

Parking Enforcement More Streamlined for Wisconsin Condominiums

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Practice Area: Community Associations

Boards can now have illegal vehicles towed without police intervention.

The ability of Wisconsin condominiums to remove illegal parkers from common elements has been made easier under a recent law and rule making by the Wisconsin Department of Transportation.

Condominium parking is subject to the same rules that apply to parking malls and other private lots where unwelcome cars sometimes park in restricted places.

Recently, the rules changed.

Under the old law, condominiums that posted signs with specific statutory language could call the police to have an illegally parked car ticketed, after which it could be towed. But the two-step process of getting the police and then the tow truck company to cooperate was sometimes problematic.

Under the new law, effective now, the owner of property or the owner's representative, can call a tow truck directly to have the vehicle removed. Calling the police for ticketing is no longer required. As the agent of the owners, the Board or its designee can call the tow truck.

Here are the new rules:

1. A property owner or the property owner's agent (Board or property manager) may have a tow truck operator remove an illegally parked car.
2. The tow truck operator has certain obligations to contact the police department to report the make, model, destination of the tow, etc.
3. Fees for the tow operator, payable by the car owner, are set by the new rules, which are at this point temporary, and are subject to change. Additional fees (such as from the property manager and possibly fines from the condo association) are apparently not allowed.
4. The required sign:
 - Shall contain language indicating that parking of unauthorized vehicles is not allowed.
 - Shall contain language indicating that unauthorized vehicles may be towed.
 - Shall be conspicuously colored and legibly marked with contrasting letters not less than two inches in height.
 - Each sign shall be erected on adequate support, and shall be not less than four feet from the ground. It must be posted in a conspicuous location legible to any parking space subject to the notice.

And that's about it, except for this glitch: Some tow truck operators have protested that the towing fees set in the rules are too low to justify towing trucks and other large vehicles. A regular tow, for example, is set at between \$105 and \$120 plus storage fees. The rules are now scheduled to remain in effect through April of this year, and we are told that the Department of Transportation will consider higher tow fees in that period.

The new rules provide Associations with a new tool to protect their properties, and even opportunities, for some large condos, to negotiate with tow companies in advance. (We have heard that some tow companies have offered to "patrol" certain large lots at no cost to the owner.)

Parking enforcement at Wisconsin condominiums enhances safety and convenience, and prevents blight. The new law should be a "plus" for Wisconsin condominiums. Still, as Teddy Roosevelt said, if you have a big stick, you can talk softly, first. This is especially true if enforcement is targeted at a resident. Also, the Board should consider how that fellow down the hall can have an overnight visitor, with a vehicle, but without intrusive hassle from the association.

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