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AN ORDINANCE CREATING SECTION 19-12 OF CHAPTER 19 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO IMPOUNDMENT OF VEHICLES USED IN RECKLESS DRIVING OFFENSES.

(Safety and Licensing Committee – XX-XX-XXXX)

The Common Council of the City of Appleton does ordain as follows:

Section 1: That Section 19-12 of Chapter 19 of the Municipal Code of the City of Appleton, relating to impoundment of vehicles used in reckless driving offenses, is hereby created to read as follows:

Sec. 19-12. Impoundment of vehicles used in reckless driving offenses.

(a) ***Statutory authorization and interpretation.*** This section is adopted pursuant to Wis. Stat. §349.115. It shall be interpreted and enforced in compliance with the same.

(b) ***Authority to impound vehicles used in reckless driving offenses.*** A law enforcement officer of the Appleton Police Department may impound any vehicle used in the commission of a violation of §346.62 or Appleton Municipal Code Sec. 19-1 (adopting Wis. Stat. §346.62) at the time of issuing a citation or making an arrest for the offense.

(c) ***Recoverable costs.*** The vehicle impounded shall be held until the reasonable costs of impounding the vehicle, including towing or other transportation costs and storage costs, and any outstanding fine or forfeiture owed by the owner of the vehicle are fully paid. Upon payment of all outstanding costs, the vehicle impounded under this section shall be returned to the owner.

(d) ***Stolen vehicles.*** Upon impounding a vehicle under this section, the Appleton Police Department shall make a reasonable effort to determine if the vehicle has been reported as stolen. If the Appleton Police Department determines that the vehicle has been reported as stolen, it shall make a reasonable attempt to contact the owner. The vehicle impounded

under this section shall be returned to its owner without the payment of a fee or charge if it was reported stolen.

(e) **Disposal of unclaimed stolen vehicles.** If a vehicle reported as stolen remains unclaimed for more than 60 days after impoundment, vehicle may be disposed of following the same procedure as provided for disposing of an abandoned vehicle under Wis. Stat. §342.40.

(f) **Disposal of unclaimed vehicles.** A vehicle impounded under this section that is not reported as stolen may be disposed of by following the same procedure as provided for disposing of an abandoned vehicle under Wis. Stat. §342.40 if the impounded vehicle remains unclaimed for more than 90 days after the disposition of the charge or citation for which the vehicle was impounded.

(g) **Severability.** If any provision of this section is deemed invalid, such invalidity shall not affect the remaining provisions.

Section 2: This ordinance shall be in full force and effect from and after its passage and publication.

Dated: _____

Jacob A. Woodford, Mayor

Amy Molitor, City Clerk