



Legislation Text

File #: 221866, Version: 1

221866
SUBSTITUTE 1

ALD. SPIKER, MURPHY, BORKOWSKI

A substitute ordinance relating to the impounding of the vehicles used in reckless driving offenses.

101-24.9 cr

This ordinance adopts state law relating to the authority of the city to impound vehicles used in certain reckless driving offenses. The ordinance authorizes a law enforcement officer to impound a vehicle used in commission of a violation of the state's reckless driving statute under s. 346.62, Wis. Stats. or a local ordinance in strict conformity with s. 346.62, Wis. Stats., provided the person cited for the violation:

1. Is the owner of the vehicle.
2. Has a prior conviction for violation of s. 346.62, Wis. Stats. or a local ordinance in strict conformity with s. 346.62.
3. Has not fully paid the imposed forfeiture.

In addition, the ordinance provides for the recovery of the impounded vehicle by the owner when the prior forfeiture, and any associated towing, transportation and storage fees have been paid in full. Finally, the ordinance authorizes the city to dispose of any unclaimed, impounded vehicle provided it has been more than 90 days after the disposition of the reckless driving citation for which the vehicle was impounded.

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

Part 1. Section 101-24.9 of the code is created to read:

101-24.9. Impounding vehicles used in reckless driving offenses. 1. AUTHORITY. Under the authority of s. 349.115, Wis. Stats., law enforcement officers may impound any vehicle used in the commission of reckless driving, as defined under s. 346.62, Wis. Stats. or a local ordinance in strict conformity with s. 346.62, Wis. Stats.

2. REQUIREMENTS. Vehicles used in the commission of a violation of s. 346.62, Wis. Stats., or a local ordinance in strict conformity with s. 346.62, Wis. Stats., may be impounded by law enforcement officers provided the person cited with the violation meets each of the following conditions:

- a. The person is the owner of the vehicle.
- b. The person has a prior conviction for violation of s. 346.62, Wis. Stats. or a local ordinance in strict conformity with s. 346.62, Wis. Stats.
- c. The person has not fully paid the imposed forfeiture.

3. RECOVERY OF IMPOUNDED VEHICLE. The city shall return an impounded vehicle to the owner provided each of the following criteria have been met:

- a. The owner has completed payment of the unpaid forfeiture specified in sub. 2-c.
- b. The owner has completed payment of any additional costs associated with impounding the vehicle specified in sub. 2-c, including towing, transportation and storage fees in accordance with s. 101-25-1 -b.
4. DISPOSAL OF IMPOUNDED VEHICLE. The city may dispose of any vehicle impounded under sub. 2 in accordance with s. 342.40, Wis. Stats., provided the impounded vehicle remains unclaimed for more than 90 days after the disposition of the reckless driving citation for which the vehicle was impounded.

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: _____

LRB 178011-3
Christopher Hillard
4/21/2023