



City of Madison

City of Madison
Madison, WI 53703
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Master

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File Type: Ordinance

Status: Items Referred

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Reference:

Controlling Body: TRANSPORTATION COMMISSION

File Created Date : 09/12/2023

File Name: Transfer Parking Enforcement and Supervision

Final Action:

Title: Amending Sections 3.14, 3.54, 5.01, 5.05, 9.51, 12.128, 12.1331, 23.56 of the Madison General Ordinances to transfer parking enforcement and supervision from the Madison Police Department to the Madison Department of Transportation's Parking Division.

Notes: 6796ParkingEnforcementTransfer

Sponsors: Satya V. Rhodes-Conway

Effective Date:

Attachments:

Enactment Number:

Author: Eric Finch

Hearing Date:

Entered by: mglaeser@cityofmadison.com

Published Date:

History of Legislative File

Version:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Attorney's Office	09/26/2023	Referred for Introduction				
	Action Text:	This Ordinance was Referred for Introduction					
	Notes:	Transportation Commission (10/11/23), Common Council (10/17/23)					
1	COMMON COUNCIL	10/03/2023	Refer	TRANSPORTATION COMMISSION			Pass
	Action Text:	A motion was made by Currie, seconded by Figueroa Cole, to Refer to the TRANSPORTATION COMMISSION. The motion passed by voice vote/other.					

Text of Legislative File 79865

Fiscal Note

Fiscal note pending

Title

Amending Sections 3.14, 3.54, 5.01, 5.05, 9.51, 12.128, 12.1331, 23.56 of the Madison General Ordinances to transfer parking enforcement and supervision from the Madison Police Department to the Madison Department of Transportation's Parking Division.

Body

DRAFTER'S ANALYSIS: An act to transfer parking enforcement and supervision from the Madison Police Department to the Madison Department of Transportation's Parking Division. Parking Enforcement Officers will operate under the direction of the Parking Division Manager.

Administrative decision-making for parking enforcement is transferred from the Chief of Police to the Parking Division Manager. Minor updates made to parking enforcement officer uniform policy, vehicle auction practices.

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

1. Subdivision (c) entitled "Parking Division" of Subsection (3) entitled "Divisions" of Section 3.14 entitled "Department of Transportation" of the Madison General Ordinances is amended as follows:

"(c) Parking Division.

1. Duties. The Parking Division shall be responsible for managing, operating, controlling, and maintaining the City's on- and off-street parking system, including enforcement of the City's parking regulations, consisting of encompassing the transportation element listed in sub. (1) (c) above and reasonably related elements of transportation.
2. Management. The Parking Division shall be managed and supervised by the City Parking Division Manager, who shall also:
 - a. Serve as the executive secretary of the Transportation Commission as provided in Sec. 33.56(4);
 - b. Under the direction of the Director of Transportation, work with the City Traffic Engineer and Transit Manager to ensure the duties outlined in sub. (2) above are fulfilled.
3. Parking Enforcement Officers. Parking enforcement officers shall be under the direction of the Parking Division Manager. They shall be appointed by the Parking Division Manager in accordance with and hold their positions under Section 3.53 of the General Ordinances entitled "Civil Service System". Their duties shall be to patrol assigned areas during periods designated to check for parking violations, to issue violation tickets or violation notices on forms prescribed by the Parking Division, to answer inquiries and give directions to the public, and to be of service within the range of the job assignment; to observe, record and report defective or damaged meters; and to perform such other duties as are related to those enumerated. They are authorized to regulate the parking, stopping, or standing of vehicular traffic through the fulfillment of the above duties. They shall wear a uniform prescribed by the Parking Division Manager or their designee and shall be entitled to the uniform allowances authorized by Section 3.54(15) of the General Ordinances. The uniform requirements shall be prescribed by the Parking Division Manager or their designee. They shall receive such salary as is provided in Section 3.54 of the General Ordinances, said salary to be paid from the Parking Division budget."

2. Subdivision (b) entitled "Parking Enforcement Officers" of Subsection (15) entitled "Uniforms, Safety Shoes, and Tools" of Section 3.54 entitled "Compensation Plan" of the Madison General Ordinances is amended as follows:

- "(b) Parking Enforcement Officers. The City shall provide the ~~original complete~~ uniform funding to Parking Enforcement Officers. Such uniform shall remain the property of the City. The City shall provide an amount to each Parking

~~Enforcement Officer as determined by the general municipal employee handbook and in accordance with the Parking Division's budget. The City shall replace uniform items as needed by normal wear and tear within the discretion of the Parking Division Manager or their designee. to an amount not to exceed three hundred dollars (\$300) unless approved by the Chief of Police. This amount will increase on the date of any wage increase each year thereafter by the percent of wage increase granted if any. This amount may be accumulated over a period of three (3) years but shall not exceed a maximum accumulation of four hundred dollars (\$400)."~~

3. Subsection (3) entitled "Parking Enforcement Officers" of Section 5.01 entitled "Who Compose the Police Department" of the Madison General Ordinances repealed and reserved for future use.

4. Subsection (4) entitled "Parking, Nonmoving Vehicle and Pedestrian Violations" of Section 5.05 entitled "Bail" of the Madison General Ordinances is amended as follows:

"(4) Parking, Nonmoving Vehicle and Pedestrian Violations.

Any person receiving a citation alleging a parking violation may pay the amount specified in the forfeiture schedule to the City Treasurer in lieu of an appearance in court when this method meets the approval of the ~~Chief of Police~~ Parking Division Manager or City Attorney."

5. Subsection (4) entitled "Investigation and Issuance" of Section 9.51 entitled "Parking Enforcer's License" of the Madison General Ordinances is amended as follows:

"(4) Investigation and Issuance.

- (a) All applications shall be received by the City Clerk and shall be referred to the ~~Chief of Police~~ Parking Division Manager or their designee who shall institute an investigation to determine whether the applicant meets the standards for the issuance of a Parking Enforcer's License. Such investigation shall be initiated within 30 days of the filing of the application with the Clerk. The ~~Chief of Police~~ Parking Division Manager or their designee shall timely notify the City Clerk of the results of ~~her/his~~ their investigation and shall indicate whether the applicant meets the standards for issuance of a Parking Enforcer's License. Such standards are as follows:
1. The applicant must satisfy the criteria set forth in sub. (3)(a) through sub. (3)(h) above.
 2. The applicant has demonstrated financial capability and responsibility.
 3. The applicant has prior experience as a parking enforcer or has prior experience in a substantially similar field or occupation.
 4. The applicant has provided a satisfactory level and quality of service in the past in areas in which the applicant has operated.
 5. The applicant and the applicant's employees have received training or are previously experienced in the proper application of vehicle immobilization devices.
 6. The applicant and each of the applicant's employees have a demonstrated record of compliance with applicable regulatory laws, ordinances and rules.

7. The applicant's business must not have an extensive prior record of service complaints.
 8. The vehicle immobilization devices the applicant proposes to use shall be in serviceable condition and shall not be of a design which would result in damage to any vehicle by virtue of their application.
 9. The applicant is not disqualified from receiving a license under the criteria set forth in sub. (4)(b).
- (b) No person shall be issued a Parking Enforcer's License under the following circumstances:
1. When said applicant or any of the applicant's employees have been convicted by a court of competent jurisdiction of an offense the circumstances of which substantially relate to the circumstances of parking enforcement operations. Such offenses include but are not limited to theft and/or false imprisonment as defined by the Wisconsin Statutes, Disorderly Conduct as defined by Sec. 24.02 of these ordinances. In determining whether the circumstances of a conviction substantially relate to the circumstances of parking enforcement operations, the ~~Chief of Police~~ Parking Division Manager shall consider the factors enumerated in sub. (4)(a) herein.
 2. Where there is sufficient evidence to reasonably believe that any applicant or their employee has consumed or has been under the influence of alcohol and/or controlled substances, while on duty as a parking enforcer, during any of the twelve months prior to submission of the application.
 3. When the applicant or any of the applicant's employees has made a false statement in ~~her/his~~ their application for a Parking Enforcer's License.
 4. Where there is sufficient evidence to reasonably believe that the applicant, or any of the applicant's employees has engaged in violent, obscene, or abusive behavior, while on duty as a parking enforcer, during any of the twelve months prior to submission of the application."

6. Subdivision (5) entitled "Exhibition of License" of Section 9.51 entitled "Parking Enforcer's License" of the Madison General Ordinances is amended as follows:

"(5) Exhibition of License. Such license, or if an employee of a parking enforcer then the employer's license, shall be carried at all times whenever a person is engaged in parking enforcement in the City, and shall be exhibited by any such person whenever ~~she or he~~ they shall be requested to so do by any police department employee or any person against whom parking enforcement action has or is taking place. No license shall be used at any time other than by a parking enforcer to whom it is issued or such parking enforcer's employee."

7. Subsection (6) entitled "Revocation of License" of Section 9.51 entitled "Parking Enforcer's License" of the Madison General Ordinances is amended as follows:

"(6) Revocation of License. Any such license may be revoked in writing by the City Clerk for any of the following causes:

- (a) Fraud, misrepresentation or false statement contained in the application for license.
- (b) Fraud, misrepresentation or false statement made in the course of carrying on

- ~~her/his~~ their business as a parking enforcer.
- (c) Any violation of this Ordinance.
 - (d) Conviction of any crime or misdemeanor involving moral turpitude.
 - (e) Conducting the business of a parking enforcer in an unlawful manner or in such a manner as to constitute a breach of the peace or general welfare of the public.
 - (f) The licensee has acquired a total of five or more convictions for violations of Sec. 23.56 and/or 23.565, MGO, during the most recent 12 month period.
 - (g) The licensee has failed to maintain in full force and effect a policy of bodily injury and property damage liability insurance for injury or damage arising from the use of an immobilization device in an amount of at least \$1,000,000 per use of an immobilization device.”

8. Subsection (7) entitled “Appeal” of Section 9.51 entitled “Parking Enforcer’s License” of the Madison General Ordinances is amended as follows:

“(7) Appeal. Any person aggrieved by the action of the City Clerk in the denial or revocation of a license may appeal to the Common Council. Such appeal shall be taken by filing with the City Clerk, within fourteen (14) days after notice of the action complained of, a written statement setting forth fully the grounds of the appeal. The Council shall set a time and place for a hearing on such an appeal and notice shall be mailed by the City Clerk to the appellant at ~~her/his~~ their last known address at least five (5) days prior to the date set for hearing, or shall be delivered by a police officer in the same manner as a summons at least three (3) days prior to the date set for hearing.”

9. Subsection (4) entitled “Vehicle Abandonment Prohibited; Removal; Disposal” of Section 12.128 entitled “Miscellaneous Restrictions on Parking” of the Madison General Ordinances is amended as follows:

“(4) Vehicle Abandonment Prohibited; Removal; Disposal.

- (a) Violation. No person shall leave unattended any motor vehicle, trailer, semitrailer or mobile home on any public street or highway or private or public property in the City of Madison, for such time and under such circumstances as to cause the vehicle to reasonably appear to have been abandoned. Except as otherwise provided in this subsection, whenever any vehicle has been left unattended on any street or highway in the City of Madison or upon private or public property without the permission of the property owner or other person charged with the lawful jurisdiction thereof for more than forty-eight (48) hours, the vehicle is deemed abandoned and constitutes a public nuisance. A motor vehicle shall not be considered an abandoned motor vehicle when it is out of ordinary public view, or when designated as not abandoned by the ~~Police Chief or her/his~~ Parking Division Manager or their designee.
- (b) Removal and Impoundment of Vehicles. Any vehicle in violation of Subdivision (a) shall be removed and impounded until lawfully claimed or disposed of under the provisions of Subdivision(c) except that if it is deemed by the ~~Police Chief or her/his~~ Parking Division Manager or their designee that the cost of towing and storage charges for the impoundment would exceed the value of the vehicle, the vehicle may be junked or sold prior to expiration of the impoundment period upon determination by the Police Chief or ~~her/his~~ the chief’s designee that the vehicle is not stolen or otherwise wanted for evidence or other reason. All substantially complete vehicles in excess of nineteen (19) model years of age

- shall be disposed of in accordance with Subdivision (c).
- (c) Removal, Storage, Notice, Reclaimer or Disposal of Abandoned Vehicles. The provisions of this subdivision shall apply to the removal, storage, notice, reclaimer or disposal of abandoned vehicles.
1. Removal. Any police officer or parking enforcement officer who discovers any motor vehicle, trailer, semitrailer or mobile home on any public highway or private or public property which has been abandoned shall cause the vehicle to be removed to a suitable place of impoundment. Upon removal of the vehicle the police officer or parking enforcement officer shall notify the Police Chief or her/his or Parking Division Manager or their respective designee of the abandonment and of the location of the impounded vehicle.
 2. Storage and Reclaimer. Any vehicle which is deemed abandoned by the Police Chief or her/his or Parking Division Manager or their respective designee and not disposed of under Subdivision (b) shall be retained in storage for a minimum period of ten (10) days after certified mail notice, as hereinafter provided, has been sent to the owner and lienholders of record to permit reclamation of the vehicle after payment of accrued charges. Any abandoned vehicle which may be lawfully reclaimed may be released upon the payment of all accrued charges, including towing, storage and notice charges, including but not limited to any towing forfeiture imposed under Sec. 12.1331 of these ordinances, and upon presentation of the vehicle title or other satisfactory evidence to the Police Chief or her/his or Parking Division Manager or their respective designee to prove an ownership or lienholder interest in said vehicle.
 3. Notice to Owner or Lienholders of Record. Pursuant to Wis. Stat. § 342.40(3), certified mail notice, as referred to herein, shall notify the owner of the abandoned vehicle, if any, and/or the lienholders of record, if any, of the year, make, model and serial number of the abandoned vehicle and the place where the vehicle is being held and shall inform the owner or any lienholder of their right to reclaim the vehicle. The notice shall state that the failure of the owner or lienholders to exercise their rights to reclaim the vehicle under this section shall be deemed a waiver of all right, title, and interest in the vehicle and a consent to the sale of the vehicle and that the vehicle has been deemed abandoned and impounded by the City of Madison; and if the "determined value" of the abandoned vehicle or the cost of towing and storage charges will exceed the determined value of the vehicle; that if the vehicle is not wanted for evidence or other reason, the vehicle may be reclaimed upon the payment of all accrued charges, including towing, storage and notice charges, within ten (10) days of the date of mailing the notice, unless the Police Chief or her/his or Parking Division Manager or their respective designee has determined that the cost of towing and storage charges for impoundment will exceed the value of the vehicle. Within ten (10) days from the date of mailing the notice and upon the payment of the aforesaid charges the owner or aforesaid lienholders of record may, upon request made within the ten (10) day period, be granted a hearing relative to the determinations made with respect to the value of said vehicle. Said hearing shall be before the Chief of Police, Parking Division Manager, or their respective designee.
 4. Disposal of Abandoned Vehicles. Any abandoned vehicle impounded by the City of Madison which has not been reclaimed or junked or sold by

direct sale to a licensed salvage dealer pursuant to the provisions hereof, may be sold by public auction sale or public sale calling for the receipt of sealed bids, pursuant to Wis. Stat. § 342.40(3)(c). Class 1 Notice, including the description of the vehicle, the name(s) and address(es) of the owner and lienholders of record, if known, as well as the information contained in the notice sent to the owners and lienholders of record, and the time of sale, shall be published before the sale, at which sale the highest bid for any such motor vehicle shall be accepted unless it is deemed inadequate by the Police Chief or their designee in which case all bids may be rejected. Any interested person may offer bids on each abandoned vehicle to be sold. If all bids are rejected or no bid is received, the Chief of Police or ~~her/his~~ their designee may readvertise the sale, adjourn the sale to a definite date, sell the motor vehicle at a private sale or junk the vehicle without further public notice. In lieu of a sale, if any abandoned vehicle remains unclaimed 30 days after notice has been sent under subsection (4)(b)3., the Chief of Police or their designee may notify the Superintendent of Fleet Service or designee that the vehicle is available. The Superintendent of Fleet Service or designee shall determine whether it is in the best interests of the City to keep the vehicle for municipal purposes. An inventory of all such vehicles retained by the City shall be maintained by Fleet Service pursuant to Wis. Stat. § 66.0319, unless allocated to an agency which maintains its own fleet, in which case that agency shall maintain the inventory. The proceeds from the sale of any vehicle under this subsection shall be put in a segregated fund to be used for the costs associated with the acquisition of vehicles under this subsection, and any net proceeds after deducting such costs may be used for vehicle-related costs.

5. If an abandoned vehicle is sold under any methods described above, the purchaser shall have ten (10) days to remove the vehicle from the storage area, but shall pay a storage fee for each day the vehicle remains in storage after the second business day subsequent to the sale date. Ten (10) days after the sale, the purchaser shall forfeit all interest in the vehicle and the vehicle shall be abandoned and may be sold again.
6. Report of Sale or Disposal. Within five (5) days after the direct sale, donation, or disposal of a vehicle as provided in this subsection, ~~the Chief of Police or designee~~ City staff shall advise the State of Wisconsin Department of Transportation, Division of Motor Vehicles, of such sale, donation, or disposal on a form supplied by said division. ~~A copy of the form shall be given to the purchaser of said vehicle.~~
7. Owner Responsible for Impoundment and Disposal Costs. The owner of any abandoned vehicle, except a stolen vehicle, is responsible for the abandonment and all costs of impounding and disposing of the vehicle. Costs not recovered from the sale of the vehicle may be recovered in a civil action by the City against the owner.”

10. Subdivision (d) of Subsection (6) entitled “Parking on Public Property; City-County Building Garage” of Section 12.128 entitled “Miscellaneous Restrictions on Parking” of the Madison General Ordinances is amended as follows:

- “(d) The City of Madison Police Department ~~is~~ and Parking Division are authorized to enforce all the provisions of this subsection. The City-County Building Facility

Manager or ~~her/his~~ their designee is authorized to enforce subdivision (a) of this subsection. Upon complaint, those authorized to issue citations for subdivision (a) of this subsection may authorize the tow of any motor vehicle(s) found in violation of "No Parking" or unauthorized parking, as set forth in subdivision (a) of this subsection."

11. Subsection (7) entitled of Section 12.128 entitled "Miscellaneous Restrictions on Parking" of the Madison General Ordinances is amended as follows:

"(7) Vehicles to be Maintained.

- (a) ~~No person shall park a vehicle on a highway unless the vehicle is equipped with a gas cap and the fuel system is free of leaks, as specified by Section MVD-5.24(1)(e) and (f) of the Wisconsin Administrative Code.~~
- (b) No person shall park a vehicle on a highway or on private or public property unless the vehicle is maintained so as to prevent unreasonable leakage of oil, water, or other fluids from the vehicle onto the highway."

12. Subsection (9) entitled "Tampering with Marks on Tires" of Section 12.128 entitled "Miscellaneous Restrictions on Parking" of the Madison General Ordinances is amended as follows:

"(9) Tampering with Marks on Tires. No person shall intentionally, by physical or mechanical force or by the use of an instrument or device, damage, obliterate, erase or tamper with any mark placed by a City of Madison police officer or parking ~~monitor~~ enforcement officer on the tire of a vehicle when the purpose for placing such mark is to identify the time such vehicle was found in a parked position."

13. Subdivision (g) of Subsection (12) entitled "Unregistered Motor Vehicles Prohibited on Streets" of Section 12.128 entitled "Miscellaneous Restrictions on Parking" of the Madison General Ordinances is amended as follows:

- "(g) Any motor vehicle in violation of this section may be impounded until lawfully claimed or disposed of under subdivision (h) of this subsection, except that if it is deemed by the Chief of Police or Parking Division Manager, or their respective designee that the cost of towing and storage charges for the impoundment would exceed the value of the vehicle, the motor vehicle may be junked or sold by the City prior to the expiration of the impoundment period upon determination by the Chief of Police that the motor vehicle is not stolen or otherwise wanted for evidence or other reason. All substantially complete motor vehicles in excess of nineteen (19) model years of age shall be disposed of in accordance with subdivision (h) of this subsection."

14. Subdivision (h) of Subsection (12) entitled "Unregistered Motor Vehicles Prohibited on Streets" of Section 12.128 entitled "Miscellaneous Restrictions on Parking" of the Madison General Ordinances is amended as follows:

- "(h) Any motor vehicle which is impounded and not disposed of under subdivision (g) of this subsection shall be retained in storage for a minimum period of ten (10)

days after certified mail notice has been sent to the owner and lienholders of record, if known or readily ascertainable, to permit reclamation of the motor vehicle after payment of accrued charges and, for reclamation of the motor vehicle by the owner, compliance with subdivision (f) of this subsection. Such notice shall set forth the year, make, model, and serial number of the motor vehicle and the place where the motor vehicle is being held, and shall inform the owner and any lienholders of their right to reclaim the motor vehicle. The notice shall state that the failure of the owner or lienholders to exercise their rights to reclaim the motor vehicle under this ordinance shall be considered a waiver of all right, title and interest in the motor vehicle and a consent to the sale of the motor vehicle. Each retained motor vehicle not reclaimed by its owner or lienholder may be sold. The City may dispose of the motor vehicle by sealed bid or auction sale. At such sale, the highest bid for any such motor vehicle shall be accepted unless the same is considered inadequate by the ~~Chief of Police~~ Superintendent of Fleet Service or their designee, in which event all bids may be rejected. If all bids are rejected, or no bid is received, the City may either readvertise the sale, adjourn the sale to a definite date, sell the motor vehicle at a private sale, or junk the motor vehicle. Any interested person may offer bids on each motor vehicle to be sold. Public notice of said sales shall be posted at the ~~City of Madison Police Department headquarters~~ direction of the Superintendent of Fleet Service or their Designee. The posting shall be in the same form as the certified mail notice sent to the owner or lienholders of record. Upon sale of a motor vehicle, the City shall supply the purchaser with a completed form designed by the state Department of Transportation enabling the purchaser to obtain a regular certificate of title for the motor vehicle.

The purchaser shall have ten (10) days to remove the motor vehicle from the storage area, but shall pay a reasonable storage fee established by the City for each day that the motor vehicle remains in storage after the second business day subsequent to the sale date. Ten (10) days after the sale, the purchaser shall forfeit all interest in the motor vehicle, and the motor vehicle shall be considered to be abandoned and may be sold again. Any listing of motor vehicles to be sold by the City shall be made available to any interested person or organization which makes a written request for such list. The City may charge a fee for the list.”

15. Section 12.1331 entitled “Vehicle Towaway” of the Madison General Ordinances is amended as follows:

“12.1331 - Vehicle Towaway

- (1) The City of Madison Police Department ~~is~~ and Department of Transportation are authorized to take any action authorized by Wis. Stat. §§ 349.13(3), 349.13(3m), 342.40(3), and 341.65(2), in addition to exercising any other lawful authority or duties with respect to the removal of vehicles from highways and public and private property within the City of Madison. The City of Madison Fire Department is authorized to tow, direct the towing of, or contract for the towing of any vehicle found in violation of Section 34.503(1)(b) of the Madison General Ordinances, in addition to exercising any other lawful authority or duties with respect to the removal of vehicles. For purposes of this section, “tow” and “towing” means to move or remove a vehicle to a place where parking is permitted or to either private or public parking or storage premises or direct or contract for the same.
- (2) Police Authorized Parking Zones. No person shall park, stop or leave standing any vehicle at any time upon any of the following highways or parts of highways, such areas being

set aside for the exclusive temporary storage of police authorized towed vehicles.

(a) On the south side of West Washington Avenue from a point 565 feet east of South Park Street to a point 265 feet east therefrom.

- (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~~ Police Department, Fire Department, or Department of Transportation, the owner or operator of the towed vehicle shall forfeit sixty-five dollars (\$65). 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.
- (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) and not more than one-hundred dollars (\$100)."

16. Subsection (5) of Section 23.56 entitled "Private Parking Enforcement Regulated" of the Madison General Ordinances is amended as follows:

"(5) A representative, agent, or any employee of a private parking enforcement service shall respond to the location of the immobilized vehicle of an owner or operator who has requested that any immobilization device utilized by that private parking enforcement service be removed from that vehicle within sixty minutes of that request, or within ten (10) minutes of a request made by an employee of the Madison Police Department or Department of Transportation acting in their official capacity."

EDITOR'S NOTE:

Subsection (3) entitled "Parking Enforcement Officers" of Section 5.01 entitled "Who Compose the Police Department" of the Madison General Ordinances currently reads as follows:

"(3) Parking Enforcement Officers. Parking enforcement officers shall be noncommissioned personnel under the jurisdiction of the Chief of Police who shall be responsible for their supervision and direction. They shall be appointed by the Chief of Police in accordance with and hold their positions under Section 3.53 of the General Ordinances entitled "Civil Service System". Their duties shall be to patrol assigned areas during periods designated to check for parking violations, to issue violation tickets or violation notices on form prescribed by the department; to answer inquiries and give directions to the public and to be of service within the range of the job assignment; to observe, record and report defective or damaged meters; and to perform such other duties as are related to those enumerated. They are authorized to regulate the parking, stopping, or standing of vehicular traffic through the fulfillment of the above duties. They shall not be

police officers and shall have no police powers to arrest. They shall wear a uniform prescribed by the Chief of Police and shall be entitled to the uniform allowances authorized by Section 3.54(15) of the General Ordinances. The uniform shall be composed of the following articles:

1. Cap or hat.
2. Tie.
3. Shirt.
4. Blouse.
5. Skirt.
6. Winter slacks.
7. Winter overcoats.
8. Raincoat.
9. Rain hat or cap
10. Storm boots.

They shall receive such salary as is provided in Section 3.54 of the General Ordinances, said salary to be paid from the parking utility budget and to be subject to change upon recommendation of the Chief of Police.”