

**CITY OF WEST ALLIS
ORDINANCE O-2024-0027**

**ORDINANCE TO AMEND POLICE DEPARTMENT REGULATIONS AND
CONSOLIDATE LAWS ON VEHICLE TOWING**

AMENDING CHAPTER 4

WHEREAS, WAMC Ch. 4 repeats many duties under state law, repeats language that already exist in collective bargaining agreements or within other city policy, and is in need of updating to ensure language is consistent with state law; and

WHEREAS, the council desires to update the law on vehicle towing and towing contracts;

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

SECTION 1: **AMENDMENT** “4.01 Organization Of The Police Department” of the City Of West Allis Municipal Code is hereby *amended* as follows:

A M E N D M E N T

4.01 Organization Of The Police Department

The chief of police shall be selected pursuant to Wis. Stat. 62.13(3) and is authorized to appoint any person as a subordinate pursuant to Wis. Stat. 62.13(4)(e)~~Police Department of the City of West Allis shall ist of a Chief of Police and such other officers, employees and number of patrolmen, as shall be determined and prescribed from time to time by the Board of Fire and Police Commissioners.~~

SECTION 2: **REPEAL** “4.02 Chief Of Police” of the City Of West Allis Municipal Code is hereby *repealed* as follows:

R E P E A L

~~**4.02 Chief Of Police**~~ (*Repealed*)

1. Appointment. See Section 2.18 of this Code.
2. In Charge of the Police Department. The Chief of Police shall have command of the police force of the City under the supervision of the Board of Fire and Police Commissioners.
3. To Keep the Peace. It shall be the duty of the Chief to cause the public peace to be

preserved and see that all the laws of the state and ordinances of the City are enforced; and, whenever any violation thereof shall come to his knowledge, he shall cause the requisite complaint to be made and see that the evidence is procured for the successful prosecution of the offender or offenders. He shall cause to be made and keep a record of his proceedings, which he may deem necessary. He shall be responsible for the efficiency and general good conduct of the Department.

4. May Appoint Special Police Officers. Whenever any emergency may warrant, the Chief, with the approval of the Board of Fire and Police Commissioners, shall have the authority to appoint as many additional police officers as shall, in his opinion, be necessary to properly police the City and enforce the ordinances of the City and the laws of the state. Such police officers shall be known as special police officers and shall continue in the employ of the City as such special police officers only during the existence of the emergency.
5. Bail.
 - a. Release of Arrested Persons. Whenever a person is arrested for violating a traffic regulation, whether imposed by statute or by local ordinance, the Chief or police officer in charge is authorized to receive at his office, from the accused, a deposit in money not to exceed the amount of the maximum penalty which may be imposed if the accused is found guilty. Thereupon, the accused may be released from arrest until the court having jurisdiction of the violation opens on the next succeeding day in which such court is in session or until such time as is fixed for the hearing of the case.
 - b. Forfeiture of Bail. Any person violating this section may be fined not less than twenty-five dollars (\$25.00) nor more than two hundred dollars (\$200.00) for the first offense and, for the second and each subsequent conviction within one year thereafter, may be fined not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00), or imprisoned not more than one year in County jail or both.
 - c. City Not Liable. This subsection shall not be construed so as to make the City in any case liable for the whole or any part of any money deposited pursuant to this subsection.
 - d. Chief and Policemen Not to Furnish Bail. The Chief, policemen and every person connected with the Police Department shall be incompetent to furnish bail for any person arrested; and, in no case shall become bail for any person under arrest.
6. Shall Keep Records.
 - a. Records Regarding Policemen. The Chief shall keep in his office a book in which shall be entered the nature of each policeman, his number and his place of residence, specifying the ward and street and the time of any removal from office or the occurring of a vacancy.
 - b. Records of Arrests. The Chief shall also keep in his office a book in which shall be entered the true name, if known, and, if not known, a name under an alias of every person arrested by any policeman, with the date of arrest and with such other facts as he may deem proper and necessary.
7. Report to Board of Fire and Police Commissioners. The Chief shall report to the Board of Fire and Police Commissioners at the end of each month, specifying the

number of arrests made during such month, with the causes of arrest. He shall also give such other information as the Board may from time to time require.

SECTION 3: **REPEAL** “4.03 Policemen” of the City Of West Allis Municipal Code is hereby *repealed* as follows:

REPEAL

~~4.03-Policemen~~ (*Repealed*)

1. To Obey Orders of Chief. The members of the Police Department shall obey the orders of the Chief and shall report to him all violations of City ordinances and laws of the state.
2. Duty to Make Arrests. The Chief and each policeman shall arrest, with or without process, and with reasonable diligence, take before the proper court, every person found in the City in a state of intoxication or engaged in any disturbance of the peace or violating any law of the state or ordinance of the City.
3. To Report Defects in Sidewalks and Streets. The patrolmen on their respective beats shall immediately report all defective and dangerous streets, walks and places which shall come to their notice. Such reports shall be made to the Chief at the central station who shall forthwith enter the same in a register kept by him for that purpose and at once transmit the same to the office of the Public Works Department.
4. To Report Injuries to Person. In all cases of accidental injury when the police patrol is called to remove the injured, it shall be the duty of the Police Department to supply the City Attorney, upon blanks to be furnished by the latter for that purpose, with the names and addresses of all witnesses and with data as to the nature, cause and circumstances of the accident.
5. Badges and Insignia. The Chief and each policeman, when on duty, shall wear the badge or insignia of their office on the outside of the outermost garment, over the left breast, conspicuously displaying the same so that the entire surface thereof may be seen, except when caution may dictate that the same shall not be exposed.
6. General Regulation. All members of the Police Department shall conform to the rules and regulations promulgated by the Board of Fire and Police Commissioners.

SECTION 4: **AMENDMENT** “4.04 Hours Of Labor, Rest Days, Overtime” of the City Of West Allis Municipal Code is hereby *amended* as follows:

AMENDMENT

4.04 Hours Of Labor, Rest Days, Overtime

1. Hours of Labor. If a labor agreement under Subch. IV of Wis. Stat. Ch. 111 does not

govern hours of employment, the City adopts the hours of labor provisions described in Wis. Stat. 62.13(7n).

2. Rest Days. The City adopts the rest day provisions described in Wis. Stat. 62.13(7m) (b).
3. Overtime. The City shall comply with overtime regulations for law enforcement employees pursuant to 29 USC 207.

~~Unless otherwise specifically provided for in the Policies and Procedures of the City of West Allis, the Ordinances of the City of West Allis, and/or any applicable collective bargaining agreement in effect between the City and a bargaining unit, the hours of labor, rest days and overtime of all sworn officers of the Police Department shall be governed by and administered in accordance with applicable state and federal laws.~~

~~{Ord. O-2008-0019, 5/6/2008}~~

SECTION 5: ~~REPEAL~~ “4.045 Sick Leave” of the City Of West Allis Municipal Code is hereby *repealed* as follows:

REPEAL

~~4.045 Sick Leave (Repealed)~~

~~All sworn officers of the Police Department, not represented by a bargaining unit, may be granted sick leave under the provisions of Section 2.76(13) of the Revised Municipal Code and under such rules and regulations as may be prescribed by the Board of Police and Fire Commissioners. Nothing contained in this section shall be construed as otherwise limiting any authority of the Commission granted by Section 62.13 of the Wisconsin Statutes.~~

~~{Ord. O-2008-0019, 5/6/2008; Ord. O-2012-0046, 12/18/2012}~~

SECTION 6: ~~REPEAL~~ “4.05 Clothing And Uniform Allowance” of the City Of West Allis Municipal Code is hereby *repealed* as follows:

REPEAL

~~4.05 Clothing And Uniform Allowance (Repealed)~~

~~Any clothing and uniform allowance for members of the Police Department not represented by a bargaining unit shall be as provided in the Salary Ordinance of the City of West Allis. Any clothing and uniform allowance for represented members of the Police Department shall be as provided in any applicable collective bargaining agreement in effect between the City and a bargaining unit.~~

~~{Ord. O-2008-0019, 5/6/2008}~~

SECTION 7: **REPEAL** “4.08 (Reserved)” of the City Of West Allis Municipal Code is hereby *repealed* as follows:

REPEAL

~~4.08 (Reserved) (Repealed)~~

~~{Ord. O-2007-0036, 9/18/2007}~~

SECTION 8: **AMENDMENT** “4.09 Police Pension Fund” of the City Of West Allis Municipal Code is hereby *amended* as follows:

AMENDMENT

4.09 Police Pension Fund

Sworn officers of the ~~P~~police ~~D~~department shall be enrolled in the ~~State of~~ Wisconsin ~~Municipal~~ Retirement System in accordance with Subch. II of Section Wis. Stat. Ch. 4040.20 et seq., Wis. Stats.

~~{Ord. O-2008-0019, 5/6/2008}~~

SECTION 9: **REPEAL** “4.10 Vacations” of the City Of West Allis Municipal Code is hereby *repealed* as follows:

REPEAL

~~4.10 Vacations (Repealed)~~

1. All sworn officers of the Police Department, not represented by a bargaining unit, shall be entitled to vacations as provided in Section 2.76(15) of the Revised Municipal Code, except the Board of Police and Fire Commissioners shall be substituted for the Civil Service Commission. **[Ord. O-2012-0046, 12/18/2012]**
2. Any days of assigned holiday or vacation may be suspended, in case of positive necessity caused by some sudden and serious emergency, which, in the judgment of the Chief, demands that such days not be given at such time.

~~{Ord. O-2008-0019, 5/6/2008}~~

SECTION 10: **AMENDMENT** “4.20 Labor Agreements” of the City Of West Allis Municipal Code is hereby *amended* as follows:

AMENDMENT

4.20 Labor Agreements

Where the terms and provisions of any collective bargaining agreement ~~in effect between the City and a bargaining unit of sworn employees of the Police Department under Subch. IV of Wis. Stat. Ch. 111~~ are in conflict with any of the terms and provisions of ~~law this Chapter, or of other portions of the Municipal Code~~, the terms and portions of ~~such that~~ collective bargaining agreement shall supersede such other terms and provisions of law to the extent allowed by law this Chapter or of the Municipal Code.

SECTION 11: **REPEAL** “4.21 Police Reserve Service” of the City Of West Allis Municipal Code is hereby *repealed* as follows:

REPEAL

~~4.21 Police Reserve Service~~ (*Repealed*)

1. ~~Established.~~ A Reserve Police Service is hereby established to be a volunteer organization, the members thereof to be appointed by the Chief of Police and who shall serve without pay or remuneration for their services. The Police Reserve shall be separate and distinct from the regular Police Department of the City and shall be composed of active and associate members, the active members not to exceed one hundred (100) members. The Reserve Police shall not be deemed special police, within the meaning of Section 4.08 of the Revised Municipal Code, and nothing contained in such section shall be applicable to the Police Reserve.
2. ~~Chief of Police to Have Command.~~ The Chief of Police shall have the authority to command, train, control and supervise the Police Reserve.
3. ~~Eligibility and Appointment.~~ No person shall be eligible for or be deemed a member of the Police Reserve until he has been appointed and registered as such and his name enrolled upon a register of members to be kept by the Chief of Police. Effective November 30, 1979, no person shall become a member of the Police Reserve who is not a citizen of the United States and a resident of the City of West Allis and until he has taken an oath, subscribed to in writing, that he will observe and obey the Constitution of the United States, the laws of the State of Wisconsin and the ordinances of the City of West Allis. Such oath shall further provide that members will carry out the duties of a member of the Police Reserve service, as prescribed by the

Chief of Police of this City, to the best of such member's ability. No person shall become a member of the Police Reserve who is not at least twenty-one (21) years of age, with a maximum age to be determined at the discretion of the Chief of Police.

4. Duties of Members. The duties of each member shall be to carry out the commands and directions of the Chief of Police and to assist the members of the Police Department of this City in the enforcement of law and the maintenance of peace and order during City functions and during a period of extreme emergency arising from the imminence of or the existence of a war or major natural disaster. The Chief of Police may, by written order, establish rules and regulations to govern the training and use of the Police Reserve, to fix the specific duties of each of its members and to provide for the maintenance of discipline. He may change such orders from time to time as the needs of the Police Reserve, in his judgment, require. He may command members of the Police Reserve to follow the instructions or orders of the regular police officers in carrying out their duties. The Chief of Police may prescribe additional duties other than those enumerated herein to be performed by the Police Reserve.
5. Identification. A badge, identification card, uniform or such other insignia or evidence of identity, as the Chief of Police may prescribe, shall be issued to each member who shall carry and display such evidence of identification at all times while serving as a reserve policeman. Such member shall surrender such evidence of identification upon termination of his membership.
6. Termination of Membership. The membership of any reserve policeman may be terminated by the Chief of Police at any time where the interests of the organization require such action. The decision of the Chief of Police as to such termination shall be final. Any member may resign from the Police Reserve at any time by notifying the Chief of Police of such resignation in writing.
7. Carrying of Weapons Prohibited. No Reserve policeman shall, while on duty or in any training exercise, carry or use any weapon or firearm. Reserve police officers and other groups may be allowed to use police facilities, including the shooting range and training area, with the approval and in the discretion of the Chief of Police.
8. Arrest Authority Restricted. No member of the Police Reserve shall make an independent arrest of a person, except when immediately accompanied by a regular member of the police force of this City, who then and there commands the aid of such Police Reserve member to aid him in the enforcement of the law.
9. Powers of Entry on Private Property Restricted. No member of the Police Reserve shall break into or otherwise forcibly enter upon any private property or enter the dwelling or habitation of another without the consent of the owner or occupant, except when immediately accompanied by a regular member of the police force of this City, who then and there requests the aid of such Police Reserve member to aid him in the enforcement of the law.
10. Transportation in Police Vehicles Restricted. Members of the Police Reserve service may accompany regular members of the police force in police vehicles while the regular members are performing police duties, to include, but not limited to, patrolling, with the approval of and under conditions set by the Chief of Police.
11. Members May Be Limited. The Chief of Police may, by order, diminish or expand the membership of the Police Reserve service, as the needs of the service require, within the limit hereinbefore established.

12. False Impersonation. Any person not being a member, who wears, carries or displays a Police Reserve badge, uniform, identification card or insignia, or otherwise falsely represents himself to be a member of the Police Reserve service, shall, upon conviction thereof, forfeit a sum not to exceed two hundred dollars (\$200), and in default of payment, be imprisoned not to exceed thirty (30) days.
13. The Police Reserve service shall terminate and cease to exist upon repeal of Section 4.21 by the Common Council.
14. Indemnification and Liability Insurance. The City shall indemnify a Police Reserve Officer acting within the scope of his/her official duties to the same extent as that provided to public officers and employees under Section 895.46 of the Wisconsin Statutes. The City shall secure liability insurance to cover the acts and omissions of the Police Reserve Officers acting within the scope of their duties. **[Ord. O-2014-0012, 2/18/2014]**

SECTION 12: **AMENDMENT** “4.22 Residence Requirement” of the City Of West Allis Municipal Code is hereby *amended* as follows:

AMENDMENT

4.22 Residence Requirement

~~See Wis. Stat. 66.0502(4)(b) The Board of Police and Fire Commissioners of the City of West Allis may adopt rules and regulations governing residency requirements for all sworn officers of the Police and Fire Departments.~~

SECTION 13: **AMENDMENT** “4.23 Disposition Of Abandoned And Unclaimed Property By The Police Department” of the City Of West Allis Municipal Code is hereby *amended* as follows:

AMENDMENT

4.23 Disposition Of Abandoned And Unclaimed Property By The Police Department

- ~~1. State statutes adopted provisions of secs. 170.07, 170.08, 170.09, 170.10 and 170.105 of the Wisconsin Statutes are hereby adopted, as if fully set forth herein. The Police Department shall administer lost chattels, as set forth in said statutes, except as otherwise provided herein. Dangerous Weapons. Dangerous weapons and ammunition shall be retained or disposed of according to the provisions of sec. 968.20 of the Wisconsin Statutes. Retention of Property for Use by the City. The Chief of Police is authorized to determine whether property found, collected or confiscated by City officials, employees or agents and other property, where the owner has not been found and the finder does not wish to claim the property, serves a Departmental or City~~

~~purpose and is to be retained for use by the Department or City. Disposition of Property. All property not returned to the owner or finder or not retained by the Department or City shall be disposed of as follows: Property that has a market or a commercial value of two hundred dollars (\$200), or more, may be sold on the basis of public auction, competitive bids, consignment or through acceptance of an offer to purchase. Property that has a market or commercial value of less than two hundred dollars (\$200), may, in the discretion of the Chief or his designee, be destroyed, sold, as provided in subsection (a), or sold in bulk to a contractor on the basis of competitive bids. Records. The Chief or his designee shall maintain records of all property returned to an owner or finder, retained by the Department or City, or sold or disposed of under this section, for a period of two (2) years from the date of disposition of the property. The records shall contain the following: A description of the property; The name, address and phone number of the finder and a notation as to whether the finder is a private citizen or a public official, employee or agent; Proof of notice and appraisal as required by sec. 170.08 of the Wisconsin Statutes; The date the property was returned to the owner or finder or the date the property was otherwise disposed of; The method of disposition; The name and address of the person taking possession of the property. Deposit into City Account. All money found by a City official, employee or agent that is unclaimed and all proceeds of any sale of abandoned or unclaimed property shall be deposited by the City Treasurer into the general account of the City of West Allis. Costs to be Paid. The owner or finder shall pay the costs of publishing the notices and the costs of appraising the property prior to return of the property to the owner or finder. Stolen Property. Any unclaimed or abandoned property, which the Chief reasonably believes was obtained or lost through the commission of a crime, shall not be returned to the finder, but shall be treated as if it was found by a public official, employee or agent, except that the notice required by sec. 170.08 of the Wisconsin Statutes shall apply. Abandoned Vehicles. Abandoned vehicles shall be disposed of pursuant to sec. 342.40 of the Wisconsin Statutes.~~

The chief of police may dispose of any personal property which has been abandoned, or remained unclaimed for a period of 30 days after the taking of possession of the property by an officer of the City pursuant to Wis. Stat. 66.0139 and in the following manner:

1. Generally. Except as described below, the chief of police may sell that property by public auction, by competitive biddings, by consignment, or through acceptance of an offer to purchase. If the property has a market or commercial value of less than \$200, the chief of police may destroy the property in lieu of selling it.
2. Volatile Items. The chief of police may safely dispose of flammable, explosive, or incendiary substances, materials, or devices that pose a danger to life or property in their storage, transportation, or use immediately after taking possession in the manner deemed appropriate by the chief of police, except if any of the following applies:
 - a. If the substance, material, or device is one that has a commercial value in normal business usage and does not pose an immediate threat to life or property, the chief of police may attempt to return it to the rightful owner.
 - b. If the substance, material, or device appears to be or is reported stolen, the chief of police shall attempt to return it to the rightful owner.

- c. If the substance, material, or device is a firework, Wis. Stat. 167.10(8)(b) shall apply.
~~{Ord. 6240, 8/6/1996}~~

SECTION 14: **AMENDMENT** “4.24 Regulation Of Alarm Systems” of the City Of West Allis Municipal Code is hereby *amended* as follows:

AMENDMENT

4.24 Regulation Of Alarm Systems

1. Definitions. The following definitions are applicable to this section:
 - a. Alarm Company. A business of an individual, partnership, company or other entity engaged in selling, leasing, maintaining, monitoring, servicing, repairing, altering, replacing, moving or installing any alarm system or in causing any alarm system to be sold, leased, maintained, monitored, serviced, repaired, altered, replaced, moved or installed, in or on any building, structure or facility.
 - b. Alarm System. An intrusion, burglar, hold-up or similar system, which is designed to summon or cause a response by the Police Department by transmitting a signal to a central alarm system or produces an audible or visual signal.
 - c. Alarm User. The person, partnership, corporation or other entity of any kind in control of any building, structure or facility or portion thereof, wherein an alarm system is in operation.
 - d. False Alarm. A signal from an alarm system resulting in a response by the ~~P~~olice ~~D~~epartment when an emergency situation does not exist, regardless of the manner in which the Police Department is alerted.
2. Permits.
 - a. Permit Required. A permit shall be required of every alarm user on any premises within the City on the effective date of this ordinance or installed thereafter, except as set forth herein. Application for a permit may be made by the owner, lessee, alarm user or alarm company.
 - b. Permit Fee. A permit fee in the amount listed on the Fee Schedule shall be paid at the time of the filing of an application for a permit.
 - c. Time to Acquire. Alarm systems on premises within the City prior to the effective date of this ordinance shall obtain a permit or disconnect the alarm system within 90 days from the effective date. Alarm systems installed after the effective date shall obtain a permit before the system is installed. Any change of occupant or change of alarm system shall require a new permit.
3. Permit Application, Standards, Issuance and Appeal.
 - a. Issuing Authority. The ~~E~~chief of ~~P~~olice or a designee shall issue alarm system permits.

- b. Application. Application for all permits required under this section shall be filed with the Ppolice Ddepartment upon a form prescribed for such application by the Echief. The application shall contain the following:
- i. The name, address and telephone number of the alarm user.
 - ii. The name, address and telephone number of a person or firm which can be contacted in the event of an emergency or false alarm and is available upon request of the Ppolice Ddepartment within 30 minutes to provide a key to the premises for which an alarm has been activated for the purposes of inspecting the premises or resetting the alarm system.
 - iii. Identification of the alarm company.
 - iv. Any other information deemed necessary by the Ppolice Echief for the purpose of providing an appropriate response by the Ppolice Ddepartment.
 - v. An agreement to pay the fees imposed by this section set forth in section (7) and to permit the City of West Allis to place said that fee on ~~the alarm users~~ tax roll of the property served as a special tax if not paid.
 - vi. In the event that the Ppolice Ddepartment responds to an alarm at the premises covered by the alarm system, and neither the permit holder nor an authorized agent is present, the permit holder consents to an officer or agent of the City ~~municipal breaking and entering~~ forcing entry into ~~of~~ the premises to ascertain the cause of the alarm.
- c. Alarm System Standards. Alarm systems and components shall be listed/labeled by a recognized testing laboratory and installed in accordance with the manufacturers installation instructions and in accordance with the National Fire Protection Association Chapter 70, the National Electrical Code, as amended by State of Wisconsin Administrative Code, and Department of Safety and Professional Services, Chapter 316. Recognized testing laboratories are, but not limited to, Underwriters Laboratories (UL), Inchcape Testing Services (ETL), Canadian Standards Association (CSA) and Factory Mutual Research Corporation (FM).

4. Prohibitions.

- a. Alarm System Permits. No alarm user shall install, use or possess an operative alarm system without having a permit as required by this section.
- b. Audible Alarms. No person, firm, corporation or other entity shall use or install an alarm system which upon activation shall emit an audible alarm, unless such system shall automatically shut off within 15 minutes after being activated. This section shall apply to vehicle and other mobile alarm systems, in addition to those installed in a building.
- c. Automatically Activated Telephone Dialer. No person, firm, corporation or other entity shall use or cause to be used, any telephone or electronic device or attachment that automatically selects the public telephone trunk line of the Ppolice Ddepartment which reproduces a prerecorded message to report a burglary or other emergency. ~~Any system in operation, which is in violation of~~

~~this subsection, shall be modified so that it is no longer in violation or shall be disconnected no later than 90 days following the enactment of this ordinance.~~

5. Duties of Alarm User and Alarm Company. Where an alarm system is connected to an alarm company that notifies the Ppolice Ddepartment of a signal from the alarm system, the following shall apply:
 - a. The alarm company shall maintain a list of keyholders for each alarm system, together with current telephone numbers for said keyholders.
 - b. The alarm company shall, after notifying the Ppolice Ddepartment of the alarm, attempt to notify the keyholders for the alarm system giving the alarm.
 - c. The alarm company shall, within 30 minutes of notifying the Ppolice Ddepartment of the alarm, inform the Ppolice Ddepartment of whether it was successful in contacting a keyholder and, if so, the approximate arrival time of the keyholder.
 - d. The alarm user shall respond or cause a keyholder to respond to an alarm within 30 minutes of the alarm being called in to the Ppolice Ddepartment and terminate the alarm signal.
 - e. If an alarm system also gives a visual or audible signal that can be seen or heard from the exterior of the building, and the owner fails to respond or cause a response as required ~~in subsection (d)~~, the alarm company shall respond within 30 minutes after being so notified by the Ppolice Ddepartment ~~and Department~~ and deactivate the signal. This provision shall only apply where the device giving the signal is accessible from the exterior of the building or where the alarm company has a key to the premises.
6. False Alarms.
 - a. No person owning, using or possessing an alarm system shall cause or permit the giving of a false alarm, whether intentional, accidental or otherwise.
 - b. No person shall intentionally cause the activation of an alarm system knowing that no emergency exists.
 - c. ~~Fee for false alarm response.~~ In the event that the Ppolice Ddepartment responds to a false alarm, a fee in the amount listed on the Fee Schedule shall be imposed for each false alarm. Any fees payable to the City of West Allis which are delinquent may be assessed against the property involved as a special charge for current service, without notice, pursuant to sec. 66.0627 of the Wisconsin Statutes.
 - d. ~~Penalties.~~ In addition to fees imposed in subsection (c), any person in violation of subsection (a) shall forfeit up to \$300.00, plus court costs, for the 8th and each subsequent false alarm within a calendar year.
7. Exemptions. This section shall not apply to the following:
 - a. An alarm system which gives a signal solely within the interior of the building in which it is located.
 - b. Alarm systems which are used by the City ~~of West Allis~~.
8. Penalty. Unless a different penalty is set forth herein, any person, firm, corporation or other entity, which violates any of the provisions of this section, shall forfeit not less than \$100.00 nor more than \$500.00 for each violation, together with the costs of prosecution, ~~and in default of payment of such forfeitures and costs, the defendant's~~

~~operating privileges shall be suspended pursuant to secs. 343.30 and 345.47 of the Wisconsin Statutes, or by imprisonment in the Milwaukee County House of Correction until payment of the forfeiture and costs, but not in excess of the number of days set forth in sec. 800.095(4) of the Wisconsin Statutes.~~ Each and every day during which a violation continues constitutes a separate offense, unless a different time is set forth herein.

SECTION 15: **AMENDMENT** “4.25 Towing Contracts” of the City Of West Allis Municipal Code is hereby *amended* as follows:

AMENDMENT

4.25 ~~Towing Contracts~~ Vehicle Towing

1. ~~Declaration of Policy. The public interest requires that there be available to the City and all Departments thereof the services of a qualified and responsible towing contractor on a twenty-four (24) hour a day basis to remove from public ways and places any wrecked, disabled or abandoned vehicles or any vehicle which constitutes an obstruction or hazard to vehicular or pedestrian traffic. Danger to the public shall be eliminated as quickly as possible. Impediments to traffic shall be removed and normal traffic flow restored as soon as possible. Towed vehicles shall be placed where directed by an authorized agent of the City or where they are safe and secure until the owner, his agent or representative, can determine further disposition thereof. Definitions. A vehicle is deemed to be wrecked or disabled within the meaning of this section when it cannot safely be moved under its own power. A vehicle is deemed to be abandoned within the meaning of this section whenever it has remained standing on any highway, public place or in any building in the City more than twenty-four (24) hours. A vehicle is deemed to constitute an obstruction or hazard to vehicular or pedestrian traffic whenever it shall, while stationary and unable to proceed, block the lane of traffic which would otherwise be open for travel by motor vehicles or pedestrians. A vehicle shall also be deemed to constitute an obstruction or hazard to vehicular traffic when it is parked in violation of the snow emergency regulations and the winter parking regulations of Section 10.11 of this Code. Removal of Vehicles. Any wrecked, disabled or abandoned vehicle or any vehicle which constitutes an obstruction or hazard to vehicular or pedestrian traffic is hereby declared to be a public nuisance and may be abated or removed as provided in Section 6.015 of this Code.~~ Towing Contract Let by Bid. The Board of Public Works shall determine how to solicit for and take accept bids for the West Allis towing contract, ~~and submit same to the Common Council for approval. An advertisement for bids shall be published in the official City newspaper by the Board of Public Works for two (2) successive weeks before the date established for taking of bids. Bids shall be upon forms provided by the B~~board. The towing contract shall be awarded to that ~~responsible bidder whose bid shall result in the lowest overall cost for the service provided and~~ 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. ~~Bidders shall have their business locations in the City or within three (3) miles of the City's boundaries at a place properly zoned for such purpose. No business activities pursuant to the towing contract shall be conducted from or in connection with residential property in the City or from any place not properly zoned for such purpose~~(Reserved).
- b. Bidders may qualify for a contract only by presenting evidence that they meet the following requirements:
 - i. The towing service has eExperience in the towing and winching of vehicles.
 - ii. The towing service is fFinancially responsibilityle.
 - iii. Ttthe bidder towing service shall have in service at least ~~four (4)~~4 towing vehicles, plus ~~one (1)~~1 flatbed vehicle, and have inside storage for ~~five (5)~~5 vehicles and outside storage for ~~ten (10)~~10 vehicles on the same premises ~~and shall have trained personnel available twenty-four (24) hours a day, seven (7) days a week.~~
 - iv. The towing service is Certificatecertified 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 ~~of five thousand dollars (\$5,000)~~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 ~~of \$500,000/\$1,000,000/\$500,000~~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 ~~thirty (30)~~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 ~~C~~common ~~C~~council and shall be executed by the ~~M~~mayor and ~~C~~city ~~C~~lerk/~~T~~reasurer on behalf of the City and shall be approved as to form by the ~~C~~city ~~A~~ttorney.
- b. The term of the contract shall be for a period of time acceptable to the board of public works~~three (3) years~~, except that the contract shall be terminable at will by the ~~C~~common ~~C~~council ~~for such cause as shall seem sufficient to the Council.~~
- c. ~~The contractor shall bind himself as follows: within thirty (30) minutes of notification by a commanding officer of the Police Department, the Director of~~

- ~~Public Works or other~~ The contractor shall respond to a request by a duly authorized officer or employee of the City, ~~to arrive be on-site,~~ and be prepared to remove ~~the a~~ vehicle within 30 minutes after the request is made ~~unless as directed by such officer or employee of the City. Such thirty (30) minute response time shall not be applicable if the Chief of Police or Director of Public Works is satisfied that~~ a bona fide emergency prevented the ~~towing~~ contractor from timely responding.
- d. ~~The bidder agrees to have at least two (2)~~ The contractor shall have at least 2 ~~tow trucks-vehicles~~ available to exclusively respond to calls from authorized City of West Allis 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 by his agent or representative~~ or, where ~~applicable~~ required by law, by the City according to the fee schedule submitted with the contractor's bid. ~~In the case of abandoned or unclaimed vehicles sold by the City under secs. 68.28 or 342.40 of the Wisconsin Statutes, the City shall pay only the portion of the compensation which is in excess of the value of the vehicles obtained by the contractor or upon disposal by him. It shall be unlawful for t~~ The towing contractor to 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. ~~Contractor shall notify the Chief of Police of all vehicles which have remained unclaimed in his custody for a period of thirty (30) days or, in case of abandoned vehicles, for a period of ten (10) days, including make, model, year and date of possession. If it is determined by the Chief of Police or any member of his Department designated by him that the cost of towing and storing charges for the impoundment would exceed the value of the vehicle, the vehicle may be junked or sold prior to the expiration of the impoundment period upon determination that the vehicle is not stolen or otherwise wanted for evidence or other reason.~~

~~The Chief of the Police may authorize the contractor to dispose of such vehicles and to advise the Department of Transportation of the disposition of any such vehicle according to the provisions of sec. 342.40(3)(e) of the Wisconsin Statutes. In addition, the contractor shall be responsible for complying with the provisions of sec. 342.40(3)(e) relating to notice to owners and lienholders~~ (Reserved).

- g. The contractor shall submit to the ~~C~~ Chief of P ~~olice,~~ 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 ~~removed~~ towed.
 - vi. The total charge made for such removal.

- h. ~~The Chief of Police is hereby authorized to assign to the contractor any cause of action which may accrue to the benefit of the City, pursuant to sec. 342.40(3)(b) of the Wisconsin Statutes, for the costs of towing, impounding and disposing of an abandoned vehicle. Any vehicle not disposed of under Section (6)(e) of this contract shall be disposed of in accordance with the provisions of sec. 342.40(3)(e) of the Wisconsin Statutes.~~

~~The Chief of Police, or any member of his Department designated by him, shall dispose of any vehicle not disposed of under subsection (6)(e) of this~~

~~ordinance by sealed bid or auction after the contractor has complied with the provisions of subsection (6)(e) of this ordinance. Notice of such sale shall be done by publishing it in the official City newspaper(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. ~~The insurance policies required in subsection (5)(d) shall reflect the terms of this paragraph.~~

~~The contractor shall agree to hold the City harmless from any and all claims and damages resulting from any and all operations conducted under the towing contract, and shall agree to defend any claims on behalf of the City, and to pay all costs, damages and attorneys fees which may result from such claims. The certificates of insurance required by section (5)(d) shall reflect the terms of this paragraph.~~

- j. The ~~bidder~~ contractor ~~agrees to~~ shall post a list of prices in conformity with the bid. ~~The list of prices shall be conspicuously posted and~~ 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 ~~West Allis Police Department~~ Police Department is authorized to charge a fee for the storage of vehicles ~~outside the West Allis Police Department~~ on City property in the amount listed in the Fee Schedule and the indoor storage of vehicles ~~at the West Allis Police Department~~ on City property. ~~The same rates shall apply to the storage of vehicles on any other property owned by the City of West Allis and designated by the Chief of Police for such purpose.~~
- b. Administrative fee. The ~~West Allis Police Department~~ Police Department is authorized to charge a fee listed in the Fee Schedule for ~~West Allis Police Department~~ 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).
~~Said fees shall be collected by the City's vehicle towing contractor along with that company's regular towing charges and paid to the City on a monthly~~

~~basis:~~

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 for the offense if the person cited is the owner of the vehicle and the person has a prior conviction for a violation of Wis. Stat. 346.62 or a local ordinance in strict conformity with Wis. Stat. 346.62 for which a forfeiture was imposed that has not been fully paid. That vehicle may be impounded until the 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).

- 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 16:

AMENDMENT “10.03 Authority Of Police” of the City Of

West Allis Municipal Code is hereby *amended* as follows:

AMENDMENT

10.03 Authority Of Police

1. To Direct Traffic; Fire and Emergency. The Police Department of the City shall enforce the provisions of this Chapter. Officers of the Department and traffic officers may direct all traffic either in person or by means of visible or audible signals in conformity with the provisions of this Chapter. In the event of a fire or other emergency, or to expedite traffic or safeguard pedestrians, police and traffic officers may direct traffic as conditions may require, notwithstanding the provisions of this Chapter.
 - a. For the purposes of directing vehicular and pedestrian traffic on public or private property or in the right-of-way areas of the City, firefighters, and community service officers, as duly appointed by the Police Chief, are hereby designated as "traffic officers" within the meaning of Wis. Stats. Secs. 340.01(70) and 346.04 and are hereby authorized to direct or regulate vehicular and pedestrian traffic pursuant to Subsection 10.03(1) of this Municipal Code.
2. Emergency Regulations. The Police Department may make and enforce regulations necessary to make effective the provisions of this Chapter, and may make and enforce temporary regulations to cover emergencies or special conditions.
3. Towing of Vehicles. See WAMC 4.25
 - a. ~~If a traffic officer authorizes the removal of a vehicle from a highway under Wis. Stat. 349.13(3) or from private property under Wis. Stat. 349.13(3m), an additional amount, as provided for such removal in the current City Vehicle Towing Contract, shall be added to the stipulation deposit or forfeiture otherwise imposed for such violation. The officer shall be deemed to have authorized the vehicle to be removed if the officer has made actual contact with someone other than the owner or operator in charge thereof to come and remove the vehicle and before such removal is effected, the owner or operator in charge thereof moves the vehicle. 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 for the offense if the person cited is the owner of the vehicle and the person has a prior conviction for a violation of Wis. Stat. 346.62 or a local ordinance in strict conformity with Wis. Stat. 346.62 for which a forfeiture was imposed that has not been fully paid. That vehicle may be impounded until the 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).~~

SECTION 17: **EFFECTIVE DATE** This Ordinance shall be in full force and effect on and after the required approval and publication according to law.

PASSED AND ADOPTED BY THE CITY OF WEST ALLIS COUNCIL JULY 10, 2024.

	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

Presiding Officer



Rebecca Grill, City Clerk, City Of
West Allis



Dan Devine, Mayor, City Of West
Allis

