



Office of the City Attorney

City Hall, Suite 206
201 Delafield Street
Waukesha, Wisconsin 53188-3646
Telephone (262) 524-3520
Fax (262) 650-2569
Email attorneys@waukesha-wi.gov

Brian E. Running
City Attorney
Miles W.B. Eastman
Assistant City Attorney
Julie M. Gay
Assistant City Attorney
Anne Marie Iselin
Assistant City Attorney
Donna Hylarides Whalen
Assistant City Attorney
Rebecca L. Pipp
Legal Assistant

Memorandum

To: Common Council
Ordinance and License Committee

From: Miles Eastman, Assistant City Attorney

Date: September 4, 2018

Re: New Ordinance Allowing the Police Department to Tow Parking Violators

For some time, the Attorney's Office and Police Department have been working on an ordinance which would authorize the Police Department to tow vehicles that are repeatedly found illegally parked on City streets. Recently, the Wisconsin Legislature changed the law to make it easier for municipalities to accomplish this. Enclosed please find a draft ordinance for your review and approval.

The draft creates a new ordinance section 7.12, which authorizes police officers and parking enforcement agents to tow vehicles when the vehicles have at least 5 unpaid parking tickets issued by the City that occurred more than 60 days earlier. The ordinance gives the Police Department the option to either tow the vehicles to a suitable place of impoundment or immobilize the vehicle with an immobilization device such as a "boot." The Police Department intends to tow vehicles to a suitable place of impoundment.

The ordinance requires the Police Department to notify the vehicle owner with at least 5 unpaid parking tickets and any lien holders in writing that the vehicle may be towed the next time it is found parked in the City. The notice must include information about the unpaid tickets and explain how to pay them. Towing may only be commenced 24 hours after the date notice was sent.

Once a vehicle is towed, another notice is mailed to the vehicle's owner informing the owner of the vehicle's location and how to reclaim the vehicle. Police Dispatch is also informed of the tow so that the owner may obtain this information over the phone the same day the vehicle is towed. A vehicle may only be released after the owner pays the cost of towing and impounding

the vehicle; pays the unpaid parking tickets or schedules an appearance in court on them; and registers the vehicle as required by the state if it is not already registered.

A new statute, Wis. Stat. § 349.19, authorizes this type of ordinance only if the ordinance contains every provision described in the statute. The ordinance draft complies with all the requirements in the statute.

If you have any questions or concerns regarding the ordinance or this memo, please contact me at your convenience.

CC: Chief Russel Jack, Captain Tom Wagner