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To: Common Council President Michael J. Murphy, Alderman Joe Dudzik,
Recycling, Salvage, and Metal Scrapping Task Force Members, Local Business
Action Team Committee Members

From: Attorney Michael Maistelman

Re: Towing Regulation Suggestions

Date: March 13, 2015

Recommendations (License):

- If there is a license to be created, it should apply to all towing companies in the City of Milwaukee.
- The license should be universal and required for all companies engaging in towing services of any kind, including but not limited to “consensual towing,” salvage/scrap towing, repossession, Private Property Impounds (PPI), Municipal Towing, etc.). This will accomplish the goal of determining “how big the towing universe is,” and will create a level playing field for all companies, large and small.
- The signage requirements of the license should be limited to a conspicuous sticker easily placed on the front or rear windshield of a tow truck¹. Currently, to comply with state and local requirements, the following signage is required:

Display of the US DOT number, LC number, Salvage number (if licensed), City of Milwaukee “Junk Collector/Salvage” sticker placed on the front windshield, annual vehicle inspection certification placed on the outside of the truck, “City of Milwaukee Towing” (for all direct and subcontractors), “Milwaukee County Towing”(contractors, and most companies display their business name and contact information). The requirement is not less than 2 inches in height.

Recommendations (Private Property Impounds):

A property owner, manager, or agent out of the necessity to control parking on private property always initiates Private Property Impound towing. There are a

¹ The concern is that signage requirements are turning trucks into “billboards.” Continued additions are going to take away from the company “brand.”

number of reasons a vehicle gets towed; trespass, parking in a restricted area (i.e. fire lane), non-registration, and being a “nuisance vehicle.” Whether it is a tenant complaining that they are unable to park in their designated space, or DNS issues a notice to the property owner, the need for the service is substantial. An added benefit of monitoring properties 24/7 is that it allows an extra set of eyes and ears to ensure the safety of residents. It cuts down on loitering, vehicle break-ins, etc.

- Create and allow an electronic site that allows licensees access to document a PPI (which will have the towers information on file; as required under Trans 319.05²). The site should allow licensees to run a stolen check and seamlessly receive a tow reference number once the stolen check is completed.

Ongoing Concerns:

- The City of Milwaukee tow lot and DPW Parking Enforcement has engaged and continues to engage in behavior that suppresses local businesses³.
 1. After July 01, 2014, the DPW began engaging in Private Property Impound towing, directly competing against local businesses.
 2. The Tow Lot currently requires things that are outside of the state statute for notification (i.e. recording on property data with DNS as “parking agent” before they will issue a tow reference number).
(This is not required under the state law or the temporary emergency rule nor has it been adopted by the Milwaukee Common Council)

² Trans 319.05 Towing service notification requirements.

(1) LAW ENFORCEMENT AGENCIES. Each law enforcement agency shall provide a telephone number with message recording capabilities or an electronic mail address capable of receiving notice from towing services. Each law enforcement agency shall make such telephone number or electronic mail address publicly available.

(2) TOWING SERVICES. A towing service shall, prior to removing a vehicle, contact the law enforcement with primary jurisdiction over the area where the vehicle is parked.

(3) NOTICE. A towing service shall provide the following information to the law enforcement agency:

- (a) The make and model of the vehicle.
- (b) The license plate number of the vehicle.
- (c) The location from which the car will be removed.
- (d) The location to which the car will be towed.
- (e) A phone number of the location identified in par. (d).

³ See attached Public Records Request from DPW - Tow Lot. Specifically pages: 28, 74-82, which discusses the City’s new venture into providing towing services from private property.

3. *Work Product*: forcing privileged information regarding who filed the vehicle complaint to be submitted before a tow reference number will be issued. The name and telephone number of the complainant is required). *This has been turned over to the general public in the past.*
4. Lobbied the state against 2013 Wisconsin Act 76, citing a loss of revenue (a ticket is no longer issued). Once the law was getting passed they lobbied to have a “municipal service fee.” This allows the municipality to charge a maximum fee of \$35 per vehicle to the towing company for recording the information required under Trans 319.05. In addition, they lobbied the state and submitted recommendations for a fee schedule (see Trans 319.03). This fee schedule significantly reduced the allowable charges for an impound tow while not considering variable factors and actual costs such as: different versions of towing, medium/heavy duty towing, and towing that requires “special equipment” (vehicles missing wheels, etc.).
5. Prior to July 01, 2014, when citation was required for a tow, the Tow Lot regularly refused to service private property complaints, and as a stated policy refused to ticket vehicles in violation of the state statute between the hours of 2 a.m.-6 a.m.

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MEMORANDUM

TO: Common Council President Michael Murphy & Aldermen Joe Dudzik & Tony Zielinski

FROM: Attorney Michael S. Maistelman

RE: Umbrella License

DATE: April 19, 2015

Thank you again for meeting with my clients and me yesterday regarding our concerns regarding the towing portion of the Umbrella License.

As we discussed

1. Drop Fee – Leave as optional, not a requirement, we do not want to accept cash on the scene of the tow because of security issues; do not want the tow truck to be point of sale: proper processing and documentation will be lost. We do not want a mandatory drop of a vehicle that was parked illegally. We would direct you to state law on this issue;
2. License signage dimensions should follow federal and state law i.e.: 2”;
3. Reporting Requirements per state law to local law enforcement not DPW;
4. Tow Lot confirmation number - need better system (Electronic) to obtain tow lot confirmation number and/or the ability to obtain the tow lot confirmation number within a reasonable time frame from the tow and NOT as a prerequisite before towing;
5. Prevent DPW from competing with private tow companies or if not, take DPW out of having any authority/responsibility over their competitors;
As of 7/01/14, DPW has engaged in the Private Property Impounding business in direct competition with private towing companies, while we are required to divulge “work product” information to log the vehicle and obtain a tow reference number.
6. Payment Type – only allow cash, credit or debit cards prohibit allowing money orders/travelers checks;
7. Copies of Contracts – only require towing companies to provide MPD, upon reasonable notice, an opportunity to inspect electronic or written copy of contracts. Tow drivers will not need to have on their possession copies of these contracts.