

**CITY OF WEST ALLIS
ORDINANCE O-2025-0411**

**ORDINANCE ADOPTING UPDATED RULES REGARDING THE IMPOUNDMENT
OF VEHICLES USED TO COMMIT RECKLESS DRIVING**

AMENDING SECTION 4.25(5)(B)

WHEREAS, in 2023 Act 1, the Legislature created Wis. Stat. 349.115 to provide municipalities with an option to impound vehicles used in an act of reckless driving; and

WHEREAS, West Allis was the first community in Milwaukee County to enact an ordinance authorized by Wis. Stat. 349.115, but the state law has significant limitations that undercut its effectiveness; and

WHEREAS, on March 18, 2025, the common council adopted R-2025-0291 to express support for two companion bills introduced in the Legislature that would remove the unworkable limitations under existing law; and

WHEREAS, on October 14, 2025, both chambers of the Legislature adopted 2025 Assembly Bill 78, and Governor Evers has indicated an intent to sign it into law, thereby removing the limitations identified by the City and improving the effectiveness of Wis. Stat. 349.115; and

WHEREAS, the City must amend the municipal code to fully adopt the provisions allowed by the updated state law;

NOW THEREFORE, the common council of the City of West Allis do ordain as follows:

SECTION 1: **AMENDMENT** “4.25 Vehicle Towing” of the City Of West Allis Municipal Code is hereby *amended* as follows:

A M E N D M E N T

4.25 Vehicle Towing

1. Towing Contract Let by Bid. The board of public works shall determine how to solicit for and accept bids for the West Allis towing contract. Bids shall be upon forms provided by the board. The towing contract shall be awarded to that bidder who, in the judgment of the common council, shall render the most satisfactory and dependable service to the City.
2. Minimum Qualifications for Bidders.
 - a. (Reserved).
 - b. Bidders may qualify for a contract only by presenting evidence that they meet

the following requirements:

- i. The towing service has experience in the towing and winching of vehicles.
 - ii. The towing service is financially responsible.
 - iii. The towing service shall have in service at least 4 towing vehicles, plus 1 flatbed vehicle, and have inside storage for 5 vehicles and outside storage for 10 vehicles on the same premises.
 - iv. The towing service is certified for law enforcement wrecked or disabled towing.
 - v. Trained personnel are available to tow vehicles at all times
 - vi. The towing service has a tow lot within West Allis or within a reasonable distance from West Allis in which all towed vehicles will be stored and available to be retrieved.
- c. Bidders shall post a surety bond in the amount established by the board of public works as a guaranty of satisfactory performance of the contract; such bond to be approved by the City Attorney as to form and execution.
- d. Bidders shall file, with the executed contract, proof of worker's compensation insurance and liability insurance in minimum amounts established by the board of public works covering all operations, premises, storage of vehicles and the contents thereof, and vehicles used in carrying out the work required under the contract. The liability policy shall be endorsed to name the City of West Allis as an additional insured. The insurance policies shall provide for a 30-day notice to the City in the event of cancellation.
3. Contract; Terms to be Included.
- a. The contract shall be subject to approval by the common council and shall be executed by the mayor and city clerk on behalf of the City and shall be approved as to form by the city attorney.
 - b. The term of the contract shall be for a period of time acceptable to the board of public works, except that the contract shall be terminable at will by the common council.
 - c. The contractor shall respond to a request by a duly authorized officer or employee of the City, arrive on-site, and be prepared to remove a vehicle within 30 minutes after the request is made unless a bona fide emergency prevented the contractor from timely responding.
 - d. The contractor shall have at least 2 tow trucks available to exclusively respond to calls from authorized City representatives during declared snow emergencies.
 - e. The contractor's compensation for the rendition of services shall be paid by the owner of the vehicle or, where required by law, by the City according to the fee schedule submitted with the contractor's bid. The towing contractor may not charge a fee in excess of the fee schedule submitted with the contractor's bid, where an authorized agent of the City has called for the contractor's services.
 - f. (Reserved).
 - g. The contractor shall submit to the chief of police, on or before the tenth day of each month, a sworn statement covering all operations performed under the

towing contract for the preceding month. The statement shall contain the following information:

- i. Name and address of owner of vehicle.
 - ii. Date of removal of vehicle.
 - iii. Make and model of the vehicle.
 - iv. Location from which the vehicle was removed.
 - v. Location to which the vehicle was towed.
 - vi. The total charge made for such removal.
 - h. (Reserved).
 - i. The contractor shall agree to hold the City harmless for any and all claims and damages resulting from operations conducted under the towing contract, including damage or loss to vehicles and personal property contained in said vehicles held in storage by the contractor. The contractor further agrees to defend any claim on behalf of the City and to pay all costs, damages and attorneys fees which may result from such claims.
 - j. The contractor shall post a list of prices in conformity with the bid in a form designed to give reasonable notice to a person retrieving a towed vehicle.
4. Police Department Fees for Services.
- a. Storage of Vehicles. In addition to any other fees set forth herein, the police department is authorized to charge a fee for the storage of vehicles on City property in the amount listed in the Fee Schedule and the indoor storage of vehicles on City property.
 - b. Administrative fee. The police department is authorized to charge a fee listed in the Fee Schedule for services related to the towing of vehicles from a highway under Wis. Stat. 349.13(3) or from private property under Wis. Stat. 349.13(3m). All service fees collected by a towing service under this paragraph shall be aggregated and forwarded together to the City treasurer at the same time as the statement is submitted to the police chief under subsection (3)(g).
5. Vehicle Towing Regulations.
- a. Repossession. A person who repossesses a motor vehicle as collateral or goods subject to a motor vehicle consumer lease shall, before repossessing the motor vehicle, notify the chief of police about the repossession in the manner required by Wis. Stat. 425.2065
 - b. Vehicles Used for Reckless Driving. ~~Pursuant to Wis. Stat. 349.115, a law enforcement officer may impound any vehicle used in the commission of a violation of Wis. Stat. 346.62 or a local ordinance in strict conformity with Wis. Stat. 346.62 at the time of issuing a citation person fully pays the prior forfeiture amount and makes a deposit under Wis. Stat. 345.26 for the citation for which the vehicle was impounded. The impounded vehicle shall be returned to the owner or disposed of pursuant to Wis. Stat. 349.115(2) and (3).~~
 - i. Authority to Impound. Pursuant to Wis. Stat. 349.115, a law enforcement officer may impound any vehicle used in the commission of a violation of Wis. Stat. 346.62 or a local ordinance in strict

conformity with Wis. Stat. 346.62 at the time of issuing a citation or making an arrest for the offense. The law enforcement officer impounding the vehicle shall make a reasonable effort to determine if the vehicle has been reported as stolen and, if the officer determines that the vehicle has been reported as stolen, make a reasonable attempt to contact the owner.

ii. Release of Vehicle. A vehicle impounded under this provision shall be released to its owner, if there is no other legal basis to keep it impounded, under any of the following circumstances:

(1) Upon the payment of all reasonable costs of impounding the vehicle, including towing or other transportation costs and storage costs, and any outstanding fine or forfeiture owed by the owner of the vehicle.

(2) Without the payment of a fee or charge, but only if the vehicle was reported as stolen.

iii. Disposal of Unclaimed Vehicle. A vehicle impounded under this provision may be disposed of following the same procedure as provided for disposing of an abandoned vehicle under Wis. Stat. 342.40 if:

(1) The vehicle was reported as stolen and remains unclaimed for more than 60 days after impoundment.

(2) The vehicle was not reported as stolen and remains unclaimed for more than 90 days after the disposition of the charge for which the vehicle was impounded.

6. Towing Under City Contract. Pursuant to Wis. Stat. 349.13(3), the common council finds is in the public interest to contract with a towing company for the removal of:
 - a. Vehicles standing upon a highway in violation of a prohibition, limitation or restriction on stopping, standing or parking imposed under Wis. Stat. Chs. 346 or 349,
 - b. Abandoned vehicles under WAMC 6.015 and Wis. Stat. 342.40, and
 - c. Disabled vehicles that obstruct the roadway of a freeway or expressway.
7. Charges for Removal. The operator or owner of the vehicle removed shall pay the following reasonable charges for moving or towing or any storage involved.
8. Disposal of Impounded Vehicles
 - a. Each unregistered vehicle retained under Wis. Stat. 341.65 and not reclaimed by its owner or lienholder may be sold by sealed bid or auction sale, at the discretion of the police chief. The police chief shall advertise the sale by posting a public notice at the police department or an electronic version on the website of the police department. The posting of the notice at the police department or its website shall be in the same form as the certified mail notice sent to the owner or lienholders of record.
 - b. Each abandoned vehicle retained under Wis. stat. 342.40 and not reclaimed by its owner or lienholder may be donated to a nonprofit organization or sold by sealed bid or auction sale, at the discretion of the police chief. The police chief shall advertise the sale by posting a public notice at the police department or an electronic version on the website of the police department. The posting of

- the notice at the police department or its website shall be in the same form as the certified mail notice sent to the owner or lienholders of record.
- c. All other vehicles shall be disposed of pursuant to applicable law.

SECTION 2: **EFFECTIVE DATE** This Ordinance shall be in full force and effect on the date upon which 2025 Assembly Bill 78 As Enrolled is enacted into law and made effective.

PASSED AND ADOPTED BY THE CITY OF WEST ALLIS COMMON COUNCIL
OCTOBER 21, 2025.

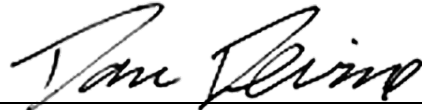
| | AYE | NAY | ABSENT | ABSTAIN |
|-----------------------|------------|-------------------|-------------------|-------------------|
| Ald. Ray Turner | <u>X</u> | <u> </u> | <u> </u> | <u> </u> |
| Ald. Kimberlee Grob | <u>X</u> | <u> </u> | <u> </u> | <u> </u> |
| Ald. Chad Halvorsen | <u>X</u> | <u> </u> | <u> </u> | <u> </u> |
| Ald. Marissa Nowling | <u>X</u> | <u> </u> | <u> </u> | <u> </u> |
| Ald. Suzzette Grisham | <u>X</u> | <u> </u> | <u> </u> | <u> </u> |
| Ald. Danna Kuehn | <u>X</u> | <u> </u> | <u> </u> | <u> </u> |
| Ald. Dan Roadt | <u>X</u> | <u> </u> | <u> </u> | <u> </u> |
| Ald. Patty Novak | <u>X</u> | <u> </u> | <u> </u> | <u> </u> |
| Ald. Kevin Haass | <u>X</u> | <u> </u> | <u> </u> | <u> </u> |
| Ald. Marty Weigel | <u>X</u> | <u> </u> | <u> </u> | <u> </u> |

Attest



Tracey Utke, City Clerk, City Of West Allis

Presiding Officer



Dan Devine, Mayor, City Of West Allis

