



# City of Chicago



O2016-2679

Office of the City Clerk

## Document Tracking Sheet

**Meeting Date:**

4/13/2016

**Sponsor(s):**

Pawar (47)  
Reboyas (30)  
Waguespack (32)  
Arena (45)  
Thompson (11)  
Cochran (20)  
Burke (14)  
Cappleman (46)  
O'Shea (19)  
Santiago (31)  
Mell (33)  
Mitts (37)  
Austin (34)  
Villegas (36)  
Zalewski (23)  
Laurino (39)  
O'Connor (40)  
Napolitano (41)  
Tunney (44)  
Osterman (48)  
Taliaferro (29)  
Ramirez-Rosa (35)  
Burnett (27)  
Maldonado (26)  
Ervin (28)  
Scott, Jr. (24)  
Munoz (22)  
Sposato (38)  
Reilly (42)  
Smith (43)  
Hairston (5)  
Mendoza (Clerk)

**Type:**

Ordinance

**Title:**

Amendment of Municipal Code Chapter 9-84 by futher regulating vehicle towing operators and relocators and establishing Towing Bill of Rights

**Committee(s) Assignment:**

Committee on License and Consumer Protection

*Towing Bill of Rights*

**ORDINANCE**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHICAGO:**

**SECTION 1.** Chapter 9-84 of the Municipal Code of Chicago is hereby amended adding new section 9-84-036, and by adding the language underscored, as follows:

*(Omitted text is unaffected by this ordinance)*

**9-84-010 Report – Definition – Procedure.**

(a) Within 30 minutes after relocating any unauthorized vehicle, the relocator shall notify the Chicago Police Department by using the nonemergency police telephone number to report the year, make, model and state license plate number of the relocated vehicle and the location from which the vehicle was relocated. In addition to this notification, within 24 hours after relocating an unauthorized vehicle, the relocator shall submit a written report to the superintendent of police containing the following information:

- (1) Name, address and telephone number of the relocator and of the operator;
- (2) State license plate number of the vehicle relocated;
- (3) Vehicle identification number of the vehicle relocated;
- (4) Color, make and model of the relocated vehicle;
- (5) Date and time of the relocation;
- (6) Address of place from which vehicle was relocated;
- (7) Names and addresses of any witnesses to the relocation;
- (8) Name of person with whom the relocation agreement was made;
- (9) Address of place where the vehicle is stored; and
- (10) State license plate number of the tow truck which made the relocation.

(b) [Reserved.]

(c) Before a relocator or operator relocates an unauthorized vehicle, the relocator shall first obtain written consent from the owner of the private property or his authorized agent to relocate the specific vehicle in question, unless the firm has an agreement to relocate all unauthorized vehicles from that private property. Relocators shall provide a list of all locations where they have an active contract or other agreement to remove unauthorized vehicles to the Chicago Police Department on an annual basis. This list shall indicate whether the agreement allows for patrol of the lot or removal of vehicles only when requested. The Chicago Police Department shall organize these lists by district and provide them to each District Commander annually.



(d) When any owner enters into an agreement with a relocater to relocate unauthorized vehicles from his private parking area, the relocater shall post a notice of this arrangement prominently at all entrances and exits to the parking areas, in clear view free from interference from any natural or manmade objects, and positioned with the bottom of the sign not less than 4 feet and not more than 7 feet above ground level. The lettering on these signs shall be in prominent type at least three inches high and in a color that contrasts with the background color of the sign. The sign must also be legible at night. This sign shall contain the following information:

- (1) A general statement indicating who is allowed to park in the area. The statement may use classes of persons as well as individuals;
- (2) A warning that unauthorized vehicles will be relocated;
- (3) The name, address and telephone number of the relocater, and the location to which the car will be relocated, if different;
- (4) The fee charged by the relocater to recover the unauthorized vehicle and whether cash, check or credit cards will be accepted in payment.
- (5) A notice that the towing operator is regulated by the Commission that includes both the phone number and internet address where complaints may be filed with the Commission.

(e) Subsection (d) shall not apply to driveways or parking areas serving three or fewer cars.

*(Omitted text is unaffected by this ordinance)*

#### **9-84-025 Pre-tow photographs and on-board cameras – Required.**

(a) Prior to relocating any unauthorized vehicle, the relocater or operator shall take at least one photograph of the unauthorized vehicle which clearly shows: (i) the date and time the photograph was taken; (ii) the entire vehicle and its location on the date and time the photograph was taken; and (iii) the vehicle's license plate. The relocater shall maintain the photographs, in electronic or print format, for a period of two years from the date on which it was taken. The relocater shall provide the photographs, without charge, to the owner of the relocated vehicle, upon request.

(b) The relocater shall install on-board cameras on all vehicles used to perform relocations. These cameras shall clearly document: (i) views from the front and rear of the vehicle; (ii) audio from inside the vehicle; (iii) the date and time the video and audio are captured. The relocater shall maintain the video records, in electronic format, for a period of one year from the date on which they were captured. The relocater shall provide an electronic copy of the video, without charge, to the owner of the relocated vehicle, upon request. These records shall be made available to the Department of Business Affairs and Consumer Protection upon request by any alderman on the Commissioner.

*(Omitted text is unaffected by this ordinance)*

**9-84-036 Towing Bill of Rights**

(a) The relocator shall post the language in paragraph (b) of this section conspicuously in the area of their lot or facility where persons retrieve their relocated vehicles. Such posting shall be on a page or poster not less than 11 inches in width and 17 inches in height. Additionally, relocators shall provide a paper copy to all persons retrieving a vehicle from their lot or facility.

(b) Chicago Towing Bill of Rights

Under provisions found in the Illinois Combined Statutes, Illinois Administrative Code, and the Municipal Code of Chicago, the following is required when any vehicle is towed from private property:

1. Any vehicle shall not be relocated from any lot without the written consent of the private property owner or his authorized agent to conduct such removals.
2. Any vehicle shall not be relocated from a lot which does not, at the time of the tow and for at least 24 hours prior thereto, have signs posited in compliance with applicable laws and regulations.
3. Relocators shall print and keep open to the public, all authorized rates and charges for towing, otherwise moving, and storing vehicles in connection with the removal of unauthorized vehicles from private property.
4. Any vehicle shall not be relocated where the owner of the vehicle or the owner's agent is present or arrives on the scene before the vehicle is completely removed from the private property, produces the ignition key to the vehicle, and the owner or agent is able and does immediately remove the vehicle from private property.
5. Relocators must notify the Chicago Police Department of their relocation activity within 30 minutes of a relocation taking place.
6. Relocators must accept any of the following methods of payment for lawful fees and charges: United States currency, commonly recognized traveler's checks, money orders, cashier's checks, certified checks, and commonly accepted credit cards and debit cards.
7. In the event you are not able to immediately pay to retrieve your vehicle, the relocator must provide you with access to retrieve any of your personal belongings. The relocator is permitted to accompany you to your vehicle while you remove your belongings.
8. The relocator must provide you, upon request, with a photograph of your vehicle taken before it was towed that clearly shows: the date and time it was taken, the vehicle's location, and the vehicle's license plate number. The relocator must also provide relevant electronic video files of the relocation upon request.

9. The relocator must provide you with a copy of this "bill of rights" along with other relevant statutes, regulations, and ordinances governing their operation when you retrieve your vehicle or upon request.
10. In the event that any relevant statutes, regulations, or ordinances, including but not limited to those listed above, have been violated, you can make a formal complaint to the Illinois Commerce Commission at 847-294-4326 or [www.icc.illinois.gov](http://www.icc.illinois.gov).

**9-84-040 Violation – Penalty.**

Any person or any officer of any corporation, or any partner of any partnership:

(a) relocating or authorizing a relocation of an unauthorized vehicle, or booting a vehicle or authorizing the booting of a vehicle in violation of any provision of Section 9-84-010, 9-84-015, 9-84-020 or 9-84-030, shall be fined not less than \$50.00 nor more than \$500.00 for the first offense and not less than \$100.00 nor more than \$500.00 for the second and each subsequent offense;

(b) relocating an unauthorized vehicle in violation of Section 9-84-021 or 9-84-035 shall be fined not less than \$500.00 nor more than \$1,000.00; or

(c) relocating an unauthorized vehicle in violation of Section 9-84-023 or 9-84-025, or 9-48-036 shall be fined not less than \$500.00 nor more than \$1,000.00 and be liable for payment of restitution to the owner or lessee of the relocated vehicle in the amount of the actual costs incurred by such owner or lessee.

Any person, or any officer of any corporation, or any partner of any partnership found liable for or guilty of one or more violations on three or more separate dates may be punished by a period of incarceration for a term not to exceed six months.

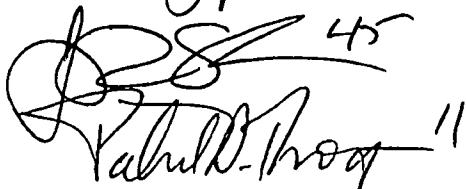
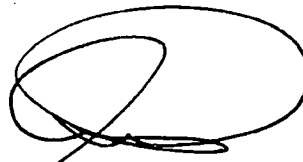
Each violation shall be considered a separate and distinct offense.

(d) The Commissioner of Business Affairs and Consumer Protection and the Superintendent of the Chicago Police Department are authorized to promulgate rules and regulations to enforce the provisions of the this Chapter.

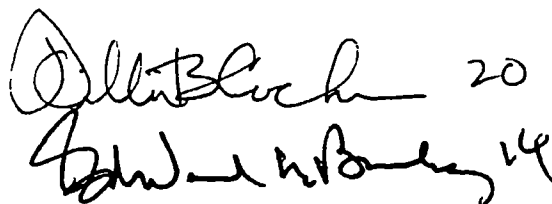
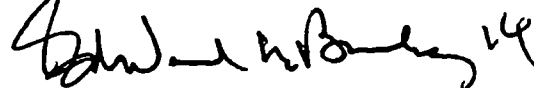
**SECTION 2.** This ordinance shall take affect 180 days following its passage and publication.



Ameya Pawar  
Alderman, 47<sup>th</sup> Ward

Ariel Reboyras  
Alderman, 30<sup>th</sup> Ward

James Appleman ✓

J. B. 48 ✓

Walter J. O'H (19) ✓

Cliff Lee (29) ✓

Walter J. O'H (31) ✓

Carte Gannett Jr 35 ✓

Hill Mill 33 ✓

Waterhouse 37 ✓

Emma Mills 37 ✓

Robert M. Lee 41 ✓

Carrie M. Austin 34th ✓

~~J. B. (20) ✓~~

John 36th ✓

Paul J. 24 ✓

Michael Seavey 23 ✓

Robt M. 22 ✓

M. L. 39 ✓

Edw. J. 38th ✓

A. J. Connor ✓

R. 42 ✓

Joe 41st ✓

Waldo L. 40 ✓

John J. 44 ✓

John N. Houston 5 ✓

Suzanne J. Mendez  
City Clerk