

**CITY OF WEST ALLIS
ORDINANCE O-2023-0028**

**ORDINANCE AUTHORIZING THE IMPOUNDING OF CERTAIN VEHICLES
USED TO COMMIT RECKLESS DRIVING**

AMENDING SECTION 10.03

WHEREAS, Wis. Stat. 349.115 creates a procedure that allows law enforcement officers to impound vehicles used by reckless drivers who have unpaid forfeitures for prior reckless driving convictions; and

WHEREAS, the common council desires to adopt the authority created by that state law;

NOW THEREFORE, the common council of the City of West Allis do ordain as follows:

SECTION 1: **AMENDMENT** “10.03 Authority Of Police” of the City Of West Allis Municipal Code is hereby *amended* as follows:

A M E N D M E N T

10.03 Authority Of Police

1. To Direct Traffic; Fire and Emergency. The Police Department of the City shall enforce the provisions of this Chapter. Officers of the Department and traffic officers may direct all traffic either in person or by means of visible or audible signals in conformity with the provisions of this Chapter. In the event of a fire or other emergency, or to expedite traffic or safeguard pedestrians, police and traffic officers may direct traffic as conditions may require, notwithstanding the provisions of this Chapter. ~~{Ord. O-2017-0024, 6/6/2017}~~
 - a. For the purposes of directing vehicular and pedestrian traffic on public or private property or in the right-of-way areas of the City, firefighters, and community service officers, as duly appointed by the Police Chief, are hereby designated as "traffic officers" within the meaning of Wis. Stats. Secs. 340.01(70) and 346.04 and are hereby authorized to direct or regulate vehicular and pedestrian traffic pursuant to Subsection 10.03(1) of this Municipal Code.
2. Emergency Regulations. The Police Department may make and enforce regulations necessary to make effective the provisions of this Chapter, and may make and enforce temporary regulations to cover emergencies or special conditions.
3. Towing of Vehicles
 - a. ~~Whenever any police officer finds a vehicle standing upon a highway in~~

~~violation of a prohibition, limitation or restriction on stopping, standing or parking, as provided in this Chapter, he or someone on his behalf at his direction is authorized to move such vehicle or to require the owner or operator in charge thereof to move such vehicle to a position where parking is not prohibited.~~ If a traffic officer authorizes the removal of a vehicle from a highway under Wis. Stat. 349.13(3) or from private property under Wis. Stat. 349.13(3m)~~In the event the officer moves or causes or has attempted to cause the vehicle to be moved by someone other than the owner or operator in charge thereof,~~ an additional amount, as provided for such removal in the current City Vehicle Towing Contract, shall be added to the stipulation deposit or forfeiture otherwise imposed for such violation. The officer shall be deemed to have ~~attempted to cause~~authorized the vehicle to be removed if the officer has made actual contact with someone other than the owner or operator in charge thereof to come and remove the vehicle and before such removal is effected, the owner or operator in charge thereof moves the vehicle.

- b. Pursuant to Wis. Stat. 349.115, a law enforcement officer may impound any vehicle used in the commission of a violation of Wis. Stat. 346.62 or a local ordinance in strict conformity with Wis. Stat. 346.62 at the time of issuing a citation for the offense if the person cited is the owner of the vehicle and the person has a prior conviction for a violation of Wis. Stat. 346.62 or a local ordinance in strict conformity with Wis. Stat. 346.62 for which a forfeiture was imposed that has not been fully paid. That vehicle may be impounded until the person fully pays the prior forfeiture amount and makes a deposit under Wis. Stat. 345.26 for the citation for which the vehicle was impounded. The impounded vehicle shall be returned to the owner or disposed of pursuant to Wis. Stat. 349.115(2) and (3).

SECTION 2: **EFFECTIVE DATE** This Ordinance shall be in full force and effect on and after the required approval and publication according to law.

PASSED AND ADOPTED BY THE CITY OF WEST ALLIS COUNCIL

_____.

	AYE	NAY	ABSENT	ABSTAIN
Ald. Vince Vitale	_____	_____	_____	_____
Ald. Ray Turner	_____	_____	_____	_____
Ald. Tracy Stefanski	_____	_____	_____	_____
Ald. Marty Weigel	_____	_____	_____	_____
Ald. Suzzette Grisham	_____	_____	_____	_____
Ald. Danna Kuehn	_____	_____	_____	_____
Ald. Thomas Lajsic	_____	_____	_____	_____
Ald. Dan Roadt	_____	_____	_____	_____
Ald. Rosalie Reinke	_____	_____	_____	_____
Ald. Kevin Haass	_____	_____	_____	_____

Attest

Presiding Officer

Rebecca Grill, City Clerk, City Of
West Allis

Dan Devine, Mayor, City Of West
Allis