

# DRAFT – SET FEES

## Repeal and Recreate Chapter 9, Article XIII, Division 3. Wrecker Services

### Sec. 9-746. Purpose and findings.

The common council finds that there arises, from time to time, a reasonable police need to recover and tow motor vehicles. Such needs include, but are not limited to:

- (a) An unattended-to car illegally parked or otherwise illegally obstructing traffic;
- (b) Upon the request of a citizen who desires to use the next available towing service;
- (c) An unattended-to car at the scene of an accident when the driver is physically or mentally incapable of deciding upon steps to be taken to deal with his property, as in the case of an intoxicated, mentally incapacitated or seriously injured driver;
- (d) A car that has been stolen or used in the commission of a crime when its retention as evidence is necessary;
- (e) An abandoned car or nuisance vehicle;
- (f) A car so mechanically defective as to be a menace to others using the public highway;
- (g) A car impoundable pursuant to ordinance or statute which provides therefor, as in the case of forfeiture.

The public convenience and necessity requires that the city obtain recovery and towing services for such vehicles from companies which have equipment and facilities which are sufficient to ensure the public convenience and safety.

Determination of eligibility for inclusion of a towing company on the police department's rotating on call towing list shall be at the sole discretion of the chief of police. Nothing in this chapter is designed to guarantee that the services of any single tow operator or group of operators will be utilized by the city for purposes of removal or disposal of abandoned or junked vehicles. The city reserves the right to contract exclusively with one or more tow operators for these services.

### Sec. 747. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

(a) *Assignment* means a call from the city to a towing company requesting the performance of recovery and/or towing services.

(b) *Class A wrecker* means a wrecker unit with an accepted commercially manufactured wrecker apparatus, single- or twin-boom, equipped with a mechanical or hydraulic power supply and dual rear wheel units and has a minimum gross vehicle weight (GVW) of 10,000 pounds, having a minimum unit rating of four-ton capacity as rated by the manufacturer. The wrecker apparatus shall be attached to the motor vehicle truck chassis in conformance with wrecker apparatus recommendations for truck chassis gross vehicle weight not less than 10,000 pounds GVW. The wrecker unit shall be considered as a whole for compliance with this definition and no exception shall be allowed.

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(c) *Class B wrecker* means a wrecker unit, single- or twin-boom, with an accepted commercially manufactured wrecker apparatus having a minimum unit rating of a 16-ton capacity as rated by the manufacturer, has a GVW of 20,000 pounds, has either air brakes or auxiliary air supply which is ready and available for use in the recovery or towing of motor vehicles which have an air brake system, and is equipped with a mechanical or hydraulic power supply and dual rear wheel units. The wrecker apparatus shall be attached to the motor vehicle truck chassis in conformance with wrecker apparatus recommendations of truck chassis gross vehicle weight not less than 20,000 pounds GVW. The wrecker unit shall be considered as a whole for compliance with this definition and no exception shall be allowed, except as otherwise provided herein.

(d) *Commercial manufacturer specifications* means the apparatus or equipment ratings established for the apparatus or equipment in question by the commercial manufacturer as accepted by the police department for conformance with this article. Commercial manufacturer rating for chassis GVW shall be determined by the commercial manufacturer. Commercial wrecker manufacturer recommendations shall be considered for wrecker unit compliance as a whole.

(e) *Flatbed truck* means a hydraulic fill rollback bed truck, commercially manufactured and rated by the manufacturer to have a minimum winch capacity of not less than four tons by direct pull with accepted manufacturer rating. The rollback flatbed shall be attached to a truck chassis in conformance with the manufacturer's recommendations with a chassis manufacturer rating of not less than 10,000 pounds GVW and a minimum bed length of 19 feet. The unit shall be capable of and rated for a bed payload minimum of 7,000 pounds as commercially manufactured and rated. The flatbed unit shall be considered as a whole for compliance with this definition and no exception shall be allowed except as otherwise provided herein.

(f) *No-tow* means the response of a towing company to a specified place pursuant to the city's request where the owner has removed the vehicle in question before the tow truck reaches the scene or when, before the vehicle is connected to the tow truck and is in motion, the owner arrives and takes possession of his vehicle.

(g) *Storage facility* means a fenced-in, lighted, locked yard or secure indoor storage with a minimum capacity of 50 vehicles, with at least that capacity exclusively available as a place to temporarily keep vehicles towed hereunder. The facility shall conform to all building and zoning requirements and shall be owned or exclusively leased by the towing company for such purposes.

(h) *Towing company* means any person, firm, partnership, corporation, or association engaged in the business of the recovery and towing of motor vehicles on a full-time basis.

(i) *Wheel lift* means an accepted commercially manufactured apparatus designed for the towing and recovery of motor vehicles by the towed unit's wheels/suspension. The wheel lift apparatus shall have a minimum manufacturer lift rating of 3,000 pounds while fully extended. The wheel lift apparatus shall be attached in conformance with manufacturer's recommendations for chassis mounting on a truck chassis having a manufacturer's rating of at least 10,000 pounds GVW. The wheel lift shall be considered as an integral part of the wrecker apparatus considered as a whole for compliance with this definition and no exception shall be allowed.

Sec. 9-748. Services on rotating call list, Required; term.

(a) No towing company shall recover or tow vehicles pursuant to a reasonable police need within the city for or at the request of the city without first having been placed on the rotating call list under this article. The acceptance of placement on the list shall constitute a declaration and agreement by the towing company to

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perform all activities subject to the terms and conditions of this article. The acceptance of a position on the rotating call list constitutes a commitment of the towing company to perform recovery towing services hereunder on each and every occasion requested and shall not be construed as a means to or authorizing of the business or practice of a towing company referring assignments to another towing company, except as herein provided.

(b) The rotating call list shall expire on June 30 of each year. Towing companies desiring placement on the list must reapply for such placement annually.

## Sec. 9-749. Application; investigation; inspections.

(a) Application for placement on the rotating call list shall be made to the chief of police or his/her police department representative upon forms provided by the police department. Upon receipt of an application, the chief of police or his/her police department representative shall proceed with investigation and inspection. If the investigation and inspection under subsection (b) below, show that the applicant meets all conditions of placement on the rotating call list, the chief of police or his/her police department representative shall approve the application. If the police investigation and such inspection show that the applicant has not met the conditions of placement on the rotating call list, the applicant shall be so informed by the chief of police or his/her police department representative. If the applicant fails to meet the requirements of this chapter within 60 days after notice of failure to comply, the applicant will not be placed on the rotating call list. This shall not prevent the applicant from re-applying during subsequent years.

(b) Upon receipt of an application for placement hereunder, the chief of police or his/her police department representative shall determine whether the applicant's documentation, vehicles, equipment, facilities and personnel comply with this article.

## Sec. 9-750. Conditions.

As a condition to the granting of placement on the rotating call list under this article, the applicant shall show evidence of the following and shall comply with the following conditions:

(a) Ownership or exclusive lease of the following vehicles, which shall be registered, licensed, insured, and maintained in a safe and serviceable condition at all times that the license hereunder is in effect, except during reasonable and expeditious repairs, not to exceed 30 days:

1. One flatbed truck and two class A wreckers, equipped with wheel lifts.
2. One class B wrecker, single- or twin-boom, which has either air brakes or an auxiliary air supply which is ready and available for use in the recovery or towing of motor vehicles which have an air brake system, and which is equipped with a mechanical or hydraulic power supply and dual rear wheel units.

(b) Exclusive use by ownership or written lease of a place of business with a storage facility at a single location within the city limits. The place of business shall contain the towing company's telephone, FM two-way radio, and other equipment and personnel reasonably necessary for the towing company to perform its obligations under this article.

(c) An executed agreement holding the city harmless from all losses, claims or damages to vehicles and vehicle contents resulting from the towing company's negligence, including but not limited to the recovery, towing and storage of vehicles.

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(d) Certificates of insurance providing a minimum of ten days' written notice to the city before any such policy is amended or cancelled, including the temporary or permanent removal of any covered vehicle from such policy. The certificate shall show statutory worker's compensation for employees, insurance on the vehicles required for issuance of the license written in comprehensive form, providing at least minimum limits of general liability and motor vehicle liability insurance for bodily injury and property damage, as required by the state for obtaining carrier authority. Such certificate shall show protection of the city and the towing company against all claims arising from injuries to persons or damage to property of others arising out of any act or omission of the towing company or its agents relative to performance of work for which the license is granted.

(e) An inspection certificate for each tow vehicle used in the towing company's business from a qualified motor vehicle repair business which is legally engaged in such business in the state, certifying that the vehicle has been inspected on the date indicated and that it complies with all applicable requirements of Wis. Stats. ch. 347 and chapter MVD 5, Wisconsin Administrative Code.

(f) A current licensed carrier authority from the state, a copy of which shall be carried in each required vehicle at all times.

(g) Tow trucks and equipment used in the towing operation shall be maintained in a safe condition which is adequate to perform towing services in a safe, reasonable and workmanlike manner.

(h) Equipment to be present on each tow truck required under this article shall include dollies on class A wreckers, and all wreckers shall have brooms, shovels, one four-foot pry bar, fire extinguishers, J-hooks, T-hooks, snatch blocks with a minimum rating equal to the optional equipment made available by the manufacturer of the wrecker unit, two skotch blocks, one lightbar for the towed vehicle, and at least 100 feet of cable on each winch, 50 feet for each flatbed, with a capacity of at least the tonnage rating required for the wrecker in question.

(i) The storage facility shall be open to the public for the recovery of vehicles and personal property from 8:00 a.m. to 5:00 p.m., Mondays through Fridays, except legal holidays, and during such times the towing company shall have at least one employee on duty at the facility who has the authority to release such vehicles and property. The towing company shall, between the hours of 8:00 a.m. and 12:00 noon Saturdays, excepting legal holidays, have at least one employee available to the public by answering service who will release vehicles and/or personal property. There shall be no fee charged for the Saturday service during the indicated hours.

(j) The towing company, prior to towing a vehicle from the scene of an accident, shall remove from the street all broken glass and other matter that may be in the street as a result of the accident.

(k) The vehicles required under this article shall be equipped with two-way FM radios with a range of at least 15 miles and the towing company shall maintain a compatible base radio at its place of business so that dispatches can be made via radio during regular business hours.

(l) The towing company guarantees that vehicles required under this article are available for service.

(m) The towing company shall provide to the city the appropriate commercial/regular driver's license number for each employee who operates a wrecker for the towing company.

(n) The towing company shall have a sufficient number of employees to operate all equipment required under this article at any time.

(o) All employees responding to a call shall be attired in a reflective safety vest.

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(p) Allow the police department to make at least one random inspection of their facilities and equipment per year in addition to the initial inspection outlined in Section 9-749.

## Sec. 9-751. Procedure.

(a) Requests for towing service made by the city shall be on a rotation basis from a list containing the names of all towing companies approved under this article. Assignments shall be deemed waived by non-response or non-acceptance, and the name of such carrier shall be placed at the end of the list. In the event of non-acceptance or non-response, the towing company shall provide the chief of police or his/her police department representative with the factual basis for such non-action. The police department shall maintain records of non-acceptance or nonresponse, including the factual basis therefor, and shall, every calendar quarter, forward such information to the traffic engineer and to each towing company with respect to its information.

(b) If the owner of a vehicle to be towed makes a specific request for a named towing service, the police officer at the scene shall so inform the dispatcher and if reasonably possible, the dispatcher will comply with the owner's request. If the persons involved in an accident are incapacitated or otherwise unavailable or unknown, the police officer at the scene shall assume the authority and call the police department for towing service. If the towing company which responds to the scene requires assistance to complete the towing or recovery operation, the request for assistance shall be made through the police department. If such assistance is deemed necessary, the rotation list shall be used for selection of the assisting towing company.

(c) Upon notification by the police department, the towing company shall immediately send a tow truck to the designated scene, and the towing company shall remove disabled vehicles, abandoned vehicles, stolen vehicles, vehicles held for evidence, or prisoners' vehicles to the police impound lot. All wrecked vehicles will be towed to the towing company's storage facility.

(d) Prompt and efficient service shall be provided by each towing company. Unless emergency conditions dictate otherwise, "prompt service" means arrival of the wrecker within 25 minutes following the request therefor, except as provided in section 9-752. Failure to provide prompt and efficient service shall be cause for review and suspension or removal from the list.

(e) Upon proof of ownership of a towed vehicle, a towing company shall provide to the owner any personal property contained in the vehicle, with the exception of components of the vehicle, such as license plates, tires, wheels, batteries, and radios, pending payment of the towing and storage charges. Upon written request by the towing company, the police department shall provide the towing company with the name and address of the last known registered owner of a vehicle towed under this article and the name of any lienholder within the police department's knowledge. No provision of this article is intended to modify the requirements of Wis. Stats. §349.13(5), §779.415 or §779.48(2).

## Sec. 9-752. Availability for services.

The towing company shall furnish services on a 24-hour-a-day basis each and every day of the year. To ensure availability for services, the towing company shall have a single designated phone number through which the police department can request service at any time. During regular business hours, the towing company shall answer the designated phone number at its place of business required by section 9-750. The towing company may use an answering service for calls during other than regular business hours, but shall not use an answering machine.

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Sec. 9-753. Towing rates; payment.

(a) The towing companies agree to tow vehicles as provided under this article at rates not exceeding those as indicated below. All billings made for towing of vehicles as "tows for city - to city lot(s)" and "vehicles owned by the city" shall be made to the police department. Any billings for "general public" tows shall be made directly to the vehicle owner.

(b) Towing companies may, from time to time, request the chief of police or his/her police department representative review the towing rates set forth in the schedule herein, and make recommendations to common council committee of jurisdiction as to adjustments in the rates according to generally acceptable towing industry standards.

## SCHEDULE OF TOWING RATES

The schedule of maximum standard towing rates for towing vehicles at the request of the city under this article is as follows:

	Regular price	Sundays and holidays
<b>GENERAL PUBLIC (taken to tow company yard or released to owner)</b>		
<b>Class A towing</b>		
Standard tow, 7:01 a.m. to 7:00 p.m. (DAYS) Wheel lift or flatbed	\$100.00	\$110.00
Standard tow, 7:01 p.m. to 7:00 a.m. (NIGHTS) Wheel lift or flatbed	\$110.00	\$120.00
<b>Additional fees: (per unit)</b>		
Motorcycles:	Add \$25.00	
Mileage for out of town trips:	\$3.50 per mile	
Administrative Notice Fees, Fee for certified letter, paperwork, after 2 business days if vehicle is not claimed:	\$20.00	
Snow shoveling (Prorated) \$10.00 minimum	\$60.00/hr	\$65.00/hr
Winching (First 15 minutes minimum charge)	\$25.00	\$30.00
Winching (Prorated after first 15 minutes)	\$60.00/hr	\$65.00/hr
Standby time (Prorated)	\$60.00/hr	\$65.00/hr
Cleanup (Prorated after first 15 minutes) * Any special equipment or materials for cleanup must be approved by the officer in charge on the scene.	\$60.00/hr	\$65.00/hr
Tire or wheel change	\$20.00	
No-tow show-up and service call fee	50% of tow rate	
<b>Class B towing and/or recovery</b>		
Per unit, \$100.00 minimum	\$165.00/hr	
No-Tow Fee	50% of minimum rate	
<b>Storage</b>		
Cars, pickups, motorcycles (outside storage), per day	\$25.00	
Cars, pickups, motorcycles (inside storage by owner request or as otherwise reasonably required) per day	\$30.00	
Trucks, tractors, house trailers, truck trailers, buses, etc., per linear foot per day	\$1.25	
Truck-tractor trailers, per linear foot per day	\$1.25	
Note: After-hours release charge of vehicle and/or property (any release is at the discretion of the towing agency)	\$50.00	

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<b>TOWS FOR CITY, TO CITY LOT(S)</b>		
<b>Class A towing services (Towed to city impound)</b>		
Standard tow, 7:01 a.m. to 7:00 p.m. (DAYS) Wheel lift or flatbed	\$75.00	\$75.00
Standard tow, 7:01 p.m. to 7:00 a.m. (NIGHTS) Vehicles towed to city impound Wheel lift or flatbed	\$75.00	\$75.00
<b>Class B towing and/or recovery</b>		
Per unit, \$100.00 minimum	\$165.00/hr	
No-tow fee	50% of minimum rate	
<b>Rates apply to those vehicles that are owned by the city, where service is performed as a result of a call from a city police officer or city employee authorized to request such service on behalf of the city.</b>		
<b>VEHICLES OWNED BY THE CITY</b>		
<b>Class A towing services</b>		
Standard tow, 7:01 a.m. to 7:00 p.m. (DAYS)	\$45.00	\$45.00
Standard tow, 7:01 p.m. to 7:00 a.m. (NIGHTS)	\$45.00	\$45.00
No-tow fee (abandoned vehicles excepted)	50% of standard rate	
<b>Class B towing and/or recovery</b>		
Per unit, \$100.00 minimum	\$165.00/hr	
No-tow fee	50% of minimum rate	
Note: The city does not guarantee or imply any specific number of tows or other services that will be required during any inclusion on the annual rotating call list.		

(c) The police department dispatcher will, if possible, inform the towing company of the make, model and year of the vehicle(s) to be towed at the time of requested service. The towing company shall charge only for equipment reasonably necessary for performance of the services rendered. The chief of police or his/her police department representative shall make final determinations on appeals of towing companies from compensation granted hereunder.

Sec. 9-754. City payment for services; records required.

(a) Payment for services rendered by each towing company shall be made on a monthly basis following receipt by the city of an invoice containing pertinent information relating to each towing service provided by the towing company. The invoice shall indicate the existence of no-tow. The no-tow provision does not apply to requests for towing abandoned vehicles.

(b) The towing company shall maintain a complete record of each vehicle towed under the terms of the contract. Such record shall be open to inspection of any law enforcement officer, the vehicle owner, or their respective agents, upon proper identification.

Sec. 9-755. Suspension and revocation of placement on list.

(a) In the event that a towing company fails to remain in conformance with this article with respect to documentation, vehicles, equipment, facilities, or personnel, its placement on the rotating call list shall immediately be suspended by the chief of police or his/her police department representative pending corrective action by the towing company. The towing company shall be reinstated upon proof being furnished to the chief of police or his/her police department representative that the violation has been corrected. The towing company

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may, within ten days after the date of suspension, appeal the determination to the common council committee of jurisdiction which shall then hold a hearing on the matter as provided in (b) below.

(b) In the event that a towing company fails to comply with or violates the provisions of this article other than those specifically outlined in subsection (a) above, the license may be suspended or revoked. The chief of police or his/her police department representative shall direct an investigation to determine the circumstances surrounding the basis for the violation. Any substantiated violation of this article shall be reported to the common council committee of jurisdiction for. The committee shall schedule a hearing upon an appeal of such determination by a towing company. The committee shall make findings and recommendations and shall refer the matter to the common council for ratification.