

1 ARTICLE I. - POLICE TOW ASSIGNMENTS AND SELECTION OF TOWING SERVICES FROM TOW ROTATION LISTS

2  
3 Sec. 46-1. - Definitions.

4 The following words, terms and phrases, when used in this article, shall have the meanings ascribed  
5 to them in this section, except where the context clearly indicates a different meaning:

6 Principal Place of Business means the towing service has a storage lot and a place to meet with  
7 customers in the normal course of business.

8 *Tow truck* means a motor vehicle which has been altered or designed and equipped for and exclusively  
9 used in the business of towing vehicles by means of a crane, tow bar, tow line or dolly, or is otherwise  
10 exclusively used to render assistance to other vehicles.

11 *Towing service or police towing service* means the provision of tow truck services in response to a  
12 dispatch or request from the police department or any other municipal department.

13 *Truck* means any truck weighing over ten thousand (10,000) pounds.

14  
15 Sec. 46-2. - Fees.

16 The fee to be paid to the city in order to be placed on ~~at the tow rotation list~~ ~~roster~~ under section 46-4 is  
17 ~~one thousand five hundred dollars (\$1,500.00)- set from time-to-time by a separate ordinance or resolution.~~  
18 The initial fee is due and payable upon approval of the application provided for in this article. The renewal  
19 fee shall be paid annually every two years on each anniversary date.

20  
21 Sec. 46-3. - Purpose and intent.

22 It is the intent of this article to prescribe the basic regulations for the operation of tow trucks in the  
23 removal of motor vehicles which are illegally parked, abandoned, involved in an accident, or which  
24 constitute an obstruction to traffic or snow removal operations, or which constitute a public nuisance, other  
25 than removal of certain inoperable or abandoned vehicles under sections 20-73 and 27-3 of this Code. It is  
26 the purpose of the city council in enacting this article to provide a fair and impartial means of distributing  
27 city requests for towing services among qualified firms, and to ensure that such services are prompt and  
28 reasonably priced and are provided in the best interest of the public, as well as the interest of efficient  
29 removal of such vehicles. In enacting this article, it is not the purpose of the council to regulate towing  
30 services other than those dispatched or requested by city personnel.

31 (Ord. No. 009-75, § 1, 8-25-09)

32  
33 ~~Sec. 46-4. - Tow Rotation Lists ~~Roster.~~~~

34  
35 All towing firms selected and designated to provide towing services under this article shall be listed on a  
36 ~~tow rotation list~~ ~~roster~~ to be ~~maintained~~ ~~kept~~ by the police department. The police department may  
37 maintain multiple tow rotation lists, with each tow rotation list covering tows authorized in difference  
38 geographic locations within the jurisdiction of the police department. ~~A towing firm may be included on~~  
39 ~~more than one tow rotation list.~~ All ~~The~~ tow rotation lists ~~roster of towing firms~~ shall, at all reasonable  
40 times, be open to public inspection. The maximum number of towing firms on each ~~said~~ tow rotation  
41 ~~list~~ ~~roster~~ shall not exceed twelve (12) firms at any one time. The roster of towing firms shall be effective  
42 for a period of two (2) years commencing June 1, 2008.

43  
44  
45 Sec. 46-5. - Eligibility.

1 In addition to complying with all State law requirements, any towing firms applying for inclusion on a  
2 tow rotation list must comply with all requirements of this Chapter. In order to be eligible for inclusion on a  
3 tow rotation list, a towing firm must~~A towing firm shall become eligible to be listed on the roster and~~  
4 participate in the assignment of service calls by the police department if it has have maintained its principal  
5 place of business in the city for a period of at least six (6) months prior to the date of application, and must  
6 and meets the requirements set forth in this article. possess a license permitting it to operate in the city's  
7 jurisdiction. Each owner of a towing firm and each person operating a vehicle on behalf of a towing firm  
8 shall submit his or her fingerprints to the Department of State Police in the form and manner prescribed by  
9 the Department of State Police. The Department of State Police may charge a fee for conducting the  
10 criminal history record check. The Department of State Police will then provide, pursuant to positive  
11 identification, forward all Illinois and national conviction information to the police department. In accordance  
12 with State law, a person may not own a towing firm or operate a vehicle on behalf of a towing firm included  
13 on a tow rotation list if that person has been convicted during the 5 years preceding the application of a  
14 criminal offense involving one or more of the following:

- 15 A) Bodily injury or attempt to inflict bodily injury to another person;  
16 B) Theft of property or attempted theft of property;  
17 C) Sexual assault or attempted sexual assault of any kind.

18 ~~No person or towing firm shall be placed on the roster or operate a tow truck on tow roster calls if that~~  
19 ~~person or towing firm has been convicted under the laws of Illinois or any other state of an offense which~~  
20 ~~under the laws of Illinois would be a felony theft of a vehicle or a felony offense under article 1, chapter 4~~  
21 ~~of the Illinois Vehicle Code, or has been fined by the Illinois Commerce Commission.~~

22 Insurance Requirements for Eligibility are outlined in Sec. 46-27.

23  
24 Sec. 46-6. - Application.

25 Any towing firm meeting the minimum eligibility requirements may submit a verified application to the  
26 city to participate in police towing servicesoperations. The application shall be in a form provided by the city  
27 clerk, and shall provideeieit the following information:

28 (1) *Business operation:*

- 29 a. *Name of firm.* Indicate whether a corporation or partnership, list all parties having a financial  
30 interest in the towing firm, including names and addresses, number of years business has  
31 been established in the city, and number of years that those persons holding financial  
32 interest in the firm have been residents of the city.
- 33 b. *Experience.* List number of years and locations of participation in similar police towing  
34 services, together with any commendations or written complaints received from  
35 governmental agencies in conduct of the business within the last five (5) years.
- 36 c. *Stability.* State business activities of firm aside from participation in police towing activities.
- 37 d. *Attendants and drivers.* List names and addresses of all attendants and drivers who will  
38 conduct the police towing service, as well as number of years employed, training received  
39 by attendants and drivers, and experience of the personnel in the conduct of the business.
- 40 e. *Equipment.* Describe available equipment to be used in police towing services, particularly  
41 in terms of comparative qualities or capacities as related to minimum eligibility requirements.
- 42 f. *Communications.* Describe the method of operation of the communications system between  
43 the place of business and operating tow trucks, as well as the means utilized for ensuring  
44 prompt dispatch of trucks upon receipt of call from the police department.
- 45 g. *Other facilities and personnel available.* List all provisions for record keeping, backup  
46 personnel and auxiliary services which might be required to effectively carry out a high level  
47 of service to the public in the business of tow truck operations.

48 (2) *Business location and storage lot:*

- 1 a. *Primary business location.* List location of primary business operation, including dimensions  
2 and types of facilities available.
- 3 b. *Storage lot.* List location of storage lots, zoning classification, dimensions thereof,  
4 relationship to primary business operation, and the type of protection provided at the lot(s).

5 (Ord. No. 009-75, § 1, 8-25-09)

6 Sec. 46-7. - Review of applications.

7 It shall be the duty of the police chief or his or her designated agents to investigate all applications and  
8 renewals submitted under this article and place all eligible firms on a tow rotation list~~the roster~~. The police  
9 chief shall deny~~disapprove of~~ any application or renewal if, after due investigation, he or she finds that the  
10 applicant does not meet the minimum requirements set forth in this article or has violated section 46-15.  
11 The police chief shall notify an applicant in writing if an application or renewal is denied~~disapproved~~ and  
12 state the reasons for such disapproval.

13 (Ord. No. 009-75, § 1, 8-25-09)

14 Sec. 46-8. -- Assignment Prohibited.

15 Any towing firm listed on a tow rotation list~~the roster~~ shall not assign its place to other towing services  
16 or companies~~concerns~~ nor assign any calls without prior written consent of the police chief.

17 (Ord. No. 009-75, § 1, 8-25-09)

18 Sec. 46-9. - Tow trucks; minimum equipment standards.

19 Minimum equipment standards for tow trucks shall be as follows:

- 20 (1) *Truck chassis:* At least one (1) rig of one-ton capacity with rear dual wheels. The police officer  
21 on the scene shall determine if greater capacity is needed and shall call upon any service capable  
22 of providing that capacity regardless of whether or not the company is on at the tow rotation  
23 list~~roster~~ of the city or whether it is their period of time to receive police requests.
- 24 (2) *Company name:* Company name, address or phone number on both sides of tow car.
- 25 (3) *Lights:* Trucks must, at all times, be equipped with such headlights, taillights, red reflectors,  
26 stoplights, warning lights, etc., as required by state law, plus one (1) white utility light (adjustable  
27 or portable), and may be equipped with such other lights as the owner may desire which are not  
28 forbidden by law.
- 29 (4) *Winch:* To be power-driven by power takeoff from transmission equipped with safety dogs or  
30 equivalent braking devices.
- 31 (5) *Additional equipment:* Trucks must be equipped with red flares, lanterns or reflectors, hand tools,  
32 crowbar, chain rope, broom, shovel, dustpan, fire extinguisher (dry chemical type), portable red  
33 taillight and stoplight for towed vehicles, ~~equipment for opening locked vehicles~~ and safety  
34 snubber chain. Each tow company shall have at least one (1) set of dollies readily available at all  
35 times if the tow truck is a "wrecker" tow truck.

36 (Ord. No. 009-75, § 1, 8-25-09)

37 Sec. 46-10. - Minimum business and storage lot requirements.

- 38 (a) *Business and storage.* The business and storage lot of a towing firm must be a reasonable distance  
39 from public transportation and the storage lot must be in close proximity to the place of business, if  
40 and the storage area is~~if~~ not located within a building, must be located in an M-1 manufacturing district  
41 or have the right to the use of the subject property consistent with permitted uses of an M-1 district;  
42 except, if the area is located on a premises where an already existing principal use authorizes the

1 storage of cars and trucks in the open as incidental to the principal use, the storage lot must have  
2 adequate storage space (at least fifty (50) feet by one hundred (100) feet or equivalent area) to  
3 accommodate thirty (30) cars, either under cover or well fenced. The firm must exercise ordinary care  
4 to keep stored vehicles and contents safe from pilfering.

5 (b) *Hours.* There shall be an attendant on call, capable of responding to police requests for towing, as  
6 well as to be present or available for the release of vehicles to the authorized party, twenty-four (24)  
7 hours a day, seven (7) days a week. An attendant shall be on call to be present or available for the  
8 recovery of personal items from towed vehicles by an authorized party Monday through Saturday from  
9 7:00 a.m. to 7:00 p.m., except for New Year's Day, Memorial Day, Independence Day, Labor Day,  
10 Thanksgiving Day, and Christmas Day.

11 (c) *Records.* Each garage shall keep a record of the vehicle and license number; date and time it was  
12 towed; location from which it was towed; name of officer ordering the towing; and whether the vehicle  
13 was impounded or towed at the owner's request.

14 (Ord. No. 009-75, § 1, 8-25-09)

15 Sec. 46-11. - Dispatching requirements.

16 (a) All requests for towing service pursuant to this article shall be made through the police department.

17 (b) ~~If~~When it becomes evident that there will be a delay in responding to a request for towing service, the  
18 assigned towing firm ~~concerned~~ shall immediately advise the police department accordingly of this  
19 delay.

20 (c) Towing units shall be dispatched from the place of business, or a reasonable distance from the place  
21 of business, as determined by the police department. The police department may, from time to time,  
22 establish a policy with regard to distribution of requests for towing service among the successful  
23 applicants, provided that the policy is fair and equitable to all firms listed on the tow rotation lists. the  
24 roster.

25 (Ord. No. 009-75, § 1, 8-25-09)

26 Sec. 46-12. - Revision of rates; notice of hearing.

27 (a) The city council may, from time to time, amend, by resolution after a public hearing, the schedule of  
28 fees or rates which may be charged for towing and storage services. The maximum fees to be charged  
29 shall not exceed towing and thirty (30) days storage, unless authorized by the chief of police or his or  
30 her designee.

31 (b) Prior to the city council hearing, there shall be a publication, at least once, of notice of the hearing in  
32 a newspaper of general circulation within the city, at least ten (10) days before the hearing date. In  
33 addition thereto, the hearing shall be preceded by at least ten (10) days' notice of such hearing, given  
34 by letter from the city clerk to each firm then listed on the tow rotation lists the roster, such letter  
35 directed to the address contained in the application submitted under this article.

36 (Ord. No. 009-75, § 1, 8-25-09)

37 Sec. 46-13. - Removal of hazards; police to determine necessity of removing vehicles.

38 After being dispatched by the police department to the scene, the tow truck operator shall cooperate  
39 with the police officers in removing hazards, including cleanup of accident scenes, and illegally parked  
40 vehicles as requested. It is the duty of the police officers to determine when such a vehicle should be  
41 impounded or moved, and the tow truck operator shall abide by their decisions.

42 (Ord. No. 009-75, § 1, 8-25-09)

1 Sec. 46-14. - Identification of tow cars.  
2 Only tow trucks bearing the name of the assigned towing firm ~~called~~ shall be dispatched to the scene.  
3 ~~of need.~~

4 (Ord. No. 009-75, § 1, 8-25-09)

5 Sec. 46-15. - Conduct.  
6 All owners of towing firms shall conduct their business in an orderly, and businesslike manner and use  
7 every means to avoid any conflicts between any interested parties. ~~One factor~~ The primary measure to be  
8 to be considered ~~used~~ by the city in determining whether a towing firm has violated this section will be the  
9 number and type of complaints received by the city from the public. The police department is charged with  
10 the investigation of all complaints related to towing firms.

11 (Ord. No. 009-75, § 1, 8-25-09)

12 Sec. 46-16. - Protection of vehicles.  
13 Vehicles impounded by the police for special investigations, *i.e.*, fingerprints, etc., shall be held in  
14 maximum security until cleared by the investigating officers. Contents of vehicles with a police hold shall  
15 not be removed ~~unless and until so directed by the chief of police or his or her designee.~~

16 (Ord. No. 009-75, § 1, 8-25-09)

17 Sec. 46-17. - Responsibility for employees' acts.  
18 The owners of towing firms participating in towing assignments by the police department shall be  
19 responsible for the acts of their employees and agents while on duty. Towing firms shall be responsible for  
20 any damage to vehicles while in their possession and shall hold the City harmless from any and all claims  
21 resulting from any towing services rendered.

22 (Ord. No. 009-75, § 1, 8-25-09)

23 Sec. 46-18. - Periodic inspection of records, equipment, facilities.  
24 Towing firms on ~~at the tow rotation list~~ ~~roster~~ shall be subject to periodic checks of all records, equipment  
25 and storage facilities by police officers. A towing firm that fails to produce tow records or allow for  
26 inspections of its equipment and facilities at the request of the police, shall be immediately suspended from  
27 the ~~tow rotation list~~ ~~roster~~ until the investigation in question is resolved.

28 (Ord. No. 009-75, § 1, 8-25-09)

29 Sec. 46-19. - Damage appraisals.  
30 All vehicles stored or impounded as a result of the tow ordered by the police department shall be made  
31 available to the owner of the vehicle or his representative, appropriate insurance agent, insurance adjuster,  
32 or appropriate body shop or car dealer, for the purpose of estimating or appraising damages, except  
33 vehicles with a police hold.

34 (Ord. No. 009-75, § 1, 8-25-09)

35 Sec. 46-20. - Access to vehicles.  
36 Vehicles to be impounded by a towing firm shall at all times be accessible to police department  
37 personnel. An employee of the towing firm may be required to assist the police department in accessing  
38 such vehicles.

1 (Ord. No. 009-75, § 1, 8-25-09)

2 Sec. 46-21. - Itemized statements, when required.

3 (a) A person conducting towing operations shall furnish an itemized statement of services performed,  
4 labor and special equipment used in completing the tow of a vehicle and the charges made therefor  
5 to and upon the request of:

- 6 (1) The person requesting the towing service;
- 7 (2) The registered owner of the vehicle towed;
- 8 (3) The insurance carrier of either paragraph (1) or (2) above;
- 9 (4) The duly authorized agent of paragraph (1), (2) or (3) above.

10 (b) A person conducting towing operations shall furnish a copy of the statement to any person authorized  
11 by this section to receive the statement without demanding payment as a condition precedent. The  
12 chief of police or his designee shall have authority over determining who may have access to towed  
13 vehicles ordered by the city during any dispute that may arise from this section.

14 (Ord. No. 009-75, § 1, 8-25-09)

15 Sec. 46-22. - Vehicle repair or alteration, when permitted.

16 A person conducting towing operations shall refrain from making any repairs or alterations to a vehicle  
17 without first being authorized by one (1) of the persons listed in subsections 46-21(a)(2), (a)(3) or (a)(4).  
18 Parts or accessories shall not be removed from vehicles without authorization except as necessary for  
19 security purposes. Under such circumstances, the parts or accessories removed shall be listed on the  
20 itemized statement and stored in the business office. This section shall not be construed to prohibit persons  
21 conducting towing operations from making emergency alterations necessary to permit the removal by  
22 towing of vehicles.

23 (Ord. No. 009-75, § 1, 8-25-09)

24 Sec. 46-23. - Facilities to conform to building code.

25 Towing firms' storage lots, buildings, fencing, driveways, etc., must conform with all building code  
26 requirements.

27 (Ord. No. 009-75, § 1, 8-25-09)

28 Sec. 46-24. - Zoning requirements.

29 Business and storage lots of towing firms must conform with all the zoning regulations of the city.

30 (Ord. No. 009-75, § 1, 8-25-09)

31 Sec. 46-25. - Storage lot capacity.

32 At no time shall the storage lot of a towing firm be filled to more than ninety (90) percent capacity.  
33 Should the lot be filled greater than that limit, the city may suspend towing services pursuant to this article  
34 until such time as the number of the vehicles in the lot is reduced to within the above-stated capacity.

35 (Ord. No. 009-75, § 1, 8-25-09)

36 Sec. 46-26. - Deviation from Tow Rotation List roster.

37 Any and all tow truck operators not selected and designated pursuant to this article are prohibited from  
38 removing from the public streets and towing away any vehicles involved in the situations as set forth in the

1 preamble of this article; provided, however, that the owner or operator of the vehicle involved in the  
2 aforesaid situations may designate any towing service to be used for the towing away of the vehicle and/or  
3 may designate the destination of the towed vehicle only in accordance with Section 46-4.1.

4 (Ord. No. 009-75, § 1, 8-25-09)

5 Sec. 46-27. - Insurance.

6 (a) Each towing firm listed on ~~the tow rotation list~~roster, as of December 10, 2002, shall have in full force  
7 and effect, during the period the firm remains on a tow rotation list~~the roster~~, public liability, property  
8 damage and fire and theft insurance coverage. The city shall be listed as an additional insured on each  
9 policy. Proof of such coverage shall be a minimum eligibility requirement. The amounts of public liability  
10 and property damage coverage shall not be less than:

11 (1) Public liability, five hundred thousand dollars (\$500,000.00) per each accident.

12 (2) Property damage, fifty thousand dollars (\$50,000.00) per each accident.

13 (b) Each towing firm listed on the ~~tow rotation list~~roster after December 10, 2002, including those firms  
14 who are renewing prior applications, shall have in full force and effect, during the period the firm  
15 remains on the roster, insurance coverage meeting the minimum requirements as follows:

16 (1) *Comprehensive general liability*: Must include the following industry standard forms of insurance:

17 a. Premises/operation coverage;

18 b. Products and completed operations coverage;

19 c. Blanket contractual liability;

20 d. Commercial general liability insurance with limits of not less than one million dollars  
21 (\$1,000,000.00) per occurrence. Five hundred thousand dollars (\$500,000.00) combined  
22 single limit, or five hundred thousand dollars (\$500,000.00) bodily injury and two hundred  
23 fifty thousand dollars (\$250,000.00) property damage.

24 (2) *Comprehensive auto liability*: Must include the following endorsements:

25 a. All owned autos, hired-car coverage, and employers non-owned auto coverage;

26 b. The policy shall not contain a radius restriction of less than fifty (50) miles;

27 c. One hundred thousand dollars (\$100,000.00) ~~Fifty thousand dollars (\$50,000.00)~~ on hook  
28 liability.

29 d. Comprehensive automobile liability insurance with a minimum combined single limit  
30 coverage of one million dollars (\$1,000,000.00).

31 (3) *Garage keepers legal liability or motor truck cargo*: The towing firm shall provide coverage for  
32 the vehicles in their custody. Either a motor truck cargo policy, listing all storage lots as terminal  
33 locations or garage keepers' legal liability shall be required. The minimum amount of coverage  
34 shall be no less than one hundred thousand dollars (\$100,000.00). ~~fifty thousand dollars~~  
35 ~~(\$50,000.00).~~

36 (4) *Workers' compensation and employers' liability*: Statutory limits for work~~er~~men's compensation  
37 and a one hundred thousand dollar (\$100,000.00) employers' liability limit.

38 (c) Each towing firm shall supply the city with a certificate of insurance, which indicates coverage for the  
39 above mentioned minimum insurance requirements and carries the provision that said insurance shall  
40 not be cancelled without giving the city at least thirty (30) days' notice of cancellation or material  
41 change. The certificate of insurance shall also name the city as additional insured.

42 (Ord. No. 009-75, § 1, 8-25-09)

1 Sec. 46-28. - Police department held harmless.

2 If any firm listed on a tow rotation list~~the roster~~ performs towing services in a manner not in accordance  
3 with the provisions contained in this article, the police department shall be~~is~~ held harmless from any and all  
4 liability or damage arising therefrom.

5 (Ord. No. 009-75, § 1, 8-25-09)

6 Sec. 46-29. - Removal or suspension from tow rotation list~~roster~~.

7 (a) Any deviation from the requirements established in this article, except for violations of section 46-18,  
8 or failure at any time to provide reasonable, quick and efficient service at the rates prescribed may  
9 result in the temporary suspension for no more than thirty (30) days or removal of the name of such  
10 firm from the tow rotation list~~roster~~ upon the recommendation of the police chief.

11 (b) The police chief shall provide the tow operator with written notice at least fifteen (15) days prior to the  
12 effective date of the suspension/removal by delivering said notice to the tow operator's place of  
13 business. Said written notice shall include; 1) the effective date of the suspension/removal; 2) whether  
14 the suspension/removal is temporary or permanent; 3) the allegations which form the basis of the  
15 suspension/removal; 4) the actions, if any, the tow operator may take to prevent the  
16 suspension/removal from occurring; and 5) the procedure which the tow operator must follow to  
17 request a hearing to appeal the suspension/removal. If a hearing is requested, the city's administrative  
18 hearing officer shall act as hearing officer. The hearing shall be informal and provide both sides with  
19 the opportunity to present all evidence relevant to the suspension/removal. The hearing officer shall  
20 issue a written decision based upon a preponderance of the presented evidence within seven (7) days  
21 of the hearing. The opinion will be sent to the tow operator's business address with a copy retained in  
22 the tow operator's application file. The city or the tow operator may contest the decision of the hearing  
23 officer in any manner provided by law.

24 (c) A tow operator must request a hearing by: 1) calling the city law department within ten (10) days of  
25 receiving a notice of suspension/removal; and 2) scheduling a hearing. Leaving a message with the  
26 city law department will not satisfy this requirement. The law department must provide a time for the  
27 hearing that is within ninety-six (96) hours of the request, provided there is one (1) complete business  
28 day within the ninety-six-hour time period. If there is no complete business day in the ninety-six-hour  
29 period, the hearing shall be held on the first business day after the ninety-six-hour time period. If the  
30 tow operator is unavailable at the time provided by the city, the city shall not be bound by the ninety-  
31 six-hour period and the suspension/removal will not be stayed. If the city is unable to provide a hearing  
32 time within the applicable time period, all action on the suspension/removal shall be stayed until the  
33 hearing.

34 (Ord. No. 009-75, § 1, 8-25-09)

35 Secs. 46-30—46-49. - Reserved.

36