



City of Racine, Wisconsin
Agenda Briefing Memorandum
Ordinance 0030-25 – Impounding Vehicles
Involved in Reckless Driving (Recreated)

AGENDA DATE:

Intro to Council Date: January 6, 2026
Standing Committee Date: January 14, 2026
Final Action Council Date: January 20, 2026

PREPARED BY: Robin K. Zbikowski, Senior Assistant City Attorney
REVIEWED BY: Scott R. Letteney, City Attorney

SUBJECT: Communication sponsored by Alder Allen on behalf of the Police Department requesting an ordinance that repeals and recreates section 94-23 to allow a law enforcement officer to impound any vehicle used in the commission of a reckless driving offense and in conformity with state law.

BACKGROUND & ANALYSIS:

In 2024, the common council approved Ordinance 0014-24 (section 94-23 of the Code), which allows police officers to impound vehicles involved in reckless driving offenses, but only where the person charged with reckless driving is the owner of the vehicle, has a prior conviction for reckless driving, and the forfeiture for that prior conviction has not been fully paid. At the time section 94-23 was enacted, it was in conformity with Wisconsin Statutes section 349.115.

However, Wisconsin Statutes section 349.115 was amended in October 2025 such that the requirements to impound a vehicle involved in a reckless driving offense were eliminated. Specifically, police officers may impound any vehicle involved in a reckless driving offense, regardless of whether the person charged with reckless driving is the owner of the vehicle, has a prior conviction for reckless driving, or any unpaid forfeiture. This proposed piece of legislation serves to repeal and recreate section 94-23 of the Code to align with what is now Wisconsin law on impounding vehicles involved in reckless driving offenses.

To begin, the proposed recreation of section 94-23 eliminates the requirements outlined above, whereby allowing police officers to impound any vehicle involved in any incident of reckless driving. Additionally, this legislation places conditions on the recovery of a vehicle impounded under this ordinance; specifically, that the vehicle is returned only to the owner and that any outstanding fine, forfeiture, and/or costs associated with the impounding of the vehicle are fully paid.

This proposed ordinance also requires that the police department determine whether the impounded vehicle was reported as stolen and, if so, to attempt to contact the owner and return the vehicle to the owner without fee or charge. Further proposed is the procedure that governs the disposal of unclaimed vehicles that are impounded under this ordinance.

Inserted below is section 94-23 of the Code and layered on top are the changes proposed by this legislation.

Ordinance ~~0014-2400XX-25~~ – Impounding Vehicles Involved in Reckless Driving (Recreated)

An ordinance to ~~create~~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; authority and requirements.~~ A law enforcement officer may impound any vehicle used in the commission of a violation of reckless driving under ~~Wisconsin Statutes~~ section 346.62, Wis. Stat., at the time of issuing a citation or making an arrest for the offense ~~if the person cited meets each of the following criteria:~~
- (b) ~~Is Recovery.~~ The city shall return an impounded vehicle to the owner of the vehicle only if:
- (1) ~~Has a prior conviction for a violation of reckless driving under Wisconsin Statutes section 346.62 any outstanding fine or a local ordinance in strict conformity therewith for which a forfeiture was imposed that owed by the owner has not been fully paid; and~~
- (c) ~~Release.~~ Any vehicle impounded under subsection (a) shall be returned to its owner if each of the following criteria have been met:
- (1) ~~The forfeiture for the prior conviction for a violation of reckless driving has been fully paid.~~
 - (2) ~~The reasonable any additional costs of associated with impounding the vehicle have been fully paid, including towing or other transportation costs, 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; Penalty for violation sections 346.62 to 346.64, Wis. Stat. §
346.65; 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.

RECOMMENDED ACTION: To approve.

FISCAL NOTE & BUDGETARY IMPACT: N/A