individuals victimizes not only those from whom the vehicles are stolen but those who purchase them. This section is established pursuant to the responsibility of the common council to legislate for the protection of the health, safety and welfare of the people of the city of Milwaukee.

2. DEFINITION. For the purpose of this section "motor vehicle" means a vehicle as defined in s. 340.01(35), Wis. Stats.

3. CERTIFICATE REQUIRED. No person shall leave any motor vehicle that is for sale on public property without first applying for and receiving a certificate from the department of public works. Each vehicle that is for sale shall require a separate certificate.

4. APPLICATION. a. Certificates shall be obtained from the department of public works or other facilities authorized by the common council.
b. Applicants for certificates shall fill out the appropriate application and pay the fee set forth in ch. 81.
c. Vehicles for which certificates are sought shall be inspected by the commissioner of public works or his or her designee. No certificate shall be issued for a vehicle that does not meet all of the following criteria:
c-1. The vehicle shall be the property of the person applying for the certificate as demonstrated by title or the applicant shall present the vehicle's title as well as a signed affidavit from the vehicle's owner authorizing the vehicle's sale by the applicant.
c-2. The vehicle's vehicle identification number shall not have been altered in such a way as to render it illegible.
c-3. While a motor vehicle that is for sale is on public property, the certificate shall be displayed in the manner designated by the department of public works.

5. VEHICLES TO BE LEGALLY PARKED. A certificate issued pursuant to this section shall not permit the vehicle for which it is issued to be parked in a manner contrary to any other provision of the code.

6. PILOT PROGRAM AREA. The provisions of this section shall only apply to that area of the city bounded by West Pierce Street on the north, South 20th Street on the east, West Cleveland Avenue on the south and South 38th Street on the west.

Part 5. Section 101-34-2-d of the code is amended to read:

101-34. Stipulation Procedure; Nonmoving Traffic Violations.

2. FORFEITURE SCHEDULE.
d. Citations issued for violation of ss. 101-26.5, 101-26.7 [[~~and~~]] >>,<< 101-27-4 >>and 101-29<<: $30.

Part 6. Section 101-34-7-d of the code is amended to read:

7. PENALTY.
d. Violation of ss. 101-26.5, 101-26.7 [[~~and~~]] >>,<< 101-27-4 >>and 101-29<<: $30 to $50.

Part 7. Section 320-29-3-e to i of the code is renumbered 320-29-3-f to j.

Part 8. Section 320-29-3-e of the code Is created to read:

320-29. Parking Fund.

3. PARKING REVENUE.
e. Revenue from the sale of certificates issued for vehicles that are for sale on public property.

Part 9. The provisions of this section shall be null and void 6 months after the effective date of this ordinance, November 22, 2003.

APPROVED AS TO FORM

_____
Legislative Reference Bureau
Date:_____

IT IS OUR OPINION THAT THE ORDINANCE
IS LEGAL AND ENFORCEABLE

_____
Office of the City Attorney
Date:_____

LRB03399-3
jro
10/20/03