

MEMORANDUM

TO: Public Safety and Health Committee Chairman Robert Donovan  
Public Safety and Health Committee Members  
FROM: Always Towing & Recovery, Inc  
RE: File # 190729 - An ordinance relating to the operating procedures of towing  
companies performing tows within the City  
DATE: October 23, 2019

---

Thank you for directing the Department of Public Works ("DPW") to meet with the towing industry to address the above-referenced substitute ordinance.

We met with the DPW tow lot a week ago on October 16, 2019. Although the revised proposed ordinance was not provided to us in advance of the meeting, we found a copy on the City of Milwaukee website this evening.

The revised language provides the following:

93-47. Motor Vehicle Towing.

2. NON-CONSENSUAL TOWING.

h. For every vehicle non-consensually towed for which the towing business receives a tow reference number, not including a vehicle towed due to a repossession judgment, the towing business shall provide the City with an electronic, itemized receipt of the transaction, including any special equipment used for the tow and the associated cost, within 60 days of the tow.

Proposed Ordinance 93-47-2-h- Non-Consensual Motor Vehicle Towing

We have the following concerns with the proposed ordinance some of which DPW could not answer:

**USE OF TOWING DATA COLLECTED BY DPW – VIOLATION OF DUE PROCESS**

How will the City use the data that it collects as required by this proposed ordinance? DPW told us it would provide the raw data (number of tows, number of special equipment charges) to the licensing department to be used at license renewal hearings. What does the data mean, and how will the committee use it? The data would not reveal if a tow company unnecessarily charged a special use fee. How would the towing company refute that the special use charges were unnecessary if we don't have a specific tow number to look up and review?

Currently, someone could file a complaint against us with the City that would ultimately end up in our tow file and be part of our license renewal. The complaint could also generate a citation, which would also be part of our licensing file. In both of those cases, we would be allowed to defend the complaint both before the License Committee and/or the Municipal Court. We would be able to present evidence and examine witnesses to refute any allegations of wrongdoing, and the License Committee would have real evidence to evaluate whether to renew, suspend or non-

