



Office of the City Clerk

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Legislation Text

File #: O2014-9764, Version: 1

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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 and unlawful charges; and

WHEREAS, an individual's safety and welfare is directly affected by the involuntary loss of his or her vehicle, leaving the person stranded at dangerous times or locations, or potentially miles away from home without an alternative mode of transportation; and

WHEREAS, pre-tow photographs will help to ensure that only those unauthorized vehicles parked improperly are towed, thereby reducing false vehicle theft reports, reducing the number of vehicles being erroneously towed on the public streets, and expediting the recovery of the vehicle by an owner by avoiding a confrontation over an erroneous tow; and

WHEREAS, the City Council believes that the safety measures proposed by this ordinance, governing performing of non-consensual towing, would promote public safety by ensuring that: (1) owners are charged only those fees authorized by applicable law; and (2) only those vehicles improperly parked on private property are relocated; 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. Chapter 9-84 of the Municipal Code of Chicago is hereby amended by adding new sections 9-84-005, 9-84-023 and 9-84-025, by adding the language underscored and by deleting the language struck through, as follows:

9-84-005 Definitions.

For purposes of this chapter the following definitions apply:

"Commission" means the Illinois Commerce Commission.

"Relocated," "Relocating," and "Relocation" have the same meaning ascribed to those terms in Section 1710.10 of subchapter d of Chapter 92 of the Illinois Administrative Code, codified at 92 Ill. Adm. Code § 1710.10.

"Relocator" and "Operator" have the same meaning ascribed to those terms in Section 18a-100 of the Illinois Vehicle Code. 625 ILCS 5/18fa)-100.

"Unauthorized vehicle" means any vehicle parked or abandoned on private property without the consent of the property owner or his authorized agent, or any vehicle parked or abandoned on private property in violation of any provision of this Code.

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9-84-010 Report - Definition - Procedure.

(a) Within 30 minutes after ~~towing~~ relocating any unauthorized vehicle ~~from private property, any person towing a vehicle from private property or his agent or employer the~~ relocater 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 ~~towed~~ relocated vehicle and the location from which the vehicle was towed relocated. In addition to this notification, within 24 hours after ~~tewioe~~, relocating an unauthorized vehicle ~~from private property, the towing firm or its agent~~ relocater shall submit a written report to the superintendent of police containing the following information:

- 1) Name, address and telephone number of the ~~towing firm~~ relocater and of the operator ~~person or person making the tow;~~
- 2) State license plate number of the vehicle relocated towed;
- 3) Vehicle identification number of the vehicle relocated towed;
- 4) Color, make and model of the relocated towed vehicle;
- 5) Date and time of the relocation towing;
- 6) Address of place from which vehicle was relocated ~~towed~~;
- 7) Names and addresses of any witnesses to the relocation towing;
- 8) Name of person with whom this ~~towing~~ 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 tow.

b) (Reserved) An ~~unauthorized vehicle on private property shall mean any vehicle parked or abandoned on private property without the consent of the property owner or his~~

~~provision of this Code.~~

c) Before a ~~towing firm may remove~~ relocater or operator relocates an unauthorized vehicle ~~from private property~~, the ~~firm must~~ relocater shall first obtain written consent from the owner of the private property or his authorized agent to ~~remove~~ relocate the specific vehicle in question, unless the firm has an agreement to ~~remove~~ relocate all unauthorized vehicles from the that private property.

d) When any owner enters into an agreement with a relocater ~~towing firm~~ to relocate ~~remove~~ unauthorized vehicles from his private parking area, the ~~towing firm~~ 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 ~~towed~~;
- 3) The name, address and telephone number of the relocater ~~towing company~~, and the location to which the car will be relocated towed, if different;
- 4) The fee charged by the ~~towing firm~~ relocater to recover the unauthorized vehicle and whether cash, check or credit cards will be accepted in payment.

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

9-84-020 Removal of vehicle by owner or legal possessor of vehicle.

No unauthorized vehicle may be towed or relocated by any person or operator from private property if the owner or other person entitled to possession of the vehicle is present and offers to remove such vehicle voluntarily prior to the time such person attempting the relocation or operator attempts to tow or relocate ~~removes~~ such vehicle from the premises in question; provided that the owner or other person so removes the vehicle immediately thereupon.

9-84-021 Towing Relocating of vehicle containing passenger prohibited.

No unauthorized vehicle may be towed by any person or operator from private property if the vehicle to be towed or relocated contains one or more passengers. Any person who violates this section shall be subject to the penalties described in Section 9-84-0407

9-84-023 Charges for relocated vehicles.

No relocater shall demand, collect or receive anything of value or compensation from the owner, agent or lessee of a relocated vehicle other than the amount indicated on the signs posted on the private property from which the vehicle was relocated, or the rate established by the Commission, whichever is less; provided that this subsection shall not apply to storage fees prescribed by the Commission which are posted in compliance with the Commission's rules and regulations at the locations where the relocated vehicle may be reclaimed.

9-84-025 Pre-tow Photographs-Required.

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.

9-84-030 Insurance required.

No person or operator shall tow or relocate any vehicle from private property nor shall any person accept in storage an unauthorized vehicle towed from private property unless at the time of the tow or relocation there shall be the relocater had liability insurance in effect in the name of such person or operator as provided in Section 9-44-050.

9-84-035 Towing Relocation of unauthorized vehicles.

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

b) No unauthorized 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 unauthorized 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 § 1710.50. 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 1710.34 of subchapter d of Chapter 92 of the Illinois Administrative Code, codified at 92 Ill. Adm. Code § 1710.34.

9-84-040 Violation - Penalty.

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

a) ~~making a tow relocating or authorizing a relocation of an unauthorized vehicle 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; er

b) ~~towing or otherwise~~ 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 \$1,000.00T;_or

c) relocating an unauthorized vehicle in violation of section 9-84-023 or 9-84-025 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.

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Each violation shall be considered a separate and distinct offense.

02014-9764

Chicago, April 15, 2015

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 Mendoza and Aldermen Cochran, Thompson, Lane, Sawyer, Silverstein, Quinn, Pope, O'Shea, Foulkes, Fioretti, Balcer, Reilly, Brookins, and Graham (which was referred on December 10, 2014), to amend Section 9-84 of the Municipal Code of Chicago regarding towing and relocation 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 January 14, 2014.

CHAIRMAN, COMMITTEE ON LICENSE AND CONSUMER PROTECTION

Respectfully submitted,