

Ordinance 0014-25 – Towing license suspensions

An ordinance to amend Chapter 22, Article XXIII of the Municipal Code of the City of Racine, Wisconsin.

The Common Council of the City of Racine, Wisconsin, do ordain as follows:

Part 1: To delete and recreate Chapter 22, Article XXIII, Section 22-840 of the Municipal Code of the City of Racine, Wisconsin, to state as follows:

Sec. 22-840. Suspension and revocation of license.

- (a) In the event that a licensee fails to remain in conformance with this article with respect to documentation, vehicles, equipment, facilities, or personnel or it has been found to be improperly charging or billing customers, regardless of whether it has been criminally charged for such actions, its license shall immediately be suspended by the chief of police pending corrective action by the licensee. The licensee shall be reinstated upon sufficient proof being furnished to the chief of police that the violation has been corrected, including but not limited to actions such as a change in policy, repair of equipment or facilities, return of improperly charged money, or other evidence the violation will not recur. The licensee may, within ten days after the date of suspension, appeal the determination to the public safety and licensing committee which shall then hold a hearing on the matter as provided in subsection (b) below. A suspension issued under this subsection during the term of the license may be used as cause for non-renewal of the license upon its expiration at the end of the license year.
- (b) In the event that a licensee fails to comply with or violates the provisions of this article other than those specifically outlined in subsection (a) above, the license may be suspended or revoked. The chief of police shall direct an investigation to determine the circumstances surrounding the basis for the violation. Any substantiated violation of this article shall be forwarded to the public safety and licensing committee for its review. The committee may schedule a hearing upon a licensee's first or subsequent violation during any license year. The committee shall notify the licensee of the hearing date which shall be within 30 days after the determination to hold a hearing thereon. Written notice of the violation(s) shall be provided to the licensee at least ten calendar days before such hearing. Testimony at the hearing shall be under oath and subject to the right of cross examination. The committee shall make findings and recommendations and shall refer the matter to the common council for action on any recommended license suspension or revocation. A suspension issued under this subsection during the term of the license may be used as cause for non-renewal of the license upon the license expiration at the end of the license year.

Part 2: This ordinance shall take effect upon passage by a majority vote of the members-elect of the City of Racine Common Council and publication or posting as required by law.

Fiscal Note: N/A

Pursuant to Wisconsin Statutes section 62.09(8)(c), the mayor shall have the veto power as to all acts of the common council, except such as to which it is expressly or by necessary implication otherwise provided. All such acts shall be submitted to the mayor by the clerk and shall be in force upon approval evidenced by the mayor's signature, or upon failing to approve or disapprove within 5 days, which fact shall be certified thereon by the clerk. If the mayor disapproves the mayor's objections shall be filed with the clerk, who shall present them to the council at its next meeting. A two-thirds vote of all the members of the council shall then make the act effective notwithstanding the objections of the mayor.