



City of West Allis

Legislation Text

File #: O-2015-0031, **Version:** 1

Ordinance to Amend Subsections 10.21(3)-(5) and to Create Subsections 10.21(6)-(10) of the West Allis Revised Municipal Code Relating to Unregistered Motor Vehicles Prohibited on Streets.

The Common Council of the City of West Allis do ordain as follows:

PART I. Subsections 10.21(3)-(5) of the Revised Municipal Code of the City of West Allis are hereby amended to read as follows:

10.21 UNREGISTERED MOTOR VEHICLES PROHIBITED ON STREETS.

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(3) Towing. Any police officer or parking enforcement operator who discovers any unregistered motor vehicle located in violation of this section may cause the motor vehicle to be removed to a suitable place of impoundment. Upon causing the removal of the motor vehicle by a towing service, the officer or parking enforcer shall, within 24 hours of ordering the removal, notify the towing service of the name and last-known address of the registered owner and all lienholders of record on the vehicle. Within 24 hours, the officer or parking enforcer shall also send a notice to the most recent registered owner's last known address, by first-class mail, informing the owner of the location of the vehicle, the procedure for reclaiming the vehicle, and the availability of a hearing in front of the Police Chief or Chief's designee.

(4) Costs. The owner of any unregistered motor vehicle is responsible for all costs of impounding, storage, and disposing of the motor vehicle. Costs not recovered from the sale of the vehicle may be recovered in a civil action by the City against the owner.

(5) Release of vehicle. The owner of an unregistered vehicle that is impounded under this subsection may secure release of the motor vehicle by paying any forfeiture imposed for violation of this ordinance, paying the reasonable costs of impounding and storing the motor vehicle, and by providing satisfactory evidence of one of the following:

(a) That the motor vehicle is currently registered in this state.

(b) That a complete application for registration for the motor vehicle, including evidence of inspection under Wis. Stat. Section 110.20 when required, accompanied by the required fee has been delivered to the Wisconsin Department of Transportation or deposited in the mail properly addressed with postage prepaid.

(c) That the motor vehicle is exempt from registration under Chapter 341 of the Wisconsin Statutes.

PART II. Subsections 10.21(6)-(10) of the Revised Municipal Code of the City of West Allis are hereby created

to read as follows:

10.21 UNREGISTERED MOTOR VEHICLES PROHIBITED ON STREETS.

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(6) Appeal Procedure.

(a) For the purposes of this section, pursuant to Wisconsin Statute Section 68.16, the City of West Allis is specifically electing not to be governed by Chapter 68 of the Wisconsin Statutes.

(b) A vehicle owner may request a hearing before the Police Chief or Chief's designee within seven (7) days of receiving the mailed notice of impoundment. Any request shall be written, shall be filed at the West Allis Police Department, shall explain why the vehicle should not have been impounded, and shall include any evidence that the vehicle owner wishes to submit in support of the request. Upon receipt of the hearing request, the Police Chief or Chief's designee shall review the determination to impound the vehicle under this section and issue a written decision within 72 hours of receiving the hearing request. The Police Chief or Chief's designee's review shall be the final determination, the provisions of Section 2.48 notwithstanding. If a vehicle owner does not file a timely written request for a hearing with the Police Chief or Chief's designee, the owner waives the right to assert that the vehicle did not meet the criteria for impoundment under this section.

(7) Any motor vehicle in violation of this subsection may be impounded until lawfully claimed or disposed of under subsection (8) except that if the Police Chief or Chief's designee determines that the cost of towing and the storage charges for the impoundment would exceed the value of the vehicle, the motor vehicle may be junked or sold by the City prior to expiration of the impoundment period upon determination by the Police Chief or Chief's designee that the motor vehicle is not stolen or otherwise wanted for evidence or other reason. All substantially complete motor vehicles in excess of 19 model years or age shall be disposed of in accordance with subsection (8).

(8) Any motor vehicle that is impounded and not disposed of under subsection (7) shall be retained in storage for a minimum period of 10 days after certified mail notice has been sent to the owner and lienholders of record, if known or readily ascertainable, to permit reclamation of the motor vehicle after payment of accrued charges and, for reclamation of the motor vehicle by the owner in compliance with subsection (5). Such notice shall set forth the year, make, model, and serial number of the motor vehicle and the place where the motor vehicle is being held, and shall inform the owner and any lienholders of their right to reclaim the motor vehicle. The notice shall state that the failure of the owner or lienholders to exercise their rights to reclaim the motor vehicle under this section shall be considered a waiver of all right, title and interest in the motor vehicle and a consent to the sale of the motor vehicle. Each retained motor vehicle not reclaimed by its owner or lienholder may be sold. The sale of the vehicle shall be in compliance with Wis. Stat. Section 341.65(2)(g)-(h).

(9) Penalty. Any person violating subsection (2) of this ordinance shall be required to forfeit not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500). For a second or subsequent violation within a twelve-month period, the person shall be required to forfeit not less than two hundred dollars (\$200) nor more than one thousand dollars (\$1,000). The person shall be required to pay the costs of prosecution. In default of payment thereof, the person shall be imprisoned in the Milwaukee County House of Correction until such forfeiture and costs are paid, but not more than the number of days set forth in Section 800.095(1)(b)1 of the Wisconsin Statutes, or by suspension of the defendant's operating privilege, pursuant to Sections 343.30 and 345.47 of the Wisconsin Statutes. Each and every day that an offense continues constitutes a separate offense.

(10) Severability. If any part of this section is found to be unconstitutional or otherwise invalid, the validity of the remaining parts shall not be affected.

PART III. All ordinances or parts of ordinances contravening the provisions of this ordinance are hereby repealed.

PART IV. This ordinance shall take effect and be in force from and after its passage and publication.

ATTO-AmendSubsec10.21(3)-(5)CreateSubsec10.21(6)-(9) UnregisteredVehiclesProhibitedStreetsUpdate