

CHAPTER 41

TOWING

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41.01 DEFINITIONS

For the purposes of this chapter, the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future; words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

- (1) Assignment. A call or referral by or from the City or its Police Department to a wrecker requesting towing service hereunder licensed.
- (2) Class I Tow. Involves vehicles which of necessity must be removed from public or private property at the request of the Reedsburg Police Department without the owner's permission where such vehicles are abandoned, constitute a public or private nuisance, are illegally parked, are evidence, or stolen or are or were in the ownership or control of a prisoner or dead or disabled person who is unable to personally arrange for towing.
- (3) Class II Tow. Involves vehicles which have become disabled and their operator has no preference for a tower and where the public convenience requires the Police Department to arrange for towing service.
- (4) Class III Tow. Involves disabled City vehicles which need to be towed promptly upon request for a reasonable fee.
- (5) Licensee. One who has been issued a license by the Common Council to perform towing service for or at the request of the City of Reedsburg or its Police Department.
- (6) No-Preference Tow. Any motor vehicle accident or disablement where a motor vehicle operator requiring towing service expresses no preference as to a named wrecker.
- (7) Person. Any person, firm, partnership, association, corporation, company or organization of any kind.
- (8) Preference Tow. Any motor vehicle accident or disablement where a motor vehicle operator requiring towing service expresses a preference as to a named wrecker.
- (9) Storage Lot. Premises which are subject to use in accordance with local and state laws, rules and regulations as a place to temporarily keep towed vehicles pending the final disposition thereof. Storage lots must be completely enclosed with a six-foot-high fence which is of such a nature as will offer reasonable protection for vehicles and their contents against theft and/or vandalism. Any side of the enclosing fence which is viewable from a public thoroughfare must be constructed in such a manner as will screen from view the vehicles stored within the fenced enclosure. The storage lot shall provide outside storage for a minimum of 10 vehicles and inside storage for a minimum of 2 vehicles. The storage lot shall be located at the wrecker's (licensee's) principal place of business, unless otherwise approved by the Police Department and Common Council.
- (10) Tow. To remove a motor vehicle from a given place, whether temporarily or permanently disabled, by use of a vehicle designed or customarily used for that purpose, to a place of storage pending the repair, salvage, recovery, sale or disposal of such vehicle.
- (11) Tower. A person engaged in the business or offering the services of a vehicle wrecker or towing service, whereby disabled motor vehicles are towed or otherwise removed from the place where they are disabled by use of a wrecker so designed for that purpose or by a truck, automobile or other vehicle so adapted to that purpose and who is engaged in Class I, Class II or Class III tows.
- (12) City. The City of Reedsburg
- (13) Wrecker. One engaged in the business of or offering the services of a motor vehicle tower.

41.02 LICENSE REQUIRED

No person, firm or corporation shall operate a truck or other type of motor vehicle designed and capable to service or perform Class I, Class II or Class III tows for hire within the City of Reedsburg unless a license therefor shall first be obtained from the City Clerk as hereinafter provided.

41.03 APPLICATION

- (1) No such license shall be issued unless an application therefor shall have been filed with the City Clerk upon a form prescribed therefor, which shall include.
 - (A) The name, home address and proposed business address of the applicant.
 - (B) The location, description and hourly availability of the tow trucks owned or operated by the applicant.
 - (C) Available space the applicant has for properly accommodating and protecting all disabled motor vehicles to be towed or otherwise removed from the place where they are disabled.
 - (D) Such other information as the City Clerk shall find reasonably necessary to effectuate the purpose of this chapter and to arrive at a fair determination of whether the terms of this chapter have been complied with.

41.04 APPLICATION/LICENSE FEE

An application hereunder shall be accompanied with the license fee of \$27.50.

41.05 STANDARDS OF OPERATION

- (1) The Common Council may not consider or grant a license to an applicant who does not meet the following minimum requirements:
 - (A) Own or exclusively lease for the license period two tow trucks, one of which shall have a minimum of four-ton winch capacity and one of which shall have a minimum GVW of 12,000 pounds and a minimum eight-ton winch; a flatbed truck with a minimum GVW of 12,000 pounds and a minimum eight-ton winch; a flatbed truck with a minimum GVW of 20,000 pounds and a minimum four-ton winch with a compatible hydraulic combination of eight tons may be substituted. Each truck shall be equipped with a two-way commercial radio; lights and such other safety devices as will comply with Ch. 347, Wis. Stats., a rubber tow sling, a dolly, 100 feet of tow cable and equipment for cleaning up glass and debris at an accident scene. City assignments must be given top priority as a condition of holding a license.
 - (B) Ownership or exclusive lease for the license period of a storage lot as herein defined.
 - (C) The principal place of business and storage lot must be within seven (7) miles of the center of the City of Reedsburg.
 - (D) Execution of an indemnity and hold harmless agreement protecting the City from the payment of any claims for property damage, personal injury or death and from all expenses, attorney's fees and court costs associated with such claims resulting from or arising out of the licensee's operation under this chapter including, but not limited to, the towing and storage of vehicles.
 - (E) A licensed carrier authority from the State of Wisconsin.
 - (F) Towing equipment which is adequate to perform towing services in a reasonable and workmanlike manner.
 - (G) Certificates of insurance providing a minimum of 10 days' written notice to the City before any such policy is amended or canceled, which shows statutory workers'

41.05 Standards of Operation

compensation to employees, insurance on the tow trucks written in comprehensive form, providing minimum limits of bodily injury liability and property damage liability, as required by the State of Wisconsin for obtaining carrier authority, and which shows protection of the City and the licensee against all claims arising from injuries to persons or damage to property of others arising out of any act or omission of the licensee or its agents, relative to performance of work for which the license is granted.

- (H) Proof of law enforcement authority from the State of Wisconsin should such authority be provided for by the state.
- (I) A statement that the applicant is not directly or indirectly financially interested in any other such license issued under this chapter.
- (J) The licensee shall, at all times, be solely responsible for the conduct of its employees.
- (K) Each licensee shall keep and maintain adequate and complete records showing all vehicles towed, stored and released, all services rendered and all fees charged and collected. All records shall be available for inspection by the City at any time during normal business hours.

41.06 STANDARD RATE SCHEDULE; CLAIMING OF VEHICLES

- (1) Licensees shall maintain records of the amounts charged for tows and shall charge no more than the following rates for their services while towing for or at the request of the City.
 - (A) Towing vehicles under and over 6,000 pounds.
 - 1. Towing vehicles under 6,000 pounds
 - (i) 8:00 a.m. to 6:00 p.m., Monday through Friday: \$75.
 - (ii) 8:00 a.m. to 6:00 p.m., Saturdays, Sundays and holidays: \$100.
 - (iii) 6:00 p.m. to 8:00 a.m., Monday through Friday: \$100.
 - (iv) 6:00 p.m. to 8:00 a.m., Saturdays, Sundays and holidays: \$100.
 - 2. Towing vehicles over 6,000 pounds, the rate shall be the prevailing rate of the community.
 - (B) Dollies and flatbeds.
 - 1. Dollies, if required: \$25.
 - 2. Flatbeds: the base rate specified in Subsection A above, plus \$25.
 - (C) Labor per man hour other than driver:
 - 1. 8:00 a.m. to 6:00 p.m., Monday through Friday: \$30 with a minimum of \$15.
 - 2. 6:00 p.m. to 8:00 a.m., Saturdays, Sundays and holidays: \$40 per hour with a minimum of \$20.
 - (D) Winching, up-righting, shoveling, sweeping, waiting:
 - 1. 8:00 a.m. to 6:00 p.m., Monday through Friday: \$30 per hour with a minimum of \$15.
 - 2. 6:00 p.m. to 8:00 a.m., Saturdays, Sundays and holidays: \$40 per hour with a minimum of \$20.
 - (E) Towing of City owned vehicles:
 - 1. 8:00 a.m. to 6:00 p.m.: \$65.
 - 2. 6:00 p.m. to 8:00 a.m., Saturdays, Sundays and holidays: \$90 without any additional charges.
 - (F) Remove and replace transmission linkage: \$15.
 - (G) For indoor or outdoor storage: \$25 outdoor, \$35 indoor per day.
 - (H) No charge to the City for towing junked or abandoned vehicles.
- (2) Vehicles which are towed pursuant to this chapter may be claimed at the storage lot upon which they are stored during regular business office hours, Monday through Friday.

41.07 LICENSE FEE

The license fee payable to the City Clerk for such license or renewal thereof shall be \$27.50, regardless of the number of months such license may be valid. All licenses shall expire on December 30th of each year.

41.08 RESPONSIBILITY FOR CHARGES.

The vehicle owner or other party contracting or benefiting from such towing services shall be responsible to the tower for the charges specified in 41.07 above.

41.09 ROTATING LIST

Wreckers shall perform towing services for the City on a rotation basis from a list administered by the Police Department. When the owner or driver of a disabled vehicle indicated a preference of a specific licensee, that licensee shall be called, and no tow truck shall be assigned from the rotating list. In the event that a licensee called does not respond as quickly as is necessary, in the opinion of the police officer in charge at the scene of an accident or other emergency, the police officer may call another licensed tow truck. At no time shall it be more than 20 minutes from the time the licensee is called.

41.10 INTERCEPTION OF POLICE CALLS

No wrecker shall intercept police calls by shortwave radio.

41.11 TOWER TO PROVIDE TWENTY-FOUR-HOUR SERVICE

Towing service must be provided 24 hours a day, each and every day of the year. The failure of a licensee to perform licensed services shall be grounds for revocation or suspension of this license. Any licensee who fails to respond to or accept three calls during any license year may be called before the Common Council to explain such failure. If such failure is not justified, the licensee shall be put on probation for the balance of the license year. Any further failure to perform services during the same license year shall be grounds for suspension or revocation of the license.

41.12 REVOCATION OF LICENSE

- (1) The Common Council shall revoke a license issued hereunder when it finds any of the following grounds.
 - (A) The licensee illegally employed any radio to obtain information as to the location of the scene of an accident or disabled vehicle.
 - (B) The licensee paid in the form of a gratuity any third person not involved in the accident or disabled vehicle for information as to the location of the accident.
 - (C) The licensee has violated the fee schedule by overcharge or improper charge.
 - (D) The licensee has violated any of the requirements of this chapter.
 - (E) The license was procured by fraudulent conduct or false statement of a material fact or that a fact concerning the applicant was not disclosed at the time of his making application and such fact would have constituted just cause for refusal to issue such license.

41.12 Revocation of License

- (2) Any wrecker who attempts to or who does influence the orderly rotation of assignments or who otherwise violates the provisions of this chapter shall be subject to revocation, termination or suspension of his license following written notice of a hearing containing a statement of the complaint made against the licensee and the name of the party requesting the hearing, and a hearing before the Common Council.

41.13 TRANSFERABILITY

A license issued hereunder shall not be transferred or assigned to another person or business.