



FINANCE DEPARTMENT
MUNICIPAL COLLECTOR'S DIVISION
M E M O R A N D U M

TO: Mayor Prussing
FROM: Elizabeth S. Beaty, Office Manager
DATE: March 26, 2012
RE: Relocator Requirements

Brief Description of the item

The attached ordinance will amend Urbana City Code Section 23-291. Revisions include referencing the comptroller, rate schedule requirement, issuing a license, penalty for failure to register and removing unnecessary language from the code.

Identification of the Issues and any approvals required

Relocator registration is necessary for enforcement purposes and for consumer protections for those who utilize tow companies.

Changes in the ordinance will require Council approval.

Options and their consequences

The requirement for a Relocator to register their business with the City will encourage compliance and give the City authority to suspend or revoke the license of any Relocator that violates City Code.

It will also help the Urbana Police Department in its enforcement of each Relocator on the rotational list.

Fiscal impact

None

Recommendation

Staff recommends approval of the attached ordinance, which would take effect on July 1, 2012.

ORDINANCE NO. 2012-03-029

AN ORDINANCE AMENDING URBANA CITY CODE CHAPTER TWENTY THREE,
SECTION 23-291

WHEREAS, the City of Urbana ("City") is a home rule unit of local government pursuant to Article VII, Section 6, of the Illinois Constitution, 1970, and may exercise any power and perform any function pertaining to its government and affairs, including the power to regulate for the protection of the public health, safety, and welfare; and

WHEREAS, the City Council heretofore has enacted Urbana City Code Section 23-291 to regulate relocators in the City and Section 1-18 to establish a minimum fine schedule for certain violations; and

WHEREAS, the City Council finds that the best interests of the City are served by amending said sections.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Urbana, Champaign County, Illinois, as follows:

Section 1.

Urbana City Code Chapter 23, "Local Traffic Code," Article XXI, "Commercial Relocation of Trespassing Vehicles," Section 23-291, "Relocator requirements," is hereby amended with the underlined text indicating new language and the strikethrough text indicating deletions as follows:

Sec. 23-291. - Relocator requirements.

(a) *Registration.*

~~(1)~~ Every relocator shall register annually as a relocator with the ~~city clerk~~city comptroller on or before July 1, upon ~~"relocation registration forms," subsection (2) below, provided by the city clerk forms provided by the city,~~ before removing any unauthorized vehicle from private property pursuant to this section. The comptroller shall issue a license to each relocator that registers as required by this section. An annual fee as established by council in the schedule of fees on file with the city clerk, pursuant to section 14-7 of the Code of Ordinances shall be paid by the relocator. Such ~~registration license~~ shall not be required where the relocator limits its service to the removal of vehicles at the request of the owner or operator of the vehicle.

~~(2) A "relocation registration form" shall contain substantially the information set forth below: __~~

~~.....
CITY OF URBANA
REGISTRATION FOR RELOCATORS
Date:
Business Name:
Business Address:
Location of Storage Lot:
Telephone Number of Business:
Certificates of Insurance:
.....(Approval date) (Expiration date)
Fee Schedule Submitted:
.....(Date)~~

~~(Print name of person supplying information)~~

~~(Signature)~~

~~.....~~

(b) *Insurance.* Every relocator shall file with the ~~city clerk~~ comptroller, and have in effect, an indemnity bond, insurance policy, or other proof of garage keepers liability insurance certificates of bonds or insurance in lieu thereof which shall indemnify or insure the relocator for its liability in such amounts as may, from time to time, be established in the Illinois Vehicle Code as security requirements for commercial vehicle relocators.

~~(1) For injury to person in an amount not less than one hundred thousand dollars (\$100,000.00) to any one (1) person and three hundred thousand dollars (\$300,000.00) for any one (1) accident, or such other amount as may, from time to time, be established in the Illinois Vehicle Code as security requirements for commercial vehicle relocators.~~

~~(2) In the case of damage to property other than a vehicle being removed, in an amount not less than fifty thousand dollars (\$50,000.00) for any one (1) accident, or such other amount as may, from time to time, be established in the Illinois Vehicle Code as security requirements for commercial vehicle relocators.~~

~~(3) In the case of damage to any vehicle relocated or stored by the relocator, in an amount not less than fifteen thousand dollars (\$15,000.00) per vehicle, or such other amount as may, from time to time, be established in the Illinois Vehicle Code as security requirements for commercial vehicle relocators.~~

(c) *Vehicle identification.* Every relocator shall provide on all vehicles used on the streets and roadways of the city in connection with the commercial relocation of trespassing vehicles identifying information, which is printed or firmly affixed to such vehicle on both sides thereof in a color or colors vividly contrasting to the color of the vehicle, such information which shall include the name, address and telephone number of the operator thereof.

(d) *Location of service.* No relocator shall remove any vehicle pursuant to this article more than five (5) miles from the location from which such vehicle was towed.

(e) *Storage charge.* No relocator shall impose charges for storage for the first twenty-four (24) hours after towing or removal.

(f) *Fees.*

(1) Each relocator shall pay an administrative fee to the city for each unauthorized vehicle it tows from private property and for which it receives compensation. The fee shall be in an amount as provided in the schedule of fees adopted by the city council by ordinance. Relocators are expressly authorized to add this city administrative fee to the towing and storage charges assessed against vehicle owners. No vehicle shall be released until the city administrative fee is paid.

(2) Each relocator shall, at its place of business, prominently post in full view of the public a schedule of its usual and customary charges for the towing and storage of vehicles. Such schedule shall be prima facie evidence of what constitutes the reasonable value of services and costs for purposes of section 23-295 herein.

(g) *Availability.* Each relocator shall be available for the purpose of returning any vehicle removed pursuant to this article to the owner or other person legally entitled to possession thereof. As used herein, available shall mean being physically present at such relocator's place of business or an actual

response at such place of business within thirty (30) minutes after receiving notification from such owner or other person legally entitled to possession, such physical presence or actual response to be provided on the basis of twenty-four (24) hours per day of each and every day of the year.

(h) Rates. Each relocater shall provide the comptroller with a written schedule of all rates charged and shall notify the comptroller in writing ten (10) days prior to the effective date of any rate changes.

(Ord. No. 9697-123, § 23-21-1, 4-21-97; Ord. No. 2010-03-018, § 2, 3-15-10)
State law reference - Tow-trucks; identification; equipment; insurance, 625 ILCS 5/12-606.

Section 2.

Urbana City Code Chapter 1, "General Provisions," Section 1-18, "Minimum fine schedule for certain violations," is hereby amended by adding the following minimum fine thereto:

Chapter 23 Local Traffic Code

Section	Section Title	Minimum Fine
23-291	Relocator requirements.	\$165

Section 3.

This ordinance will take effect on July 1, 2012.

Section 4.

Those sections, paragraphs, and provisions of the Urbana City Code that are not expressly amended or repealed by this Ordinance are hereby re-enacted, and it is expressly declared to be the intention of this Ordinance not to repeal or amend any portions of the Urbana City Code other than those expressly set forth as amended or repealed in this Ordinance. The invalidity of any section or provision of this Ordinance hereby passed and approved shall not invalidate other sections or provisions thereof.

Section 5.

This Ordinance shall not be construed to affect any suit or proceeding pending in any court, or any rights acquired, or a liability incurred, or any cause or causes of action acquired or existing prior to the effective date of this Ordinance; nor shall any right or remedy of any character be lost, impaired, or affected by this Ordinance.

Section 6.

The City Clerk is directed to publish this Ordinance in pamphlet form by authority of the corporate authorities, and this Ordinance shall be in full force and effect from and after its passage.

This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called, of a majority of the members of the Council of the City of Urbana, Illinois, at a meeting of said Council.

PASSED BY THE CITY COUNCIL this ____ day of _____, _____.

AYES:

NAYS:

ABSENT:

ABSTAINED:

Phyllis D. Clark, City Clerk

APPROVED BY THE MAYOR this ____ day of _____, _____.

Laurel Lunt Prussing, Mayor