



Legislation Details (With Text)

File #: 80663 **Version:** 1 **Name:** Vehicle Toaway Forfeiture
Type: Ordinance **Status:** Passed
File created: 11/1/2023 **In control:** Attorney's Office
On agenda: 11/7/2023 **Final action:** 12/5/2023
Enactment date: 12/20/2023 **Enactment #:** ORD-23-00119
Title: Amending Section 12.1331 of the Madison General Ordinances related to Vehicle Towaway to increase the Towing Charge Forfeiture to \$115 and authorizing the Transportation Commission to bi-annually review and increase the forfeiture amount beginning in 2025.

Sponsors: Michael E. Verveer

Indexes:

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
12/5/2023	1	COMMON COUNCIL	Adopt	Pass
11/29/2023	1	TRANSPORTATION COMMISSION	RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER	Pass
11/7/2023	1	COMMON COUNCIL	Refer	Pass
11/1/2023	1	Attorney's Office	Referred for Introduction	

Fiscal Note

The proposed ordinance change updates the City towing fee to more closely align with the City's actual costs of providing towing services. While the Parking Fund covers the costs associated with towing, revenues from the towing fee are deposited into the General Fund. The 2024 adopted budget assumes incremental revenues from the fee increase will be deposited into the Parking Fund to offset a portion of the agency's increased costs.

Title

Amending Section 12.1331 of the Madison General Ordinances related to Vehicle Towaway to increase the Towing Charge Forfeiture to \$115 and authorizing the Transportation Commission to bi-annually review and increase the forfeiture amount beginning in 2025.

Body

DRAFTER'S ANALYSIS: Currently, the city pays more to the towing service to tow a vehicle than the City recovers via forfeiture under the ordinance for each vehicle towed. This revision seeks to correct that discrepancy. The City has additional costs in administering vehicle towing and forfeiture recovery, including staff in the Parking Division and City Attorney's Office. As such, this revision reflects a rate that is still likely below the true cost to the city.

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

1. Subsection (3) entitled "Towing Charge Forfeiture" of Section 12.1331 entitled "Vehicle Towaway" of the Madison General Ordinances is amended as follows:

"(3) Towing Charge Forfeiture. Pursuant to its authority under Wis. Stat. §§ 349.13(3), 349.13(3m), 342.40

(3), and 341.65(2), the City of Madison hereby establishes a towing charge forfeiture. Whenever a vehicle is lawfully towed by or at the direction of the police or fire department, the owner or operator of the towed vehicle shall forfeit ~~sixty-five dollars (\$65)~~ one hundred fifteen dollars (\$115). This forfeiture shall be in addition to any other charges which may be lawfully charged to the owner or operator of the vehicle for the cost of removal, impounding, immobilization, storage or disposal of said vehicle.

2. Subsection (4) entitled "No Stopping, Standing, Parking in Commuter Lane Towaway Zones" of Section 12.1331 entitled "Vehicle Towaway" of the Madison General Ordinances is amended as follows:

"(4) No Stopping, Standing, Parking in Commuter Lane Towaway Zones. No person shall park, stop or leave standing any vehicle, whether attended or unattended, on any street or portion of a street that is designated a "commuter lane," "commuter zone," or "towaway zone" by posting of official traffic sign(s) which identify the "commuter lane" or "commuter zone" or "towaway zone," indicate the parking restriction(s), and that the vehicle may be towed for violating the restriction(s). Any person violating this subsection shall forfeit not less than ~~forty dollars (\$40)~~ one hundred fifteen dollars (\$115) and not more than ~~one-hundred dollars (\$100)~~ five-hundred dollars (\$500)."

3. Subsection (5) entitled "Rate Adjustment" of Section 12.1331 entitled "Vehicle Towaway" of the Madison General Ordinances is created as follows:

"(5) Rate Adjustment. Beginning in the year 2025 and once every two years thereafter, the Transportation Commission shall review the forfeiture amount set forth in Section (3) and (4) above and may increase the forfeiture amount."