



Legislation Details (With Text)

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Title: An ordinance authorizing the commissioner of public works to relocate an illegally parked vehicle to a location where parking is permitted and to assess a vehicle removal charge.

Sponsors: THE CHAIR

Indexes: PARKING

Attachments: 1. Notice Published on 8-11-16

Date	Ver.	Action By	Action	Result	Tally
6/14/2016	0	COMMON COUNCIL	ASSIGNED TO		
6/16/2016	0	PUBLIC SAFETY COMMITTEE	HEARING NOTICES SENT		
6/23/2016	0	PUBLIC SAFETY COMMITTEE	HELD TO CALL OF THE CHAIR	Pass	5:0
7/14/2016	0	PUBLIC SAFETY COMMITTEE	SUBSTITUTED	Pass	4:0
7/14/2016	1	PUBLIC SAFETY COMMITTEE	RECOMMENDED FOR PASSAGE	Pass	4:0
7/26/2016	1	COMMON COUNCIL	PASSED	Pass	15:0
8/3/2016	1	MAYOR	SIGNED		
8/11/2016	1	CITY CLERK	PUBLISHED		

160253
SUBSTITUTE 1

THE CHAIR

An ordinance authorizing the commissioner of public works to relocate an illegally parked vehicle to a location where parking is permitted and to assess a vehicle removal charge.

101-25-1 rc

101-25-2 am

101-25-3 am

This ordinance amends regulations relating to towing of illegally parked vehicles so that vehicles may be towed to locations other than a secure impound lot. A vehicle removed under this ordinance may be retrieved at any time by accessing it with keys. A vehicle removal charge may be placed on the citation authorizing the removal or may be separately charged.

Whereas, Special event, construction, emergency and other activities sometimes require the Commissioner of Public Works to temporarily prohibit parking in a location where parking is customarily permitted, often with short notice; and

Whereas, For safety, access and other considerations, it is frequently necessary to remove a vehicle from a location where parking has been temporarily prohibited rather than merely to issue a citation while leaving the vehicle in place; and

Whereas, The Code of Ordinances permits removal of towed vehicles only to a secure impound lot; and

Whereas, Retrieving a towed vehicle from a secure impound lot places a significant burden on the owner of the vehicle in terms of arranging transportation to the impound lot, driving distance to the lot, ability to access the lot during operating hours, providing sufficient documentation of vehicle ownership, and payment of vehicle reclamation charges and other fees prior to reclaiming the vehicle; and

Whereas, The Commissioner of Public Works desires the ability to remove a vehicle from a place where parking is prohibited and to relocate the vehicle to a place where parking is permitted, other than to a secure impound lot, so that the vehicle may be retrieved at any time merely by accessing it with the keys; now, therefore

The Mayor and Common Council of the City of Milwaukee do ordain as follows:

Part 1. Section 101-25-1 is repealed and recreated at follows:

102-25. Towing Away of Vehicles. 1. AUTHORITY. a. General. Whenever any police officer, the commissioner of public works or any of the commissioner's designees finds a vehicle standing upon any highway in violation of s. 101-3, 101-22.5, 101-23, 101-23.2, 101-24, 101-24.1, 101-24.2, 101-26, 101-26.5, 101-26.7, 101-27, 101-27.8, 101-29 or 101-32, the officer, commissioner of public works or commissioner's designee is authorized to remove the vehicle to a secure impound lot or to a place where parking is permitted. The removal may be performed by or under the direction of the officer, the commissioner of public works or the commissioner's designee, or a towing contractor under contract with the city. Any removal under this section to a location other than a secure impound lot by a towing contractor under contract with the city shall be performed under the direction of the officer, the commissioner of public works or the commissioner's designee. Nothing in this section shall prohibit removing a vehicle to a secure impound lot that has previously been removed to a place other than a secure impound lot.

b. Removal to a Secure Impound Lot. The vehicle reclamation charge that is imposed in order to reclaim a vehicle under this section from a secure impound lot shall be \$105 per vehicle for standard towing, and \$125 for flatbed towing. The charge for outdoor storage shall be \$20 for each day of storage, and the charge for indoor storage shall be \$30 per vehicle for each day of storage. An additional reclamation charge shall be imposed for the actual costs, including costs of labor incurred in the treatment, disposal, removal or abatement or any substance, chemical or other material contained within or upon a vehicle when, in the judgment of the commissioner or the commissioner's designee, such action is necessary to render the vehicle into a safe and sanitary condition. The vehicle reclamation charge shall be paid to the commissioner of public works at the storage facility and the vehicle may be released from storage upon payment of all vehicle reclamation charges and presentation of proper identification. A notice informing the owner of the location of the vehicle, the procedure for reclaiming the vehicle and the availability of a review before the city attorney shall be mailed to the last known address within 72 hours after removal.

c. Removal to a Place Other Than a Secure Impound Lot. Whenever a vehicle is removed to a place other than a secure impound lot, the removed vehicle shall be immediately retrievable by the owner or the owner's designee. The vehicle removal charge that is imposed under this section shall be no

more than \$105 per vehicle for standard towing, and no more than \$125 for flatbed towing. The vehicle removal charge may be placed on the citation upon which removal is authorized or may be charged separately. When practical, a notice with instructions for identifying and locating a vehicle towed under this section shall be posted near to the place from which the vehicle was removed.

Part 2. Section 101-25-2 of the code is amended as follows:

2. ADJUSTMENTS. Whenever the vehicle reclamation charges are paid, the vehicle shall be released to its owner. Whenever the citation upon which removal and storage is authorized is released by the chief of police, or by the city attorney after a review, or whenever the charge for which the citation upon which removal and storage is authorized is dismissed by the court, the commissioner of public works shall release the vehicle without payment of vehicle reclamation charges and shall refund any vehicle reclamation charges >>or vehicle removal charges<< for such vehicle which shall have previously been paid.

Part 3. Section 101-25-3 of the code is amended as follows:

3. UNCLAIMED VEHICLES. As soon as practical after the removal >>to a secure impound lot<<, a duly authorized representative of the commissioner of public works shall appraise the value of such vehicle based on the prevailing salvage market. Such vehicle shall be disposed of according to the provisions of s. 105-65.

APPROVED AS TO FORM

Legislative Reference Bureau

Date: _____

IT IS OUR OPINION THAT THE ORDINANCE
IS LEGAL AND ENFORCEABLE

Office of the City Attorney

Date: _____

Department of Public Works-Parking Operations

Dana J. Zelazny

LRB164649-2

06/22/2016