



Office of the City Clerk

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Legislation Text

File #: O2014-2513, Version: 1

Referred to: Committee on License and Consumer Protection

ORDINANCE

WHEREAS, the City of Chicago (the "City") is a body politic and corporate under the laws of the State of Illinois and a home rule unit of government under Article VII of the 1970 Constitution of the State of Illinois; and

WHEREAS, as a home rule unit of government, the City may exercise any power and perform any function pertaining to its government and affairs; and

WHEREAS, the City Council finds that the regulation of tow truck operators for nonconsensual towing is necessary to promote the general health and safety of its citizens by protecting vehicle owners from towing mistakes, to expedite the recovery of non-consensual towed vehicles, to ensure that owners of towed vehicles can quickly redeem their cars, and to ensure towing in accordance with proper posting; and

WHEREAS, the City Council believes that the proposed safety regulations governing performing of non-consensual towing would promote the public safety by ensuring owners are informed as to the location of the towed vehicle in order to expedite the recovery of the vehicle by the owner; now, therefore,

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

SECTION 1. The above recitals are expressly incorporated into and made a part of this ordinance as though fully set forth herein.

SECTION 2. Section 3-56-150 of the Municipal Code of Chicago is hereby amended by adding the language underscored and by deleting the language struck through, as follows:

3-56-150 Penalty.

(a) Any person who shall take, destroy, remove or obliterate any wheel tax license emblem provided for in this chapter, without the consent of the owner of the vehicle, shall be fined not less than \$25.00 nor more than \$200.00 for each offense. Every such wrongful destruction, obliteration or removal of such wheel tax license emblem from any vehicle shall be considered a separate offense. • ■

(Omitted text is unaffected by this ordinance)

Notwithstanding any other provision of this chapter, persons who reside in the city, register their motor vehicle at a location outside the city and fail to pay the license tax fee imposed by this chapter shall be fined not less than \$200.00 300.00 nor more than \$500.00 1,000.00.

SECTION 3. Chapter 9-84 of the Municipal Code of Chicago is hereby amended by adding a new section 9-84-035, as follows:

9-84-035 Towing of unauthorized vehicles.

(a) Unauthorized vehicles shall be towed directly from the initial point of tow to the towing firm's facility that is indicated on the sign posted on the private property.

(b) No vehicle shall be towed or otherwise relocated to a storage lot or facility that is not identified on signs posted at the location from which the vehicle is relocated in compliance with section 1710.50 of subchapter d of chapter 92 of the Illinois Administrative Code, codified at 92 Ill. Adm. Code 51710.50. Following the initial tow, no vehicle shall be subsequently transported to any other lot or facility except to a secondary storage lot in compliance with section 1710.134 of subchapter d of chapter 92 of the Illinois Administrative Code, codified at 92 Ill. Adm. Code 51710.134.

9-84-040 Violation-Penalty.

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

a) making a tow or authorizing a tow, 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; or

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

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 Repeated offenses^{ih} excess of three may also be punishable as a misdemeanor by incarceration for a term not to exceed six months under the procedure set forth in Section 1-2-1.1 of the Illinois Municipal Code," as/amended and the provisions of the Illinois Code of Criminal Procedure, as amended/in a separate proceeding. Any person, or any officer of any corporation, if such person is a corporation and the corporation has been guilty of such repeated offenses, or any partner of any partnership, if such person is a partnership and the partnership has been guilty of such repeated offenses, shall be subject to incarceration as provided herein.

Each violation shall be considered a separate and distinct offense..

SECTION 4. This ordinance shall take effect 10 days following its passage and publication.

City Clerk

Chicago, April 30, 2014

To the President and Members of the City Council:

Your Committee on License and Consumer Protection, having under consideration an ordinance introduced by City Clerk Susana Mendoza and Alderman Mathew O'Shea (which was referred on April 2, 2014), to amend the Municipal Code of Chicago regarding violations of the wheel tax ordinance and towing of vehicles, begs leave to recommend that Your Honorable Body pass the ordinance which is transmitted herewith.

This recommendation was concurred in by a viva voce vote of the members of the committee on April 23, 2014.

Respectfully submitted,

EMTMA MITTS ' CHAIRMAN, COMMITTEE ON
LICENSE AND CONSUMER PROTECTION