

## ORDINANCE NO. 2025-911

*An ordinance amending Janesville's Anti-Cruising Ordinances and creating vehicle impoundment, storage, and disposal with costs for reckless driving and non-registration violations as allowed by state law, with additional penalties and other relief for violations thereof as set forth herein, and in JGO Sections 38-308 and 38-03, as amended below.*

### THE COMMON COUNCIL OF THE CITY OF JANESVILLE DO ORDAIN AS FOLLOWS:

**SECTION I.** Section 38-305, second paragraph, of the Code of General Ordinances of the City of Janesville is hereby amended in part so that "7:00 p.m." replaces "9:00 p.m."

**SECTION II.** Subsections 38-305 (3), (4), and (5) of the Code of General Ordinances of the City of Janesville are hereby created and added to the third paragraph of JGO 38-305 to read as follows:

"(3) All of that portion of Milton Avenue, within the limits of the City, bounded by Mt. Zion Avenue on the south and McCormick Drive on the north.

(4) All of that portion of Humes Road, within the limits of the City, bounded by Wright Road on the east and Kennedy Road on the west.

(5) All of that portion of Deerfield Drive, within the limits of the City, bounded by Humes Road on the south and East Rotamer Road on the north. (To include the connector of Kettering Street from East Rotamer Road to Milton Avenue.)"

**SECTION III.** Section 38-308(a)(1) of the Code of General Ordinances of the City of Janesville is hereby amended in part so that "\$100" replaces "\$50".

**SECTION IV.** Section 38-308(a)(2) is hereby repealed in its entirety.

**SECTION V.** Section 38-308(a)(3) of the Code of General Ordinances of the City of Janesville is hereby renumbered Section 38-308(a)(2).

**SECTION VI.** Newly renumbered Section 38-308(a)(2) of the Code of General Ordinances of the City of Janesville is hereby amended in part so that "\$200" replaces "\$150" and "one" replaces "two".

**SECTION VII.** Section 38.03 of the Code of General Ordinances of the City of Janesville is hereby amended to read as follows:

#### **"38.03 Violations — Penalty.**

**(A)** The penalty for violating Sections 38-1 and 38-2, and for violating a City ordinance for which a state statute or state administrative code is so adopted by reference, shall be a forfeiture as provided in the applicable penalty provisions of Chapters 340—348 of the Wisconsin Statutes (Wis. Stats. chs. 340—348), together with the costs of prosecution and disbursements of the action. In default of payment of a court imposed forfeiture, the defaulting violator shall be dealt with according to law.

(B) Additional relief for violation of the state traffic laws, administrative codes, and City traffic ordinances are as set forth elsewhere in this Chapter.

**SECTION VIII.** Section 38.04 of the Code of General Ordinances of the City of Janesville is hereby created to read as follows:

**“38.04 Unregistered Motor Vehicles Prohibited; Immobilization; Removal; Disposal.**

(A) In this section:

- (1) “Immobilization device” means a device or mechanism that immobilizes a motor vehicle by doing any of the following:
    - a) Locking around a wheel, thereby making the motor vehicle inoperable.
    - b) Being placed upon the front windshield to obstruct the driver’s view through the windshield.
  - (2) “Owner” has the meaning given in Wis. Stats. Sec. 340.01(42) and, with respect to a vehicle that is registered, or required to be registered, by a lessee of the vehicle under state law, includes the lessee of the vehicle.
  - (3) “Parking enforcer” means a person who enforces nonmoving traffic violations and who is employed by any municipality or county or by the state.
  - (4) “Unregistered motor vehicle” means any motor vehicle that is located upon a public highway and that is not displaying valid registration plates, a temporary operation plate, or other evidence of registration as provided under Wis. Stats. Secs. 341.18 and/or 341.17 for the vehicle’s current registration period or for a registration period for the vehicle that expired within the immediately preceding thirty-one (31) days.
  - (5) A violation of the applicable state laws (such as, but not limited to, Wis. Stats. Secs. 341.03 and/or 341.04) , including but not limited to the prohibition of unregistered motor vehicles being present upon a public highway, is a violation of Janesville General Ordinance Section 38-01 and/or Section 38.02, as applicable, and vice-versa.
- (B) (1) Pursuant to Wis. Stats. Sec. 341.65, as from time to time amended or remembered, the Common Council of the City of Janesville hereby enact these ordinances prohibiting any unregistered motor vehicle from being located upon a public highway, and governing the immobilization, removal, and disposal of unregistered motor vehicles, and providing a forfeiture in addition to providing for the recovery by the City of the costs and expenses for immobilizing the motor vehicle with an immobilization

device, and for impounding, towing, storing, and disposing of the offending motor vehicle. The JPD and/or the City may contract with others to act on its behalf in immobilizing, towing, impounding, storing, and disposing of offending motor vehicles.

**(2)** This ordinance permits the immobilization of a motor vehicle for such incidents or violations, and prohibits any person, other than a Janesville police officer, from removing, disconnecting, tampering with, or otherwise circumventing the operation of an immobilization device, except upon release of the motor vehicle to the owner or to make necessary repairs to a malfunctioning immobilization device.

**(3)** Any City of Janesville police officer, or other municipal or university police officer, sheriff's deputy, county traffic patrolman, state traffic officer, conservation warden, parking enforcer, or other person authorized under state law who discovers any unregistered motor vehicle located upon any highway may cause the motor vehicle to be immobilized with an immobilization device or removed to a suitable place of impoundment. Upon immobilization or removal of the motor vehicle, the officer, warden, parking enforcer, or other authorized person shall notify the sheriff or chief of police of the location of the immobilized or impounded motor vehicle and the reason for the immobilization or impoundment. Upon causing the removal of the motor vehicle by a towing service, the officer, warden, parking enforcer, or authorized person shall, within 24 hours of ordering the removal, notify the towing service of the name and last-known address of the registered owner and all lienholders of record of the vehicle, unless the officer or parking enforcer is employed by a municipality or county that has entered into a towing services agreement which requires the municipality or county to provide notice to such owner and lienholders of the towing.

**(4)** The City of Janesville, from time to time and at any time, may enter into one or more contracts with persons that authorizes such persons to conduct placement and removal of immobilization devices, towing, impoundment, storage, and removal of the offending vehicles as provided in this ordinance. Contracts entered into under this paragraph may allow for remote unlocking and removal of an immobilization device.

**(5)** The owner of any unregistered motor vehicle is responsible for paying all costs, fees, and expenses of immobilizing, impounding, towing, storing, and disposing of the motor vehicle. Costs not recovered from the sale of the motor vehicle may be recovered in a civil action by the City against the owner. Whether or not the municipality recovers the cost of towing and enforcement, the City shall be responsible to the towing service for requisitional towing service and reasonable charges for impoundment.

**(6)** Notwithstanding par. (7), the owner of an unregistered motor vehicle that is immobilized with an immobilization device or impounded under this ordinance may secure release of the motor vehicle by paying any and all forfeiture(s) imposed for violations of the state law and the City's non-

registered vehicle ordinance which adopts the state law, and for other violation(s) of this ordinance, and all of the reasonable costs of immobilizing or impounding the motor vehicle or both, and providing satisfactory evidence of one of the following:

1. That the motor vehicle is currently registered in this state.
2. That a complete application for registration for the motor vehicle, including evidence of inspection under Wis. Stats. Sec. 110.20 when required, accompanied by the required fee has been delivered to the department of transportation or deposited in the mail properly addressed with postage prepaid.
3. That the motor vehicle is exempt from registration under state law.

**(7)** Any motor vehicle in violation of the state law or City ordinance governing unregistered vehicles on public highways may be immobilized with an immobilization device or impounded until lawfully claimed or disposed of under this ordinance, except that if it is deemed by a duly authorized City official, employee, police officer, or City representative that the costs, fees, and expenses for towing, storage, and disposal of the motor vehicle, and the charges for the impoundment in aggregate would exceed the fair market value of the vehicle, the motor vehicle may be junked or sold by the City prior to expiration of the impoundment period upon determination by the chief of police that the motor vehicle is not stolen or otherwise wanted for evidence or other reason. All substantially complete motor vehicles in excess of 19 model years of age shall be disposed of in accordance with par. (h) or otherwise as allowed by law.

**(8)** Any motor vehicle which is impounded and not disposed of under par. (g) shall be retained in storage for a minimum period of ten (10) days after certified mail notice has been sent to the owner and lienholders of record, if known or readily ascertainable, to permit reclamation of the motor vehicle after payment of accrued charges, fees, costs, and expenses for reclamation of the motor vehicle by the owner, compliance with par. (f). Such notice shall set forth the year, make, model, and serial number of the motor vehicle, and the place where the motor vehicle is being held, and shall inform the owner and any lienholders of their right to reclaim the motor vehicle. The notice shall state that the failure of the owner or lienholders to exercise their rights to reclaim the motor vehicle under this section shall be considered a waiver of all right, title, and interest in the motor vehicle and a consent to the sale of the motor vehicle. Each retained motor vehicle not reclaimed by its owner or lienholder may be sold. The City may dispose of the motor vehicle by sealed bid or auction sale. At such sale, the highest bid for any such motor vehicle shall be accepted unless the same is considered inadequate by a duly authorized City representative in which event all bids may be rejected. If all bids are rejected or no bid is received, the City may either readvertise the sale, adjourn the sale to a definite date, sell the motor vehicle at a private sale, or junk the motor vehicle. Any interested person may offer bids on each motor vehicle to be sold.

If municipal or county ordinances do not state the procedure to be followed in advertising or providing public notice of the sale, a public notice shall be posted at the office of the City police department or the office of the county sheriff. The posting of the notice at the police department or sheriff's department shall be in the same form as the certified mail notice sent to the owner or lienholders of record. Upon sale of a motor vehicle, the City shall supply the purchaser with a completed form designed by the department enabling the purchaser to obtain a regular certificate of title for the motor vehicle. The purchaser shall have ten (10) days to remove the motor vehicle from the storage area, but shall pay a reasonable storage fee established by the municipality or county for each day that the motor vehicle remains in storage after the 2nd business day subsequent to the sale date. Ten (10) days after the sale, the purchaser shall forfeit all interest in the motor vehicle, and the motor vehicle shall be considered to be abandoned and may be sold again. Any listing of motor vehicles to be sold by the City shall be made available to any interested person or organization which makes a written request for such list. The City may charge a fee for the list.

(i) Within five (5) days after the sale or disposal of a motor vehicle as provided in this ordinance, the City police department shall advise the Wisconsin Department of Transportation of the sale or disposition on a form supplied by the DOT."

**SECTION IX.** Section 38.05 of the Code of General Ordinances of the City of Janesville is hereby created to read as follows:

**"38.05 Authority To Impound Vehicles Engaged In Reckless Driving.**

(A) Pursuant to Wis. Stats. Sec. 349.115, as from time to time amended or remembered, the Common Council of the City of Janesville hereby enacts these ordinances authorizing a law enforcement officer to impound any vehicle used in the commission of a violation of Wis. Stats. Sec. 346.62 (reckless driving) or a local ordinance in strict conformity with Wis. Stats. Sec. 346.62 at the time of issuing a citation for the offense if the person cited is the owner of the vehicle and the 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.

(B) This ordinance provides for impoundment of the vehicle until the person fully pays the prior forfeiture amount and reasonable costs of impounding the vehicle, together with the reasonable costs, fees, and expenses of towing, other transportation costs, storage, and related costs. The JPD and/or the City may contract with others to act on its behalf in immobilizing, towing, impounding, storing, and disposing of offending motor vehicles.

(C) The City shall return to its owner a vehicle impounded under this ordinance upon payment of the amounts required under this ordinance.


(D) The City may dispose of such impounded vehicles under by following the same procedure as provided for disposing of an abandoned vehicle under Wis. Stats. Sec. 342.20 if the impounded vehicle remains unclaimed for more than ninety (90) days after the disposition of the citation for which the vehicle was impounded.”

ADOPTED: January 27, 2025

APPROVED:

  
Kevin M. Lahner, City Manager

ATTEST:

  
Lorena Rae Stottler, City Clerk-Treasurer

APPROVED AS TO FORM:









  
Wald Klimczyk, City Attorney

Proposed by: Council President Dave Marshick and  
Chief of Police Chad Pearson  
Prepared by: City Attorney Wald Klimczyk

Motion by Burdick:				
Second by: Miller				
<b>Councilmember</b>	<b>Aye</b>	<b>Nay</b>	<b>Pass</b>	<b>Absent</b>
Burdick	X			
Jackson	X			
Marshick	X			
Miller	X			
Neeno	X			
Squire	X			
Williams	X			

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