



Legislation Text

File #: 151458, **Version:** 1

151458

SUBSTITUTE 1

131798, 140642, 141893

ALD. MURPHY

A substitute ordinance revising various recycling, salvaging or towing license regulations.

81-102.8-3 ra

81-102.8-3 cr

93-5-2-a rc

93-5-4-f cr

93-43-9-b am

93-45-1-b am

93-47-3-b am

93-47-3-c am

93-47-4-d am

The Common Council passed an ordinance relating to the licensing and regulation of recycling, salvaging and towing businesses and activities on September 22, 2015. The ordinance consolidated various license types by establishing a single “recycling, salvaging or towing” license and established a licensing requirement for non-consensual towing businesses.

This ordinance amends various code provisions relating to recycling, salvaging and towing to clarify the legislative intent of, and the procedures for, the city’s recycling, salvaging and towing license, including the following:

1. Changing the recycling, salvaging or towing vehicle change fee from \$25 to \$10 for a business with more than one vehicle.
2. Creating a separate recycling, salvaging or towing vehicle license fee for a business with more than one vehicle.
3. Removing redundant recordkeeping requirements for salvage vehicles.
4. Revising the wording used on identifying signs required for recycling, salvaging or towing vehicles.
5. Clarifying the threshold for towing drop fees.
6. Clarifying the licensing exemptions for licensed secondhand motor vehicle dealers.

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

Part 1. Section 81-102.8-3 is renumbered 81-102.8-4 and amended to read:

81-102.8. Recycling, Salvaging or Towing Vehicle License.

4. The fee to change the motor vehicle used in the conduct of a recycling, salvaging or towing business shall be ~~[[\$25]]~~ >> \$10 <<.

Part 2. Section 81-102.8-3 is created to read:

3. For a business with 2 or more vehicles, as provided in s. 93-5-2-a-2, the fee shall be \$275.

Part 3. Section 93-5-2-a of the code is repealed and recreated to read:

93-5. License Required.

2. SEPARATE LICENSE REQUIRED.

a. A separate license shall be required for each recycling, salvaging or towing premises and for each vehicle, except that:

a-1. If a valid premises license is held by a recycling, salvaging or towing premises, no separate or additional license shall be required for any motor vehicle owned and operated by the premises license holder as part of the authorized business activities for the licensed premises.

a-2. If a business owns and operates 2 or more recycling, salvaging or towing vehicles, no separate or additional license shall be required for each motor vehicle owned and operated by the business.

Part 4. Section 93-5-4-f of the code is created to read:

4. EXCEPTIONS.

f. Any business licensed and operating as a secondhand motor vehicle dealer, as provided in s. 92-3, shall not be required to obtain a license under this chapter. This shall not exempt secondhand motor vehicle dealers from the provisions of s. 93-49.

Part 5. Section 93-43-9-b of the code is amended to read:

93-43. Operating Regulations for all Recycling, Salvaging or Towing Premises.

9. RECORDKEEPING, VEHICLE SALVAGE.

b. The purchase ~~[[, receipt or sale]]~~ >> or receipt << of any motor vehicle parts or pieces thereof previously attached to a salvaged vehicle shall not be exempt from the recordkeeping requirements

provided in this section.

Part 6. Section 93-45-1-b of the code is amended to read:

93-45. Operating Regulations for Recycling, Salvaging or Towing Vehicles.

b. Each motor vehicle used for business purposes by a licensed recycling, salvaging or towing business shall bear identifying signs printed or affixed to both sides of the vehicle. Identifying signs shall include the name of the business or person operating the vehicle, a valid telephone number for the business or person operating the vehicle, and the phrase, "[[City of Milwaukee Recycling, Salvaging or Towing]] >>RST<< License No." together with the number of the license, all located in a prominent position in letters not less than 2 inches in height. Except for a tow truck, a commercial motor vehicle bearing a U.S. department of transportation number filed and registered with the federal motor carrier safety administration shall be exempt from the signage requirements of this paragraph.

Part 7. Section 93-47-3-b and c of the code is amended to read:

93-47. Motor Vehicle Towing.

3. DROP FEE.

b. If a tow truck operator has attached equipment for towing to the vehicle to be towed, but is not yet fully hooked up, as defined in s. 93-3-9, [[and the tow truck has not entered a public roadway,]] the vehicle shall not be towed upon request of the vehicle owner or authorized operator. The owner or authorized operator shall be liable for a drop fee in an amount not to exceed \$50, in lieu of towing, provided the vehicle owner or authorized operator is willing and able to pay the drop fee and remove the vehicle or otherwise correct the violation.

c. If an owner or authorized operator of a motor vehicle is present before [[a tow truck enters a public roadway]] >>the vehicle is fully hooked up<<, the tow truck operator shall advise the owner or authorized operator of the motor vehicle that he or she may offer payment of the towing drop fee and shall provide the owner or authorized operator of the motor vehicle 5 minutes to make payment of the towing drop fee. The tow truck operator shall concurrently advise the owner or authorized operator of the motor vehicle of acceptable forms of payment, as provided in par. d.

Part 8. Section 93-47-4-d of the code is amended to read:

4. RESTRICTIONS ON ACTIONS OF TOW TRUCK OPERATORS.

d. Refuse to release or charge a fee to release personal property from within a towed vehicle to the owner or authorized operator of the towed vehicle during regular business hours upon presentation

by the owner or authorized operator of proper identification >>as provided in s. 349.13(5)(b), Wis. Stats.<<.

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: _____

LRB162355

Andrew R. VanNatta

01/20/2016

clerical correction 2/22/16 - lp