



Council Agenda Item

Meeting Date:	03/18/2025
Agenda Item:	PD Tow Rotation
Staff Contact (name, email, phone):	Dan Meyer dmeyer@whitewater-wi.gov 262-473-1371

BACKGROUND

(Enter the who, what when, where, why)

The police department was notified of complaints about the fees associated with the towing and storage of vehicles and has viewed the public comment on this topic from the March 4, 2025 meeting. Wis. Stat. Trans 319.03(1) provides for the maximum fees that companies can charge for towing vehicles from private property:

- \$150 for a vehicle removed using a flatbed, hook and chain, wheel-lift, boom, or any other method.
- \$25 for each period of 24 consecutive hours that the vehicle is stored at an outdoor storage facility.
- \$35 for each period of 24 consecutive hours that the vehicle is stored at an indoor storage facility.
- \$150 for any other necessary and commercially reasonable charges relating to the use of special equipment in the removal or storage, or both, of the vehicle, and for any expenses incurred by the towing service relating to travel exceeding twenty miles. Administrative fees, gate fees, lien processing fees, or any other fees for equipment or procedures ordinarily required for the removal or storage of a vehicle may not be charged under this paragraph. (A towing service may only collect charges under this paragraph if the towed vehicle has unusual characteristics (i.e. mechanical condition or above 10,000 pounds), was parked in a location with spatial constraints or limited access that impedes removal, or roundtrip travel exceeding 20 miles as outlined.)

After consultation with the City Attorney, it was determined that the police department does not have authority to issue citations to towing companies in violation of Trans 319.03. Enforcement of the statute is managed through administrative actions by the Department of Transportation or through contractual agreements and policies established between law enforcement agencies and towing companies.

The police department is implementing the included tow rotation policy that dictates requirements and behaviors of tow companies utilized by the police department during department operations. This closely mirrors the policy of the Walworth County Sheriff's Office. Moving forward, tow companies on the police department tow rotation list found to be in violation of Trans 319.03, or other requirements of the tow rotation policy, will be subject to corrective actions listed in the policy. These corrective actions include proposed resolutions, verbal warning, written warning, suspension and termination (i.e. removal from the tow rotation).

PREVIOUS ACTIONS – COMMITTEE RECOMMENDATIONS

(Dates, committees, action taken)

N/A

FINANCIAL IMPACT

(If none, state N/A)

N/A

STAFF RECOMMENDATION

N/A

ATTACHMENT(S) INCLUDED

(If none, state N/A)

1. Trans 319.03 statute
2. WPD Tow Rotation policy