

### **DIVISION 3. WRECKER SERVICES**

#### **Sec. 9-746. Services on police call list.**

No person shall engage in or conduct or carry on the business of providing towing service for the City Police Department rotating call list without complying with the following requirements:

(a) The towing service place of business must be within the city limits.

(b) It shall be the responsibility of the towing services to have valid L.C. permits issued by the State Transportation Commission covering all towing services requested.

(c) Towing services shall provide twenty-four (24) hour emergency service with company owned and operated trucks. Towing services must accept all emergency calls seven (7) days a week. Towing services may not accept responsibility for another service's calls at anytime.

(d) Towing service vehicles must be properly licensed and operated by personnel at least eighteen (18) years of age who are properly licensed to operate tow trucks.

(e) Towing services shall accept responsibility for safekeeping of vehicles and belongings in a properly zoned area in the city limits.

(f) Should a towing service fail to arrive within twenty-five (25) minutes after being dispatched to a certain location, that service shall be considered canceled without any fee due and the next available wrecker on the list may be contacted. If the towing service should fail to respond to a call, a Police Department official shall notify the towing service owner of such no-response call. Two (2) such no-response calls in a twelve- (12-) month period may result in the towing service's name being removed from the rotating call list for a period of one hundred eighty (180) days.

(g) Towing services shall provide storage for vehicles and belongings in a secured area isolated from the general public in either a fenced-in area or building.

(h) Towing services who tow on the rotating list for the City shall not charge in excess of the usual and customary fee rates, submitted by the towing services to the City for that year, while towing for or at the request of the City. Citizen requests for a specific towing firm shall be at the rate determined by such firm. The usual and customary fee rate list shall be submitted to the City prior to December 31 for the following year. The usual and customary fee rate list submitted to the City shall apply to the submitting tow service for the entire

calendar year. The listed rates may be changed during the year only with prior approval by the City of Appleton Towing Services Review Committee.

(1) The usual and customary fee rate list requested by the City shall include, but is not limited to, routine tows (day, night, weekend, holiday), after-hours release of vehicles, recovery, storage rates, service calls (jump starts, lock-outs, gas fills), flat-bed trucks, dollies, mileage rates, extra time for wrecker and additional wreckers.

(i) Towing firms may be added to the rotating list upon application throughout the year provided they have met the requirements contained in this division. Approved firms shall be added to the rotating call list within sixty (60) days of the date of their application to the Police Department. The usual and customary fee rate list shall be submitted with the application.

(j) The City of Appleton Towing Services Review Committee shall consist of one (1) representative from the Appleton Police Department, one (1) representative from the City of Appleton City Attorney's Office, one (1) representative from the City of Appleton's Safety and Licensing Committee, and two (2) representatives from the tow services on the rotating call list. If a tow service representative or their company is the subject of Committee business, that representative shall be temporarily removed from the City of Appleton Towing Services Review Committee. The City of Appleton Towing Services Review Committee shall appoint an alternate representative from the tow service list to fill the temporary vacancy. The City of Appleton Towing Services Review Committee shall meet at the call of any of its committee members.

(k) Formal written citizen complaints relating to a service provided as a result of the rotating call list shall be investigated and forwarded to City of Appleton Towing Services Review Committee. If the City of Appleton Towing Services Review Committee determines that the complaint is valid, the City of Appleton Towing Services Review Committee may remove the tow service from the rotating call list for a period not to exceed three hundred sixty-five (365) days. If the owner of the tow service wishes to contest the findings of the City of Appleton Towing Services Review Committee, the owner may file a written objection with the City of Appleton City Clerk's Office within seventy-two (72) hours after receipt of the City of Appleton Towing Services Review Committee's decision. Upon receipt of the written objection, the matter shall be placed on the agenda for the Safety and Licensing Committee. The Safety and Licensing Committee will allow the owner an opportunity to present evidence as to why they should not be removed

from the rotating call list.

(Code 1965, §22.04(1) - (10); Ord 31-91, §1(1) - (10), 3-20-91, Ord 96-00, §1, 10-7-00, Ord 101-00, §1, 11-18-00, Ord 39-02, §1, 3-25-02, Ord 11-05, §1, 1-19-05)

**Sec. 9-747. Notification of police required prior to towing of certain vehicles.**

The Police Department shall be notified before towing of any abandoned vehicle or illegally parked vehicle.

(Code 1965, §22.04(11); Ord 31-91, §1(11), 3-20-91)

**Sec. 9-748. Receipt for services.**

The towing service shall provide an itemized receipt of services performed to persons provided the service. The receipt shall state the type of service performed. Receipts generated as a result of being on the rotating tow list shall identify and list all services performed and applicable charges.

A copy of the receipts generated by the rotating call list shall be retained by the towing service for the calendar year of issuance plus the previous calendar year. Towing firms on the rotating call list shall make the call list receipts available to the Police Department for inspection upon request.

(Code 1965, §22.04(12); Ord 31-91, §1(12), 3-20-91)

**Sec. 9-749. Insurance.**

Towing services must show proof of general and automobile liability insurance with a minimum of seven hundred fifty thousand dollars (\$750,000) for auto liability. Evidence of insurance coverage is to be in the form of a certificate of insurance issued by the insurer to the City and provided to the City Clerk's Office. Said certificate shall list the City of Appleton as an additional insured and provide a minimum of thirty (30) days notification in case of non-payment or cancellation of policy.

(Code 1965, §22.04(13); Ord 31-91, §1(13), 3-20-91, Ord 40-02, §1, 3-25-02)

**Sec. 9-750. Equipment.**

(a) Towing services shall have a minimum of two (2) tow trucks owned or leased and licensed and operated by the company by January 1, 1988.

(b) Standards for trucks and equipment shall be as follows:

(1) Tow truck with a manufacturer's rated gross vehicle weight rating of ten thousand (10,000) pounds or more, dual wheel chassis.

(2) Towing services on the Police Department's

rotating call list may have either two boom trucks or one boom truck and one flat bed truck; the wrecker boom truck shall have a wrecker boom and winch rated at 4 tons or more; the flat bed truck shall meet the requirements contained in §340.01(6n), Wisconsin Statutes;

(3) Equipment including two-way radio communication, dollies, broom, shovel, motorcycle belt, one (1) snatch block per vehicle, steering wheel holder and other necessary equipment. Citizens band radios are excluded.

(c) Tow trucks owned, leased and operated by towing services must be equipped with a wheel lift capacity.

(Code 1965, §22.04(14)--(16); Ord 31-91, §1(14)--(16), 3-20-91; Ord 97-97, §1, 12-5-97)

**Sec. 9-751. Removal from the police call list.**

A towing service may be removed from the police call list for any of the following reasons:

(a) Failure to comply with the requirements listed in this Division;

(b) Violations of any other local rules, policies, or ordinances related to police requested tows;

(c) Violations of state statutes related to towing or police requested tows;

(d) Any other reason the Council deems sufficient to warrant removal.

No period of removal shall exceed three hundred sixty-five (365) days. All removals under this section shall be subject to review as set forth in code Section 9-29(b).

(Ord 102-00, §1, 11-18-00)

**Secs. 9-752 – 9-774. Reserved.**