



Wauwatosa, WI

Transportation Affairs Committee

Regular Meeting

7725 W. North Avenue
Wauwatosa, WI 53213

Tuesday, May 30, 2023

6:30 PM

Committee Room #1/Zoom

HYBRID MEETING INFORMATION

PLEASE NOTE: Members of the public may observe and participate in the meeting in-person or via Zoom at the link below:

Zoom Link: <<https://servetosa.zoom.us/j/81144274572>>

Zoom Phone: 1-312-626-6799

Zoom Meeting ID: 811 4427 4572

CALL TO ORDER

ROLL CALL

TRANSPORTATION AFFAIRS COMMITTEE ITEMS

1. Consideration of ordinance regarding impoundment of vehicles involved in reckless driving violations [23-223](#)

ADJOURNMENT

NOTICE TO PERSONS WITH A DISABILITY

Persons with a disability who need assistance to participate in this meeting should call the City Clerk's office at (414) 479-8917 or send an email to tclerk@wauwatosa.net, with as much advance notice as possible.



Wauwatosa, WI

7725 W. North Avenue
Wauwatosa, WI 53213

Staff Report

File #: 23-223

Agenda Date: 5/30/2023

Agenda #: 1.

Title

Consideration of ordinance regarding impoundment of vehicles involved in reckless driving violations



Wauwatosa Police Department

Departmental Correspondence

DATE: 5/17/23

TO: Transportation Affairs Committee – 5/30/23 meeting

FROM: Capt. Luke Vetter

SUBJECT: Proposal to Adopt New Reckless Driving Impound Law

ATTCHED: Wisconsin Legislative Act Memo dated 4/10/23

There continues to be local, regional and State concern over dangerous reckless driving on our roadways that result in crashes and unsafe travel. Law Enforcement Executives from the State and County level (Wisconsin Chiefs of Police Association-WCPA and the Milwaukee County Law Enforcement Executive Association-MCLEEA) have coordinated efforts and asked the State Legislature for an additional tool to improve enforcement efforts against repeated reckless driving. Thankfully the Legislature listened, responded, and acted upon those requests.

The tool that was approved for law enforcement in early April is 2023 Wisconsin Act 1 which created Wisconsin State Traffic Statute 349.115 "Authority to Impound Vehicles," which allows the impounding of reckless driving vehicles in *certain* circumstances (see attached Legislative Memo). The Wauwatosa Police Department supports the adoption of this statute into Wauwatosa ordinance.

If approved, Police staff will be provided a detailed directive to train staff in the judicious use of this new law and ordinance. The directive will include the requirement of Supervisory approval before vehicles are impounded.

The Police Department fully promotes adoption of this new State Law by adopting ordinance 11.66.025.

Respectfully,

A handwritten signature in black ink, appearing to read "Luke Vetter".

Capt. Luke Vetter
Patrol Bureau

Wisconsin Legislative Council

ACT MEMO



Prepared by: Amber Otis, Senior Staff Attorney

April 10, 2023

2023 Wisconsin Act 1 [2023 Senate Bill 92]

Local Authority to Impound Vehicles Driven Recklessly

BACKGROUND

State law prohibits certain acts involving the negligent operation of a vehicle, which are commonly referred to as “reckless driving.” The penalties for committing the offense of reckless driving range from a noncriminal forfeiture to a Class I felony, depending on the circumstances, such as the level of harm caused to another. In addition to prohibitions under state law, local units of government may enact reckless driving ordinances that contain elements strictly conforming to the state law crime, but are punishable only as noncriminal forfeitures.

2023 WISCONSIN ACT 1

2023 Wisconsin Act 1 allows local units of government to authorize, by ordinance, impoundment of a vehicle that is used in the commission of a reckless driving offense, if certain conditions are met.

Specifically, under the act, a city, village, town, or county may, by ordinance, authorize a law enforcement officer to impound a vehicle used in the commission of a reckless driving offense at the time of issuing a citation for the reckless driving offense if the driver: (1) is the owner of the vehicle; and (2) has previously been found to have committed a reckless driving offense for which a forfeiture was imposed that has not been fully paid.

The act authorizes the ordinance to provide for impoundment of the vehicle until the person fully pays the prior forfeiture amount and reasonable costs of impounding the vehicle, including towing or other transportation costs and storage costs. The act requires return of the impounded vehicle to its owner upon payment of the amount required under the ordinance. If the impounded vehicle remains unclaimed for more than 90 days after the disposition of the citation for which the vehicle was impounded, the act allows a city, village, town, or county to initiate procedures to dispose of the vehicle by following the existing procedure governing disposal of abandoned vehicles under state law.

Effective date: April 5, 2023

For a full history of the bill, visit the Legislature’s [bill history page](#).

AO:tr;ksm

Ordinance

ORDINANCE CREATING SECTION 11.66.025 OF THE WAUWATOSA MUNICIPAL CODE REGARDING IMPOUNDMENT OF VEHICLES INVOLVED IN RECKLESS DRIVING VIOLATIONS

The Common Council of the City of Wauwatosa do ordain as follows:

Part I. Section 11.66.025 of the Wauwatosa Municipal Code of Ordinances is created to read in its entirety as follows:

11.66.025 - Impounding Vehicles involved in Reckless Driving.

Pursuant to Wis. Stats. sec. 349.115, a law enforcement officer may impound any vehicle used in the commission of a violation of Wis. Stats. sec. 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 that person has a prior conviction for a violation of Wis. Stats. sec. 346.62 or a local ordinance in strict conformity with Wis. Stats. sec. 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. Stats. sec. 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. Stats. secs. 349.115(2) and (3).

Part II. This ordinance shall become effective on and after its dates of passage and publication.

Passed and Dated _____

City Clerk

Approved _____

Mayor

Introduced:

Referred to originating committee

Adopted:

Page:

Journal: