

Ordinance 0030-25 – Impounding Vehicles Involved in Reckless Driving (Recreated)

An ordinance to repeal and recreate Chapter 94, Article I, Section 94-23.

The Common Council of the City of Racine, Wisconsin, do ordain as follows:

Part 1: Chapter 94, Article I, Section 94-23 is repealed and created as follows:

Sec. 94-23. – Impounding vehicles involved in reckless driving.

(a) *Impoundment.* A law enforcement officer may impound any vehicle used in the commission of a violation of reckless driving under section 346.62, Wis. Stat., at the time of issuing a citation or making an arrest for the offense.

(b) *Recovery.* The city shall return an impounded vehicle to the owner only if:

(1) any outstanding fine or forfeiture owed by the owner has been fully paid; and

(2) any additional costs associated with impounding the vehicle, including towing, transportation, and storage costs, have been fully paid.

(c) *Stolen vehicle.*

(1) *Identification of reported stolen vehicle.* Upon impounding a vehicle under subsection (a), a law enforcement officer shall make a reasonable effort to determine if the vehicle has been reported as stolen. If the officer determines that the vehicle has been reported as stolen, the officer or city shall make a reasonable attempt to contact the owner.

(2) *Recovery of impounded stolen vehicle.* Notwithstanding subsection (c)(1), the city shall return to its owner a vehicle reported as stolen and impounded under subsection (a) without the payment of a fee or charge.

(d) *Disposal.* Subject to subsection (c), the city may dispose of any vehicle impounded under subsection (a) in accordance with section 342.40, Wis. Stat., only if the impounded vehicle remains unclaimed for more than 90 days after the disposition of the charge for which the vehicle was impounded.

State Law references – Vehicle abandonment prohibited; removal; disposal, Wis. Stat. § 342.40; Reckless driving, Wis. Stat. § 346.62; Authority to impound vehicles, Wis. Stat. § 349.115.

Part 2: This ordinance shall take effect upon passage by a majority vote of the members-elect of the City of Racine Common Council and publication or posting as required by law.

Fiscal Note: No change.

Pursuant to Wisconsin Statutes section 62.09(8)(c), the mayor shall have the veto power as to all acts of the common council, except such as to which it is expressly or by necessary implication otherwise provided. All such acts shall be submitted to the mayor by the clerk and shall be in force upon approval evidenced by the mayor's signature, or upon failing to approve or disapprove within five days, which fact shall be certified thereon by the clerk. If the mayor disapproves the mayor's objections shall be filed with the clerk, who shall present them to the council at its next meeting. A two-thirds vote of all the members of the council shall then make the act effective notwithstanding the objections of the mayor.