

**BODY – LEGISTAR 34309**

DRAFTER'S ANALYSIS: On July 1, 2014, a new version of Wis. Stat. § 349.13(3m) will be effective as it relates to trespass parking on private property. While the amended statute gives more rights to property owners to remove vehicles engaged in trespass parking, the State makes it illegal to remove vehicles without first notifying a local law enforcement agency of the make, model, vehicle identification number, and registration plate number of the vehicle and the location to which the vehicle will be removed. It also outlaws the towing of vehicles that have been reported as stolen.

Currently, Sec. 23.561 contains a penalty for acts by a towing company that violate the prior version of Wis. Stat. § 349.13(3m). This amendment eliminates the penalty for acts that are no longer illegal and creates a penalty for acts specifically made illegal by the State under the new version of the statute.

Additionally, Sec. 1.08 is amended to reflect appropriate bail deposits for violations of this section.  
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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 amended 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)~~ first notifying the Madison Police Department of the make, model, vehicle identification number, and registration plate number of the vehicle and the location to which the vehicle will be removed, as required by Wis. Stat. § 349.13(3m)(d)(2).
- (2) 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 that has been reported to a law enforcement agency as stolen as required by Wis. Stat. § 349.13(3m)(dr).
- (3) 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 where the lot or facility is properly posted or 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)(b) and (c).
- (4) It shall be unlawful for any person, firm, or corporation other than a tow service to remove a vehicle involved in trespass parking on a private parking lot or facility as required by Wis. Stat. § 349.13(3m)(d)(1).
- (25) Any person, firm, or corporation violating the provisions of Subsections (1), (2), (3) or (4) shall be subject to a forfeiture of not less than one hundred dollars (\$100) and not more than one thousand dollars (\$1000).
- (6) This ordinance will become effective on July 1, 2014."

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 and amending therein the following:

<u>"Offense</u>	<u>Ord. No./Adopted Statute No.</u>	<u>Deposit</u>
<u>Unlawful Towing from private property without notification.</u>	<u>23.561(1)</u>	<u>\$400</u>
<u>Towing stolen vehicle from private property.</u>	<u>23.561(2)</u>	<u>\$400</u>
<u>Towing from lot not properly posted without.</u>	<u>28.561(3)</u>	<u>\$400</u>
<u>Towing by person or entity other than tow service."</u>	<u>28.561(4)</u>	<u>\$400</u>

EDITOR'S NOTE: A new or revised forfeiture range must be approved by the Municipal Judge prior to adoption. This revised range has been so approved.