

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTIONS 5.68.020 (TOWING FIRM APPLICATION PROCEDURES, 5.68.030 (TOWING FIRM EQUIPMENT AND FACILITIES REQUIREMENTS) AND 5.68.040 (TOWING FIRM PERFORMANCE REQUIREMENTS OF CHAPTER 5.68 (TOWING COMPANIES) OF TITLE 5 (BUSINESS LICENSES AND REGULATIONS OF THE CITY OF CREST HILL CODE OF ORDINANCES

WHEREAS, the City of Crest Hill is authorized by Section 11-60-1 of the Illinois Municipal Code to fix the amount, terms and manner of issuing, regulating and revoking licenses (65 ILCS 5/11-60-1); and

WHEREAS, the City of Crest Hill has previously exercised said authority by adopting Title 5 of its Code of Ordinances which contains a comprehensive set of Business License Requirements and Regulations; and

WHEREAS, Chapter 5.68 of Title 5 establishes licensing requirements and regulations of towing companies within the City in addition to establishing a Crest Hill Police Department Rotation Tow List and requirements for applying to the City of Crest Hill to participate in the Police Department Towing Program and performance, equipment and facility requirements for Towing Companies approved to participate in the Police Department Towing Program; and

WHEREAS, pursuant to its express authority granted by the Illinois Municipal Code, the City of Crest Hill has from time to time deemed it necessary to amend its Code of Ordinances; and

WHEREAS, the City Council has determined that certain sections of Chapter 5.68 of the City of Crest Hill Code should be amended to reflect the new address of the Crest Hill Police Department and to allow a Tow Companies outside of the City's Corporate Limits but within 3.5 miles of the City's Corporate Limits to participate in the Crest Hill Police Department Towing Program.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Crest Hill, Illinois, as follows:

SECTION 1: PREAMBLE. The preamble of this Ordinance is declared to be true and correct and is incorporated by reference as if fully set forth in this Section 1.

SECTION 2: APPROVAL. Sections 5.68.020 (Towing Firm Application Procedures), 5.68.030 (Towing Firm Equipment and Facilities Requirements), and 5.68.040 (Towing Firm Performance Requirements) of Chapter 5.68 (Towing Companies) of Title 5 (Business Licenses and Regulations of the City of Crest Hill Code of Ordinances are hereby repealed in their entirety and replaced as follows, with all other sections of Chapter 5.68 remaining unchanged:

§ 5.68.020 TOWING FIRM APPLICATION PROCEDURES.

(A) A towing firm wishing to participate in the City of Crest Hill Towing Program will obtain an application form from the City of Crest Hill Police Department, 20590 City Center Boulevard, Crest Hill, Illinois 60403.

(B) A properly completed application form must be submitted by a firm seeking placement on the city tow list. Incomplete forms will not be processed.

(C) The applicant towing firm will provide the name, address, date of birth and driver's license number of each principal and each employee of the firm who will be involved in the towing operation as operators of either trucks or storage facilities.

(D) Principals and employees of the firm may be subjected to a background investigation by the Police Department prior to the firm being approved for participation in the program.

(E) After application, a physical inspection of the business will be conducted by the city to determine that:

(1) Sufficient storage space and security exists;

(2) The equipment used to tow vehicles is sufficient in number, type and condition;

(3) The proposed use of the towing firm's storage site complies with the City of Crest Hill zoning ordinances and all other applicable laws and ordinances; and

(4) The towing firm has all licenses and permits required by law or ordinance to operate a towing and storage facility and all vehicles used in the service.

(F) Each towing firm must provide the Police Department with a certificate of insurance showing:

(1) Liability coverage in at least the minimum amount required by ILCS Ch. 625, Act 5, § 12-606, as amended; and

(2) The city and its officials, agents and employees as additional insured under the liability policy.

(G) If the towing firm meets all requirements, the approved towing firm will be presented with a written agreement outlining all conditions to which the firm and its employees must adhere to participate in the city's towing program.

(H) After the written agreement is executed, the firm will be added to the tow rotation and will be used for calls by the Police Department.

(I) The City of Crest Hill shall amend the written agreement as it deems necessary, however, the tow operators shall provide the following information to the city annually:

(1) Current insurance policy;

(2) Updated employee/driver information;

(3) Current equipment VIN and registration information.

(Ordinance 1487, passed 5-18-09)

§ 5.68.030 TOWING FIRM EQUIPMENT AND FACILITIES REQUIREMENTS.

(A) The towing firm and all towing vehicles shall comply with all sections of ILCS Ch. 625, Act 5, § 12-606 as amended, to properly remove vehicles from the scene of a crash or abandonment in a professional manner and within a reasonable time span, considering time of day, day of week, and traffic and weather conditions. These requirements include but are not limited to:

(1) The complete name and address of the company painted on both sides of the truck in letters not less than two inches in height and the width of the brush stroke one-half inch (magnetic signs are prohibited);

(2) Proper equipment on the truck, including a broom, shovel, dirt, sand, or oil absorbent, five-gallon trash can, and fire extinguisher;

(3) Proof of insurance; and

(4) Any other equipment required by law.

(B) All towing equipment operated by the towing firm must display current valid Illinois registration as required by ILCS Ch. 625, Act 5, §§ 3-414, 3-707 and 5-202, and a valid City of Crest Hill vehicle license sticker.

(C) The towing firm's equipment must be capable of towing vehicles in a safe manner. No vehicles will be towed with a rope, cable or chain. This does not prohibit winching a vehicle from a ditch or other unusual circumstances.

(D) The towing firm must have the necessary equipment to "float" vehicles. There is no extra charge for this service.

(E) The firm must store all towed vehicles at its principal place of business either within the corporate limits of the city or within 3.5 miles of the Crest Hill Corporate Boundary. The towing firm must provide adequate storage and security against pilferage, damage, and contamination of any physical evidence contained in the vehicle.

(F) Storage must be convenient to those seeking to retrieve their vehicle. No additional charge will be assessed to vehicle owners for vehicle release or for moving vehicles to a convenient location for release.

(Ord. 1487, passed 5-18-09)

§ 5.68.040 TOWING FIRM PERFORMANCE REQUIREMENTS.

(A) The towing firm agrees to maintain communication with the Crest Hill Police Department on a 24-hour availability basis. Telephone numbers will be provided to the Police Department for continuous contact.

(B) Service is expected on a 24-hour, seven day a week basis. Failure to verify a call within three minutes or a missed call will result in a "skip" on the basic tow rotation list. In the case of a police tow, a missed call or failure to verify a call shall be considered a refusal.

(C) Upon receiving a call for service, an appropriate vehicle must be dispatched. Handling of other business is prohibited while en route to a city service call.

(D) When contacted for a call for service, the firm will be advised that the tow is a police tow or basic tow. The firm must provide the Police Department with a reasonable estimated time of arrival, considering the time of day, day of week, traffic, weather and driving conditions. However, the response time should be no longer than 25 minutes.

(E) All towing firms will be expected to single source each call for service. For every call for service, crash, etc. only one firm will be called to handle the call. Therefore it is necessary that each firm be able to immediately tow two vehicles from a scene, 24 hours a day, seven days a week. If a third or subsequent vehicle is in need of towing, another towing firm shall be requested. When a towing firm arrives at a scene, the vehicle(s) creating the most significant traffic hazard(s) will be towed first.

(F) Every operator and driver of a tow truck operated by the firm will strictly comply with the provisions set forth in ILCS Ch. 625, Act 5, § 12-606(c) as amended, by removing or causing to be removed in a timely manner all glass and debris deposited upon any street or highway by the disabled vehicle being serviced and/or removed, and will in addition, spread dirt, sand or other material specifically formulated to neutralize oil or grease, upon that portion of any street or highway

where such substances have been deposited by the disabled vehicle being serviced or removed.

(G) The firm must maintain a separate log of all personal property that they temporarily remove from towed vehicles for safekeeping. This information may be subject to periodic review by the city.

(H) (1) Any personal property belonging to the vehicle owner in a vehicle subject to a lien under ILCS Ch. 625, Act 5, § 4-203(g)(3) shall likewise be subject to that lien, excepting only: child restraint systems as defined in section 4 of the Child Passenger Protection Act and other child booster seats; eyeglasses; food; medicine, perishable property; any operator's licenses; any cash, credit cards, or checks or checkbooks; any wallet, purse, or other property containing any operator's license or other identifying documents or materials, cash, credit cards, checks, or checkbooks; and any personal property belonging to a person other than the vehicle owner if that person provides adequate proof that the personal property belongs to that person. The spouse, child, mother, father, brother, or sister of the vehicle owner may claim personal property excepted under this division if the person claiming the personal property provides the commercial vehicle relocater or towing service with the authorization of the vehicle owner.

(2) This division applies only in the case of a vehicle that is towed as a result of being involved in an accident. In addition to the personal property excepted under division (H)(1) of this section, all other personal property in a vehicle subject to a lien under this division is exempt from that lien and may be claimed by the vehicle owner if the vehicle owner provides the commercial vehicle relocater or towing service with proof that the vehicle owner has an insurance policy covering towing and storage fees. The spouse, child, mother, father, brother, or sister of the vehicle owner may claim personal property in a vehicle subject to a lien under this division if the person claiming the personal property provides the commercial vehicle relocater or towing service with the authorization of the vehicle owner and proof that the vehicle owner has an insurance policy covering towing and storage fees. The regulation of liens on personal property and exceptions to those liens in the case of vehicles towed as a result of being involved in an accident are exclusive powers and functions of the state. A home rule unit may not regulate liens on personal property and exceptions to those liens in the case of vehicles towed as a result of being in an accident. This division (H)(2) is a denial and limitation of home rule powers and functions under the Illinois Constitution, Article VII, § 6(h).

(I) No vehicle will be released to anyone unless he or she can prove legal ownership and the vehicle is eligible for release according to the Vehicle Tow and Inventory Control Report, or otherwise released by the Police Department.

(J) If a vehicle has been towed and the Vehicle Tow and Inventory Report indicates a "Police Hold" is in effect on the vehicle, the towing firm will only release

that vehicle when the legal owner presents a release form from the Police Department or a representative from the Police Department authorizes the release for the vehicle.

(K) The towing firm will tow city vehicles to the Police Department parking lot located at 20590 City Center Boulevard at the request of the city. No charge will be assessed to the city. These tows will be requested from the police tow list.

(L) Victim vehicles will be towed at the direction of the city for the purpose of evidence processing with no cost to the vehicle owner or city. These tows will be requested from the police tow list.

(M) In the event of a court ordered release of a vehicle involved in a crime without charges to the owner of the vehicle, the towing firm will waive these costs of towing and storage. These tows will be requested from the police tow list.
(Ord. 1487, passed 5-18-09)

SECTION 3: SEVERABILITY. If any section, paragraph, clause or provision of this Ordinance is held invalid, the invalidity of such section, paragraph, clause or provision shall not affect any other provision of this Ordinance.

SECTION 4: REPEALER. All ordinances, resolutions or orders, or parts thereof, which conflict with the provisions of this Ordinance are to the extent of such conflict hereby repealed.

SECTION 5: EFFECTIVE DATE. This Ordinance shall be in full force and effect immediately upon its passage and publication according to law.

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PASSED THIS 5TH DAY OF AUGUST, 2024.

	Aye	Nay	Absent	Abstain
Alderwoman Jennifer Methvin				
Alderman Scott Dyke				
Alderwoman Claudia Gazal				
Alderman Darrell Jefferson				
Alderperson Tina Oberlin				
Alderman Mark Cipiti				
Alderman Nate Albert				
Alderman Joe Kubal				
Mayor Raymond R. Soliman				

Christine Vershay-Hall, City Clerk

APPROVED THIS 5TH DAY OF AUGUST, 2024.

Raymond R. Soliman, Mayor

ATTEST:

Christine Vershay-Hall, City Clerk