



Legislation Text

File #: 060470, Version: 1

060470
Substitute 1

ALD. DONOVAN

A substitute ordinance relating to regulation of parked or standing vehicles in which junk is collected or stored.

101-23.2 cr
101-25-1 am
101-34-2-j am
101-34-7-j am

This ordinance prohibits parking or standing of any vehicle containing collected junk or in which junk is stored upon any highway of the city except while engaged in the process of loading or unloading. The ordinance provides definitions. Vehicles found in violation may be towed. Penalties of \$55 to \$75 are provided for violations, and the amount of a stipulation is set at \$55. In addition to the reclamation charge of \$95 and \$20 for each day of storage, an additional reclamation charge will be imposed for the actual costs, including costs of labor, incurred in the treatment, disposal, removal or abatement of any substance, chemical or other material contained within or upon a vehicle when such action is necessary to render the vehicle into a safe and sanitary condition.

Whereas, The collection and storage of junk including rags, paper, rubbish, bottles, glassware, crockery, bags, cloth, rubber, vehicle tires, ferrous and non-ferrous metals, clothing, siphons, old rope, plumbing materials, salvage gas and electric fixtures and appliances, other waste materials, and discarded articles constitutes a risk to health and safety of the public and creates potential hazards to the environment; and

Whereas, The properly regulated removal and appropriate recycling or other disposal of junk materials is necessary to the health, safety and well-being of the public; and

Whereas, The collection or storage of junk in vehicles presents a risk of infestation, poisoning and other harm in areas of public and pedestrian travel; and

Whereas, Section 349.13, Wis. Stats., authorizes local authorities to regulate, prohibit or limit the parking or standing of vehicles upon the highways of their jurisdiction in the reasonable exercise of the police power; now, therefore

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

Part 1. Section 101-23.2 of the code is created to read:

101-23.2. Vehicles Prohibited from Parking or Standing. 1. DEFINITIONS. a. "Vehicle" means a motor vehicle, motor truck, motor bus, wagon, trailer, or another means of conveyance, but does not include a dumpster or other container permitted pursuant to ss. 115-10 to 115-11.5.

b. "Junk" has the meaning provided in s. 92-3-2-a.

2. PROHIBITED. Vehicles containing collected junk or in which junk is stored shall not be parked or left standing on the highways of the city.

3. EXCEPTIONS. A vehicle actively engaged in loading or unloading junk may, for that purpose, be parked or left standing on the highways of the city to the extent that such vehicle is otherwise in compliance with the code.

Part 2. 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, >> 101-23.2, << 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 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. >>An additional reclamation charge shall be imposed for the actual costs, including costs of labor, incurred in the treatment, disposal, removal or abatement of any substance, chemical or other material contained within or upon a vehicle when, in the judgment of the commissioner or commissioner's designee, such action is necessary to render the vehicle into a safe and sanitary condition.<< 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 3. Section 101-34-2-j of the code is amended to read:

101-34. Stipulation Procedure; Nonmoving Traffic Violations

2. FORFEITURE SCHEDULE.

j. Citations issued for violations of ss. 101.18>>1<< ~~[[and]]~~ 101-23-11 >>and 101-23.2<<: \$55.

Part 4. Section 101-34-7-j of the code is amended to read:

7. PENALTY.

j. Violations of ~~[[s.]]~~>>ss.<< 101-18>> and 101-23.2<< \$55 to \$75.

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: _____

LRB06263-2

RLW

8/21/2006