



Legislation Text

File #: 080455, Version: 1

080455
SUBSTITUTE 1

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A substitute ordinance relating to penalties for unregistered and improperly registered motor vehicles.

101-24.7-1 rc
101-24.7-2 rc
101-34-2-a am
101-34-2-f am
101-34-7-a am
101-34-7-f am

2005 Wisconsin Act 185 changed the definition of “unregistered motor vehicle” so that it applies to motor vehicles that do not display valid registration plates, temporary operation plates or other evidence of registration for the vehicles’ current registration period or a registration period that expired the preceding month. The act authorized municipalities to enact ordinances in substantial compliance with state law. Common council file # 051344 was passed on April 11, 2006, adopting the new state definition.

The new definition authorizes the city to tow vehicles that do not display valid registration plates, temporary operation plates or other evidence of current registration. A forfeiture under stipulation was established at \$50 and a penalty for violation ranging from \$50 to \$70.

This ordinance provides for a lower stipulated forfeiture of \$15 and a lower penalty range for violations of \$15 to \$45 if the motor vehicle owner, at the time of violation, had properly completed and paid for a current motor vehicle registration as reflected by the records of the Wisconsin department of transportation, but is ticketed for failure to properly display evidence of current registration.

Whereas, The City of Milwaukee has a substantial health and safety interest in maintaining its highways, streets and alleys free from unregistered motor vehicles; and

Whereas, The Common Council passed File # 051344 on April 11, 2006, amending the City’s ordinance prohibiting placement of unregistered vehicles upon streets and alleys to conform to 2005 Wisconsin Act 185 which redefined “unregistered vehicle” to include vehicles that do not display valid registration plates, temporary operation plates or other evidence of registration; and

Whereas, Circumstances may from time to time exist beyond the control of a vehicle owner where registration plates, annual registration stickers or other proper evidence of registration are removed from a motor vehicle due to theft, inadvertence, damage or otherwise; and

Whereas, Two years of enforcement experience has shown that a number of motor vehicle owners subjected to towing and penalties for violation of the ordinance prohibiting unregistered motor vehicles from being placed

upon the highways, streets and alleys of the City have, nevertheless, made good faith efforts to obtain proper registration; and

Whereas, The Common Council has determined that motor vehicle owners who have made timely and complete application for registration with the Wisconsin Department of Transportation, should not be subject to the same penalties as motor vehicle owners who have not made timely or complete application for registration; now, therefore

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

Part 1. Section 101-24.7-1 and 2 of the code is repealed and recreated to read:

101-24.7 Unregistered Motor Vehicles. 1. DEFINITIONS. In this section: a. “Improperly registered motor vehicle” means an unregistered motor vehicle for which an application and payment for registration are current and complete as reflected in the records of the Wisconsin department of transportation, but which does not display evidence of current registration or registration expiring within the preceding 31 days.

b. “Unregistered motor vehicle” means any motor vehicle that is located upon any alley, street, highway, public way or thoroughfare and that is not displaying valid registration plates, a temporary operation plate, or other evidence of registration as provided under s. 341.18(1), Wis. Stats., for the vehicle’s current registration period or for a registration period for the vehicle that expired within the immediately preceding 31 days.

2. PROHIBITION AND PENALTIES. a. Prohibition of unregistered vehicles. No unregistered motor vehicle may be located upon any alley, street, highway, public way or thoroughfare within the city. The stipulated forfeiture provided in s. 101-34-2-f and the penalty provided in s. 101-34-7-f shall apply, except as provided in par. b.

b. Prohibition of improperly registered vehicles. No improperly registered vehicle may be located upon any alley, street, highway, public way or thoroughfare within the city. If a showing is made by any party that the records of the Wisconsin department of transportation contain information that application and payment for registration of the motor vehicle were complete and current at the time of the violation, the stipulated forfeiture provided in s. 101-34-2-a and the penalty provided in s. 101-34-7-a shall apply.

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

101-34. Stipulation Procedure; Nonmoving Traffic Violations.

2. FORFEITURE SCHEDULE.

a. Citations issued for violation of ~~[[s]]>>ss.<< 101-27 except 101-27-7-a and 4>>, and 101-24.7-2-b<<: \$15.~~

Part 3. Section 101-34-2-f of the code is amended to read:

f. Citations issued for violation of ss. 101-24, 101-24.1, 101-24.5, ~~[[101-24.7]]>>101-24.7-2-a<<~~ and 101-25: \$50.

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

7. PENALTY.

a. Violations of ~~[[s]]>>ss.<< 101-27 except s.101-27-7-a and 4>>, and 101-24.7-2-b \$15 to \$45.~~

Part 5. Section 101-34-7-f of the code is amended to read:

f. Violations of ss. 101-24, 101-24.1, 101-24.5, ~~[[101-24.7]]>>~~101-24.7-2-a<< and 101-25: \$50 to \$70.

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: _____

LRB08312-3

RLW

7/10/2008