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File #:	26300	Version: 1	Name:	Unlawful towing
Type:	Ordinance		Status:	Report of Officer
File created:	5/7/2012		In control:	<u>TRANSIT AND PARKING COMMISSION</u>
On agenda:	7/3/2012		Final action:	
Enactment date:			Enactment #:	
Title:	Creating Section 23.561 of the Madison General Ordinances to prohibit towing a vehicle from private property without owner consent, a repossession judgment, or a citation issued to the vehicle for illegal parking.			
Sponsors:	<u>Michael E. Verveer</u>			

History (3)    Text

**Fiscal Note**

It is unknown precisely how many additional tickets may be issued, and how much additional revenue may be derived from forfeitures, but, based on data from the past several years, MPD estimates that perhaps 2,000 to 4,000 additional tickets may be issued annually, generating an estimated \$60,000 to \$120,000 annually in additional General Fund revenues (plus a small amount derived from forfeitures for tickets issued to property owner-violators).

**Title**

Creating Section 23.561 of the Madison General Ordinances to prohibit towing a vehicle from private property without owner consent, a repossession judgment, or a citation issued to the vehicle for illegal parking.

**Body**

DRAFTER'S ANALYSIS: Wis. Stat. § 349.13(3m)(2009-10) declares: "No vehicle involved in trespass parking on a private parking lot or facility shall be removed without the permission of the vehicle owner, except upon the issuance of a repossession judgment or upon formal complaint and a citation for illegal parking issued by a traffic or police officer." This ordinance establishes a penalty for towing done in violation of that statute.

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The Common Council of the City of Madison do hereby ordain as follows:

1. Section 23.561 entitled "Unlawful Towing from Private Property" of the Madison General Ordinances is created to read as follows:

**"23.561 UNLAWFUL TOWING FROM PRIVATE PROPERTY.**

- (1) It shall be unlawful for any person, firm, or corporation to remove a vehicle involved in trespass parking on a private parking lot or facility without the permission of the vehicle owner except upon the issuance of a repossession judgment or upon formal complaint and a citation for illegal parking issued by a parking, traffic or police officer, as required

in Wis. Stat. § 349.13(3m) (2009-10).

- (2) Any person, firm, or corporation violating the provisions of Subsection (1) shall be subject to a forfeiture of not less than one hundred dollars (\$100) and not more than one thousand dollars (\$1000)."

2. Subdivision (a) of Subsection (3) entitled "Schedule of Deposits" of Section 1.08 entitled "Issuance of Citations for Violations of Certain Ordinances and Providing a Schedule of Cash Deposits" of the Madison General Ordinances is amended by creating therein the following:

<u>"Offense</u>	<u>Ord. No./Adopted Statute No.**</u>	<u>Deposit</u>
Unlawful towing from private property.	23.561(1)	\$400"

EDITOR'S NOTE: New bail deposits must be approved by the Municipal Judge prior to adoption. This deposit has been so approved.