

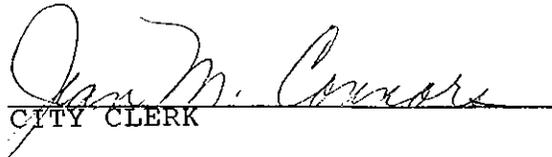
CITY OF ST. CHARLES

ORDINANCE NO. 1986-M-4

AN ORDINANCE AMENDING CHAPTER 10, "VEHICLES
AND TRAFFIC," OF THE ST. CHARLES MUNICIPAL CODE

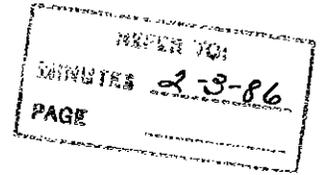
ADOPTED BY THE
CITY COUNCIL
OF THE
CITY OF ST. CHARLES
THIS 3rd DAY OF FEBRUARY, 1986

PUBLISHED IN PAMPHLET FORM BY
AUTHORITY OF THE CITY COUNCIL
OF THE CITY OF ST. CHARLES,
KANE AND DU PAGE COUNTIES,
ILLINOIS, THIS 7th DAY OF
FEBRUARY, 1986


CITY CLERK

ORDINANCE NO. 1986-M 4

AN ORDINANCE AMENDING CHAPTER 10, "VEHICLES
AND TRAFFIC", OF THE ST. CHARLES MUNICIPAL CODE



BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ST. CHARLES, KANE
AND DU PAGE COUNTIES, ILLINOIS, AS FOLLOWS:

1. That Chapter 10, "Vehicles and Traffic", of the St. Charles
Municipal Code, be and is hereby amended by adding Chapter 10.58,
"Towing Services", as follows:

DATE OF PUBLICATION 2/7/86
NEWSPAPER Ramp/let form

Chapter 10.58

TOWING SERVICES

Section 10.58.020 IN GENERAL

A. Definitions

1. A "tow truck" is a motor vehicle which has been altered or designed and equipped for and exclusively used in the business of towing vehicles by means of a crane, tow bar, tow line or dolly, or is otherwise exclusively used to render assistance to other vehicles.
2. "Towing service" shall mean the provision of tow truck services in response to a dispatch or request from the City Police Department or any other City department.

Section 10.58.040 SELECTION AND DESIGNATION OF TOWING SERVICES

- A. It is the purpose of this chapter to prescribe regulations for the operation of tow trucks in the removal of motor vehicles which are illegally parked, abandoned, involved in accidents, or which constitute obstructions to traffic or snow removal operations, or which constitute public nuisances. In enacting this chapter, it is further proposed to provide a fair and impartial means of distributing City requests for towing services among qualified firms, and to insure that such services are prompt and reasonably priced and are provided in the best interests of the public, as well as the interest of efficient removal of said vehicles. This chapter regulates only towing services dispatched or requested by City personnel. The provisions hereof shall at all times be subject to applicable statutory requirements and Illinois Commerce Commission regulations and orders pertaining to commercial towing. The provisions for payment are subject to budget and Council approval. Further, neither the owner or person in control of any vehicle towed nor the owner of any personal property therein may utilize the provisions hereof or have the benefit thereof.

B. Roster

All firms selected and designated to provide towing services hereunder shall be listed on a roster to be kept by the Police Department. Said roster of towing firms shall, at all reasonable times, be open to public inspection.

C. Eligibility

Any firm shall become eligible to be listed on the roster and participate in the assignment of service calls by the Police Department if it has maintained its principal place of business in the City of St. Charles for a period of at least six (6) months prior to the date of application, or is within the subdivision control limits of the City of St. Charles for the six (6) month period.

D. Application

Any firm meeting the minimum eligibility requirements set forth in subsection C above may submit an application to the City of St. Charles to participate in emergency police towing operations. The application shall be in a form provided by the City Clerk, which form shall elicit the information hereinafter set forth.

Section 10.58.060 BUSINESS OPERATION

A. Name of Firm

Indicate whether a corporation or partnership, list all parties having an interest in said towing firm, including names and addresses, number of years business has been established in the City of St. Charles or surrounding area, and number of years that those persons holding such ownership in said firm have been doing business in the City of St. Charles or surrounding area.

B. Experience

List number of years and locations of participation in similar police towing services, together with any commendations or written complaints received from governmental agencies in conduct of said business within the last five (5) years.

C. Stability

State business activities of firm aside from participation in police towing activities.

D. Attendants and Drivers

List names and addresses of all attendants and drivers who will conduct the police towing service, as well as number of years employed, training received by said attendants and drivers, and experience of said personnel in the conduct of said business.

E. Equipment

Describe available equipment to be used in police towing services, particularly in terms of comparative qualities or capacities as related to minimum eligibility requirements.

F. Communications

Describe the method of operation of the communications system between the place of business and operating tow trucks, as well as the means utilized for insuring prompt dispatch of trucks upon receipt of call from the Police Department.

G. Other Facilities and Personnel Available

List all provisions for recordkeeping, backup personnel and auxiliary services which might be required to effectively carry out a high level of service to the public in the business of tow truck operations.

H. Business Location and Storage Lot

1. Primary business location

List location of primary business operation, including dimensions and types of facilities available.

2. Storage Lot

List location of storage lot(s), zoning classifications, dimensions thereof, relationship to primary business operation, and the type of protection provided at said lot(s).

3. Minimum Business and Storage Lot Requirements

- a. Business and storage: The business and storage lot must be a reasonable distance from public transportation and the storage lot; must be in close proximity to the place of business; and the storage area, if not located within a building, must be located in an M-1 Manufacturing District or have the right to the use of the subject property consistent with permitted uses of an M-1 District; provided, that if said area is located on a premise where an already existing principal use authorizes the storage of cars and trucks in the open as accessory to said principal use, the storage lot must have adequate storage space (at least fifty (50) feet by one hundred (100) feet or equivalent area) to accommodate thirty (30) cars either under cover or well fenced. The firm must exercise ordinary care in keeping stored vehicles and contents safe from pilfering as may be required by a bailee or as otherwise required by law.

- b. Hours: There shall be an attendant on call, capable of responding to police requests for towing or for the release of vehicles twenty-four (24) hours a day, seven (7) days a week, as well as to be present or available for the release of vehicles to the public, from 0600 hours to 2200 hours a day, seven (7) days a week.
- c. Records: Each garage shall keep a record of the vehicle and license number; date and time it was towed; location from which it was towed; name of officer ordering the towing; and whether the vehicle was impounded or towed at the owner's request.

Section 10.58.100 Roster Fee

- A. All firms listed on the roster shall pay the City of St. Charles a fee in the amount of \$25 for each year, starting May 1 and ending the following April 30, said firm is listed on said roster.
- B. The initial fee is due and payable upon approval by the City Council of the application herein provided. The renewal fee shall be paid on May 1 thereafter.

Section 10.58.120 Review of Applications

It shall be the duty of the Chief of Police, or his designated agents, to investigate all applications submitted hereunder and place all eligible firms on the roster for approval by the City Council. The Chief of Police may recommend denial of any application if, after due investigation, he finds that the applicant does not meet the minimum requirements set forth herein.

Section 10.58.140 Assignment

Any firm listed on the roster shall not assign its position in the schedule to other towing concerns nor assign any calls without written consent of the Chief of Police.

Section 10.58.160 Tow Trucks - Minimum Equipment Standards

Minimum equipment standards for tow trucks shall be as follows:

- A. Truck chassis: At least one rig of one-ton capacity with rear dual wheels. The police officer on the scene shall determine if greater capacity is needed and may call upon any service capable of providing that capacity regardless of whether or not

said company is on the roster of the City or whether it is their period of time to receive police requests.

- B. Company name: Company name, address or phone number on both sides of tow car.
- C. Lights: Trucks must, at all times, be equipped with such headlights, taillights, red reflectors, stoplights, warning lights, etc., as required by Illinois law, plus one white utility light (adjustable or portable), and may be equipped with such other lights as the owner may desire which are not forbidden by law.
- D. Winch: To be power-driven with original manufacturer's installed braking devices.
- E. Additional equipment: Trucks must be equipped with red flares, lanterns or reflectors, hand tools, crowbar, rope, broom, shovel, dustpan, fire extinguisher (dry chemical type), portable red taillight and stoplight for towed vehicles, equipment for opening locked vehicles and safety snubber chain. Each tow company shall have at least one set of dollies readily available at all times.

Section 10.58.180 Dispatching Requirements

- A. All requests for towing service pursuant to this chapter shall be made through the Police Department.
- B. When it becomes evident that there will be more than a 20-minute delay in responding to a request for towing service, the tow car company concerned shall advise the Police Department of this delay. At that time the Police Department reserves the right to request the services of the next towing service on the towing schedule for service.
- C. Towing units shall be dispatched from the place of business, or a reasonable distance from the place of business, as determined by the Police Department. The Police Department may, from time to time, establish a policy with regard to distribution of requests for towing service among the successful applicants, provided that said policy is fair and equitable to all firms listed on the roster.
- D. Failure to comply with any of the requirements under this chapter shall not subject the City to liability.

Section 10.58.200 Fees

A. Towing

The maximum fee which may be charged by any towing operator hereunder for removing a vehicle from the street in response to a police call shall be as follows:

1. For a tow of any passenger car, motorcycle, stake, panel or dump truck empty, up to and including one ton, \$40 per call.
2. For the removal of trucks, trailers, semitrailer or house trailers, loaded or empty, in excess of one ton or not covered in Subsection 1 above is \$55 per call.
3. For police snow tow removal, \$55 an hour per tow truck.
4. A towing operator who responds to a call but who is required to delay commencing the tow for a period of 20 minutes or more, due to circumstances beyond his control shall be permitted to charge at the rate of \$25 per hour per tow truck for such waiting time up to a period of two (2) hours.
5. Police vehicles for the City of St. Charles will be towed at no charge to the City.
6. A towing service who responds to a call requiring two trucks or more, or is the type of call requiring special handling (vehicle roll-over, in river, impacted in house/building, etc.) shall be permitted to charge at the rate of \$55 per hour or fraction thereof per tow truck.

B. Storage Charges

Storage charges for vehicles shall be as follows:

1. For vehicles stored less than twenty-four (24) hours, no charge.
2. For storage of all vehicles, \$10 maximum per day.
3. No towed vehicles shall be stored or parked on any city street or alleyway on or about the towing operator's garage or parking lot for longer than ninety (90) minutes.

C. Revision of rate - Notice of hearing

1. The City Council of the City of St. Charles may, from time to time, amend, by ordinance after a public hearing, the schedule of maximum fees or rates which may be charged for towing and storage services.
2. Prior to the City Council hearing, there shall be a publication, at least once, of notice of said hearing in a newspaper of general circulation within the City, at least ten (10) days before the hearing date. In addition thereto, the hearing shall be preceded by at least ten (10) days' notice of such hearing, given by letter from the City Clerk to each firm then listed on the roster herein provided, said letter directed to the address contained in the application submitted hereunder. Failure to give such notice shall not invalidate such fees.

Section 10.58.210 Other Rules of Operation

Removing hazards: After being dispatched by the Police Department to the scene, the tow truck operator shall cooperate with the police officers in removing hazards and illegally parked vehicles as requested. The police officer shall determine when such a vehicle should be impounded or moved, and the tow truck operator shall abide by his/her decision.

Section 10.58.220 Tow Car Markings

Only tow cars bearing the name of the company called shall be dispatched to the scene of need.

Section 10.58.240 Ethics and Conduct

All owners of tow truck companies shall conduct their business in an orderly, ethical and businesslike manner and use every means to obtain and keep the confidence of the motoring public.

Section 10.58.260 Protection of Vehicles

Vehicles impounded by the police for special investigations, i.e., fingerprints, etc., shall be held in maximum security until cleared by the investigating officers. Contents of vehicles with a police "hold" shall not be removed.

Section 10.58.280 Insurance

Each firm listed on said roster shall have in full force and effect during the period said firm remains on said roster, public liability, property damage and fire and theft insurance coverage. Proof of said coverage shall be a minimum eligibility requirement. The amounts of public liability and property damage coverage shall not be less than: public liability, \$100,000 for one person injured in one accident; and \$300,000 aggregate for more than one person injured in one accident. Property damage, \$50,000 for one accident. Such public liability and property damage policies shall add the City as additional insured.

Section 10.58.300 Storage lot Capacity

At no time shall the storage lot be filled to more than ninety (90) per cent capacity. Should the lot be filled greater than said limit, the Chief of Police of the City of St. Charles may suspend towing services pursuant to this chapter until such time as the number of the vehicles in said lot is reduced to within the above-stated capacity.

Section 10.58.310 City of St. Charles Held Harmless

In the event that any firm listed on said roster performs towing services in a manner not in accordance with the provisions contained in this chapter, the City of St. Charles is held harmless from any and all liability or damage arising therefrom.

Section 10.58.320 Responsibility

The owners of tow truck companies participating in towing assignments by the Police Department shall be responsible for the acts of their employees while on duty. Towing companies shall be responsible for damage to vehicles while in their possession.

Section 10.58.340 Supervision Checks

All tow companies' records, equipment and storage facilities will be subject to periodic checks by the Police Department investigators. Any deviation from the requirements established herein or failure at any time to provide responsible, quick and efficient service at the rates prescribed may result in the removal of the name of such firm from the roster by the City Council upon recommendation of the Chief of Police.

Section 10.58.360 Vehicle Repair or Alternation; When Permitted

A person conducting towing operations shall refrain from making any repairs or alterations to a vehicle without first being authorized by the owner or his designee. Parts or accessories shall not be removed from vehicles without authorization except as necessary for security purposes. Under such circumstances, the parts or accessories removed shall be listed on the tow sheet.

Section 10.58.380 Access to Vehicles

Vehicles to be impounded shall be accessible to Police Department personnel. An employee of the towing company may be required to assist.

Section 10.58.400 Damage Appraisals

All vehicles stored or impounded, as a result of the tow ordered by the Police Department, shall be made available to the owner of the vehicle or his representative, any insurance agent, insurance adjuster, or any body shop or car dealer, for the purpose of estimating or appraising damages, except vehicles with a police "hold", during the hours of 0600 to 2200 hours, seven (7) days a week.

Section 10.58.420 Failure to Provide Services - Penalty

Any person, firm, or corporation whose name is placed on the roster maintained by the Chief of Police for calls for the providing of towing services who fails to provide such services in the manner provided by this chapter may be removed from the roster and may not be reinstated for a period of one year following removal.

Section 10.58.440 Building Code

Storage lot buildings, fencing, driveways, etc., must conform with building code requirements of the City of St. Charles.

Section 10.58.460 Regulations

Any and all tow car or tow truck operators not selected and designated pursuant to this chapter are hereby prohibited from removing from the public streets and towing away any vehicles involved in the situations as set forth in the preamble of this chapter; provided, however, that the owner or operator of the vehicle involved in the aforesaid situations may designate any towing service to be used for the towing away of said vehicle and/or may designate the destination of the towed vehicle.

2. That after the adoption and approval hereof the Ordinance shall (i) be printed or published in book or pamphlet form, published by the authority of the Council, or (ii) within thirty (30) days after the adoption and approval hereof, be published in a newspaper published in and with a general circulation within the City of St. Charles.

PRESENTED to the City Council of the City of St. Charles, Illinois, this third day of February, 1986.

PASSED by the City Council of the City of St. Charles, Illinois, this third day of February, 1986.

APPROVED by the Mayor of the City of St. Charles, Illinois, this third day of February, 1986.



Mayor

ATTEST:



City Clerk

COUNCIL VOTE:

Ayes: 9

Nays: 0

Absent: 1

APPLICATION
To Tow For the City of St. Charles
This is Not A Contract

RETURN TO: City Clerk
Date: _____

Application No. _____
Date Issued _____

1. Name and Address of Business: _____
2. Individual _____ Partnership _____ Corporation _____
3. Name, age and address of applicant (s)

<u>Name</u>	<u>Address</u>	<u>Telephone No.</u>	<u>Birth Date</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

4. If a corporation, give names, addresses and dates of birth of officers and directors

<u>Name</u>	<u>Address</u>	<u>Birth Date</u>	<u>Office Held</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

5. Number of years business has been established in the City _____
6. Has applicant (if a partnership, any members thereof, or a corporation, the President or Secretary thereof) ever been convicted of a felony? _____
If yes, explain on other side.
7. Has applicant made any prior application to tow for the City which has been revoked or suspended? _____ If yes, explain on other side.
8. Do you tow for any governmental agency in DuPage/Kane County? _____
If yes, list the governmental agency and years of participation.

9. State business activities of firm aside from participation in police towing activities.

10. List names and addresses of all attendants and drivers who will conduct the police towing service, as well as number of years employed, training received by said attendants and driver, and experience of said personnel in the conduct of said business.

- 11. Describe available equipment to be used in police towing services, particularly in terms of comparative qualities or capacities as related to minimum eligibility requirements. _____

- 12. Describe the method of operation of the communications system between the place of business and operating tow trucks, as well as the means utilized for insuring prompt dispatch of trucks upon receipt of call from the police department.

- 13. Primary business location. (Description must be complete including dimensions and types of facilities available. _____

- 14. List location of storage lot(s), zoning classification, dimensions thereof, relationship to primary business operation, and the type of protection provided at said lot(s). _____

15. Name of owner of building and property, if not applicant, where business will be operated:

<u>Name</u>	<u>Address</u>	<u>Phone</u>
_____	_____	_____

16. If leased, give length of lease and date lease expires:

17. Name of Insurance Company: _____

Description and Amount of Insurance _____

Policy Number: _____

By signing this application the applicant agrees to all the provisions of Chapter 10.58 of the St. Charles Municipal Code.

Applicant _____

Received: _____ by: _____ Fee Paid \$ _____
Date

Investigation _____ by: _____ Recommendation: _____
Date Investigator

Approved: _____ by: _____
Date Chief of Police

STATE OF ILLINOIS)
) SS.
COUNTIES OF KANE AND DU PAGE)

C E R T I F I C A T E

I, Jean M. Connors, certify that I am the duly elected and acting municipal clerk of the City of St. Charles, Kane and DuPage Counties, Illinois.

I further certify that on February 3, 1986 the Corporate Authorities of such municipality passed and approved Ordinance No. 1986-M-4, entitled AN ORDINANCE AMENDING

CHAPTER 10, "VEHICLES AND TRAFFIC," OF THE ST. CHARLES

MUNICIPAL CODE

which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 1986-M-4, including the Ordinance and a cover sheet thereof was prepared, and a copy of such Ordinance was posted in the municipal building, commencing on February 7, 1986, and continuing for at least ten days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the municipal clerk.

DATED at St. Charles, Illinois, this 5th day of

February, 1986.

Jean M. Connors
Municipal Clerk

(S E A L)