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## INTEROFFICE MEMORANDUM

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To: Safety and Licensing Committee  
From: Chief James Lewis  
Date: November 19, 2014  
Re: Ordinance Pertaining to Wrecker Services



There have been several concerns raised regarding our present Chapter 9, Article XIII, Division 3. Wrecker Services. It is being forwarded as an information item so consideration may be given to updating this section.

Section 9-746 (H) states "The usual and customary fee rate list shall be submitted to the city prior to December 31 for the following year". Prior to this language, in 2004 the Council set the ordinary tow fees at \$75 (from 7:00 a.m. to 7:00 p.m. M-F) and \$95 during other times. Since the "usual and customary" language was added, there has developed a substantial spread in fees charged by the different tow companies on our list. In 2014, a routine tow (from 7:00 a.m. to 5:00 p.m.) ranges from \$75 to \$175 and a routine night time/weekend tow from \$75 to \$225. This means that the police department may be working a two vehicle accident, where both parties request a tow from our rotation list. One party might have a tow service respond from the list who charges \$75, while the other driver gets a company that charges \$225 for the same service. This disparity in cost being experienced by the public from a service that is dispatched at the request of the Appleton Police Department is problematic. It can be addressed by a return to the Council annually setting the tow fees, after a survey is conducted by the Police Department. The attached draft sets in place the method of establishing fees that are fair to the public and the tow companies and provides a clear framework for regulating tow companies who voluntarily choose to be on our list.

An additional issue involves the below, new Emergency Rule passed by the State that is already in effect. We have notified the tow companies and if this language becomes permanent, it should also be referenced in the above policy. The Council should also consider whether they choose to enact the Municipal Service Fee, which is allowed under this emergency rule.

The State of Wisconsin published this emergency rule on October 2, 2014 a newly created Chapter Trans 319, Procedures and Fees for towing illegally parked vehicles on private property, an Emergency Rule. Subsection Trans 319.03 Charges for towing and storage, sets fees, not to be exceeded for towing of illegally parked vehicles. These fees are lower than all but two of the tow companies on our 2014 list. The Section also established a municipal services fee that may be charged to the vehicle owner and turned over to the City by the tow companies. This section is effective from October 2, 2014 through February 28, 2015. See attached Text of Emergency Rule.