

**ORDINANCE NO. 17,741**

**AN ORDINANCE AMENDING CHAPTER 30, ARTICLE V, OF THE CODE OF THE CITY OF  
PEORIA PERTAINING TO TOWING OF PRIVATE VEHICLES – DUTIES AND  
REQUIREMENTS OF TOW OPERATIONS ON LIST**

WHEREAS, the City of Peoria is a Home Rule municipality pursuant to Article VII, Section 6, of the Illinois Constitution of 1970;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PEORIA, ILLINOIS, as follows:

Section 1. Article V of Chapter 30 of the Code of the City of Peoria is hereby amended by adding the following underlined words and deleting the following stricken words:

ARTICLE V. - TOWING OF PRIVATE VEHICLES

DIVISION 1. - GENERALLY Sec. 30-296. - Duties and requirements of tow operators on list.

- (a) Each tow operator shall maintain a separate secured storage lot with an office at that location, located in the city of Peoria. This office must be open and staffed ~~which shall be staffed~~ during reasonable business hours. Reasonable business hours (i.e. 8 a.m. – 4 p.m. or 9 a.m. – 5 p.m.) shall be set, posted and adhered to by all operators. The attendant on-site shall be able to receive or release stored vehicles during posted business hours. If the tow company's office is found closed or unstaffed during set business hours, the tow company will be found to be in violation of these provisions.
- ~~(e)~~ (b) Each tow operator shall provide continuous 24-hour-per-day service each day of the year. There shall be an attendant or answering service on duty at all times for the purpose of receiving calls, ~~and~~ There shall also be a person on call at all times for the purpose of releasing stored vehicles ~~from the end of posted business hours until 9:00 p.m. or for receiving vehicles.~~ No vehicle releases are required after 9:00 p.m. but vehicles may be released after 9:00 p.m. at the operator's discretion. All vehicles released after the end of the operator's posted business hours may be charged an emergency opening/special trip fee as identified in Sec. 30-298(a)(8).
- (c) Based on the Tollway Roadway Traffic Control and Communication Guidelines and Federal Regulations regarding proper safety attire, all Tow Operators must comply with the following:
- a. All operator personnel responding to a tow or accident scene during daytime operations must wear a fluorescent orange, fluorescent yellow/green or a combination of fluorescent orange and fluorescent yellow/green vest, meeting the requirements of ANSI/ISEA 107-1999 for Conspicuity Class 2 garments. Other types of garments may be substituted for the vest as long as the garments have manufacturer tag identifying them as meeting the ANSI Class 2 requirement.
- b. All operator personnel responding to a tow or accident scene during nighttime operations must wear garments of fluorescent orange or fluorescent orange and fluorescent yellow/green meeting the ANSI Class 3 requirements.
- c. Any operator personnel that responds to a tow without the appropriate vest or safety equipment shall be asked to leave the scene and the next company on the tow rotation list shall be called.
- (d) Flatbed trucks and wheel lift equipment must be readily available to all towing operators. A tow operator must have a minimum of one flatbed truck available at all times. Dispatch will advise the tow operator of the type of vehicle and of any special instructions for the tow company. The tow company will then be allowed to decide which truck is best suited for a job, unless a specific type of tow is requested by the officer on scene.
- (e) All tow trucks shall be equipped to safely transport motorcycles.

- (b) (f) All tow trucks shall be equipped with warning lights and all other equipment required by state law including one or more brooms and shovels, one or more trash cans at least 18 inches in height, and one fire extinguisher of a dry chemical or carbon dioxide type with an aggregate rating of at least 4-B, C units, and bearing the approval of a laboratory qualified by the division of fire prevention for this purpose; and have working two-way communication ~~radio~~ equipment on the same commercial frequency as the base station located at the point where calls are received. All tow trucks shall carry dollies at all times. ~~and shall be equipped to safely transport motorcycles.~~
- (d) (g) The tow operator shall sign an agreement to indemnify and ~~save~~ hold the city harmless from any liability for damages sustained by vehicles by being towed or stored and for all personal injuries occurring to any of the tow operator's firms, employees or other persons and shall maintain the required insurance policies.
- (e) (h) Tow operators shall not release any vehicle directly impounded by the police department without written authorization from the police department. This includes both impounded and abandoned vehicles.

Sec. 30-298. - Fees. (New Fees Effective 1-15-2020)

(a) The following schedule of maximum fees shall be in effect for all tow calls received off the rotation tow list and shall be prominently displayed at every office of storage facility. For all police department ordered tows – each tow company must send proper notifications under 625 ILCS 5/4-205 and 5/4-209.

- (1) Standard towing fee (i.e., use of flatbed truck, clean-up, dollies, etc.) ..... ~~\$100.00~~  
A cost of living adjustment shall be established which will increase the standard tow fee \$5.00 a year as follows not to exceed \$175.00.

Effective as of January 1 of each year:

<u>2020</u>	<u>\$155.00 standard tow fee - effective 1/15/2020</u>
<u>2021</u>	<u>\$160.00 standard tow fee</u>
<u>2022</u>	<u>\$165.00 standard tow fee</u>
<u>2023</u>	<u>\$170.00 standard tow fee</u>
<u>2024</u>	<u>\$175.00 standard tow fee</u>

- (2) Exceptional location fee (winching) ..... 60.00  
Any extra use of winch needed to remove vehicles from the scene, such as on a concrete center median or up on a curb/parking block, or 2 vehicles stuck together. A recovery fee applies where a vehicle is up to 75' off of the roadway and cannot be driven from scene. A recovery fee/rotary crane applies where crane is uses to hoist vehicle out of difficult locations where a truck would not work.

- (3) Lot storage fee (per day)..... ~~25.00~~ 35.00
- (4) Inside storage fee (day) ..... ~~30.00~~ 40.00
- (5) Interrupted tow fee..... 50.00
- (6) Service fee (i.e. jump start, tire change, fuel etc.) ..... 80.00
- (7) Snow emergency tow ..... ~~80.00~~ 150.00
- (8) Emergency openings after ~~closing~~ the end of posted business hours/special trips ..... 60.00
- (9) Lien holder notification fee ..... 85.00
- (10) Clean up fee ..... 25.00

- (b) Where special or unusual circumstances require an exceptional amount of extra work or equipment, a higher fee may be charged, provided that the owner or operator of the vehicle to be serviced is informed of the additional fee in advance if such person is available to be notified.
- (c) A \$25.00 fee ~~No fees~~ may be charged for the removal of personal belongings from towed vehicles. Property that can be removed from the towed vehicle is defined under 625 ILCS 5/4-203(g)(4).
- (d) No vehicle may be towed by any person from private property if the owner or other person entitled to possession of the vehicle is present, or arrives at the scene prior to the vehicle's removal from such private property, exhibits the ignition key of said vehicle, and offers to remove such vehicle voluntarily prior to the time such person attempting to tow actually removes such vehicle from the private property in question, provided that such other person so removes such vehicle immediately. However, the owner must pay an interrupted tow fee. If the owner refuses to pay the interrupted tow fee, the tow truck operator may proceed to tow the vehicle.
- (e) All tow companies must accept all of the following forms of payment: credit, debit, or cash. Major credit and debit cards: To the extent that the City of Peoria is authorized to enact regulations on the use of credit and debit cards, a relocater or towing company holding a properly signed credit or debit card receipt shall become a holder in due course, and neither the holder of the credit or debit card nor the company which issued the credit or debit card may thereafter refuse to remit payment in the amount shown on the credit or debit card receipt minus the ordinary charge assessed by the credit or debit card company for processing the charge.
- (f) Pursuant to state law, tow companies may charge up to a 4% convenience fee/surcharge for accepting payment made via credit card. This fee must be disclosed to customers in advance. Pursuant to state law, this fee does not apply to debit card payments. (50 ILCS 345/25 – Sec. 25).

Sec. 30-299. - Solicitation of business.

- (a) No tow operator may respond to the scene of an accident or emergency for the purpose of towing vehicles unless called there by the police department or persons involved in the accident or emergency. Tow operators responding to an accident or emergency at the request of an person individual other than a police department employee, must record the name and address of the person making the request and make such information available to the superintendent of police upon request.
- (b) This section is intended only to prohibit the soliciting of business at the scene of accidents and emergencies, and shall not be construed to prohibit any tow operator from contracting with any person; provided, that the tow operator, his agents and employees do not solicit tow contracts at the scene of accidents or emergencies.

Sec. 30-300. - Tow truck operation.

- (a) All tow operators and drivers must be in possession of a State issued Traffic Incident Management Card (TIM Card). Drivers without TIM cards shall be asked to leave the scene and the next company on the tow rotation list shall be called.
- (a) \*paragraph moved to K
- (b) No tow operator or driver of a tow truck shall respond to a call for service while under the influence of intoxicants.
- (c) ~~Tow vehicles shall be taken to such location designated by the vehicle owner, driver or agent, should such person not wish to store the vehicle at the tow operator's facility; provided, however, that vehicles towed upon the direction of the police department shall be towed to such a place as designated by the police officer in charge at the scene.~~
- (c) Tow operators must be able to respond to calls within thirty (30) minutes or less for tows occurring inside the city limits under reasonable road conditions.

- ~~(e)~~(d) If a tow operator is unable to respond to a request for service immediately, the tow operator or his employee shall advise the police department that ~~he~~ their company is not available. No substitute tow truck or operator will be allowed. The police dispatcher will then call the next tow operator on the list.
- (e) Tow operators must respond to ALL TYPES of tow calls. They may NOT pick-and-choose which calls they want to respond to. Dispatch will no longer indicate the type of tow until the tow operator has indicated whether or not they will accept the tow. Once accepted, the tow operator will be advised of the situation, so they can best determine the truck and equipment necessary.
- (f) A tow company must respond to 85% of requests for towing. If a tow company fails to respond to at least 85% of tow requests, the tow company will be found to be in violation of these provisions and will be disciplined appropriately by the Superintendent of Police including, but not limited to, being removed from the tow list.
- (g) If a tow company will be unable to provide towing services or towing for specific types of vehicles for any period of time they should notify and get approval from the Peoria Police Department Auto Theft investigator for special circumstances. (i.e. vacation, injury/illness, damaged equipment with set time frame for repairs) (Code 1957 § 28-42.)
- ~~(e)~~(h) When If a tow truck is cancelled by the Peoria Police Department after being dispatched off the rotation tow list, it shall be put back at the head of the list.
- (i) If a tow operator calls the Peoria Police Department to cancel a tow after agreeing to accept it, they must provide a valid reason for the cancellation. The Auto Theft Investigator may investigate the reason for cancellation and if the cancellation is found to be in bad faith, the cancellation may count as a violation of these provisions and the tow company will be disciplined appropriately.
- (j) Tow vehicles shall be taken to the location designated by the vehicle owner, driver or agent, should such person not wish to store the vehicle at the tow operator's facility once towing fees are paid to the towing provider; However, all vehicles towed upon the direction of the police department shall be towed to the location designated by the police officer in charge at the scene.
- (k) Every tow operator or driver of a tow truck shall remove or cause to be removed all glass and debris deposited on any street or highway by the disabled vehicle being serviced, and shall in addition spread dirt, sand or other oil-absorbing materials upon that portion of any street or highway where oil or grease has been deposited by the disabled vehicle being serviced.

Sec. 30-302. - Violation and penalty.

- (a) Any person who shall violates any of the provisions of this article shall, upon conviction thereof, be fined not less than ~~\$50.00~~ \$75.00 nor more than as provided in section 1-5 of this Code.
- (b) Complaints with respect to towing services may be investigated by the Peoria Police Department Auto Theft Investigator.
  - (1) If the allegations of the complaint are confirmed, the Auto Theft Investigator shall notify the tow operator in writing of the results of the investigation. The tow operator shall have ten (10) days from receipt of the notice to file a written response to the allegations. All written responses shall be addressed to the superintendent of police.
  - (2) Thereafter, the superintendent of police shall take whatever corrective action is deemed appropriate in light of the investigation conducted by the Auto Theft Investigator and the tow operator's response. Discipline may consist of corrective action, a reprimand, temporary suspension, removal from the tow rotation list, or any other action deemed appropriate by the superintendent of police.
- (c) Following three (3) infractions, a tow company will automatically be removed from the rotation tow list.

## DIVISION 2. - ROTATION TOW LIST

## Sec. 30-321. - Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Rotation tow list* means a list maintained by the police department containing the names of those tow operators approved by the superintendent of police to respond to requests by the City of Peoria police department for the towing of vehicles for the police department or towing of vehicles which are disabled where the person in charge of the vehicle has no preference for any particular tow service or is unable to make such a decision.

*Superintendent of police* means executive head of the City of Peoria police department or anyone designated by him to perform the function prescribed under this division.

*Tow operator* means a person engaged in the business of, or offering the services of, vehicle towing whereby motor vehicles are or may be towed or otherwise removed from one place to another by use of a tow truck.

*Tow truck* means every truck designed or altered and equipped for and used to push, tow and draw disabled vehicles by means of a crane, hoist, tow bar, tow line or auxiliary axle, and to render assistance to disabled vehicles.

## Sec. 30-322. - Application for placement on list.

(a) Any person desiring to perform towing work at police request shall submit an "application for rotation tow list" to the superintendent of police or his designee.

(b) Application forms should be obtained from the office of captain of ~~general~~ administrative services at the police department.

a. Application forms shall include the name of the tow operator; the names of any partners or shareholders; home and business addresses; business and home telephone numbers; the name of the firm under which the tow operator will trade; the location, size and security features of the storage lot on which the towed vehicles will be stored; the location to which the public must come to claim stored or impounded vehicles; a statement of willingness to provide full service on a continuous 24-hour-a-day basis each day of the year; a list of towing equipment and its size and capacity; a complete listing of insurance policies, carriers and agents that the owner would place into effect upon approval; a description of the two-way mobile communication system to be used at the bay station and on each tow truck and at the office where calls are received.

b. Any fraudulent statements made on the application will be grounds for rejection of the application and/or permanent removal from the rotation tow list.

(c) ~~No person, business partners, silent partners, etc., shall apply~~ submit an application for the "rotation tow list" for more than one towing service or more than one towing service business address. No towing service whose owner(s) or owners, partners or stockholders who are also owners, partners or shareholders of a separate approved towing service shall apply submit an application for the "rotation tow list. ~~The above stated~~ This prohibition shall not be applicable to those towing services that have been approved and appear on the "rotation tow list" prior to July 1, 1998. Purchase of a towing service on or off the list after July 1, 1998 by an owner, partner, or shareholder of a towing service which is on the list, shall not be exempt from the prohibition.

(d) ~~Violation of this section shall disqualify the an applicant; an from the approval and the approved towing service found in violation of this section~~ shall be removed from the "rotation tow list" as provided for in section 30-327 of this article.

(e) Any transfer of ownership/partnership shall be grounds for reapplication and the tow company under new ownership must be approved through the application process in order to remain on the tow rotation list.

## Sec. 30-323. - Investigation and approval.

(a) Within 30 days after receiving an application for placement on the rotation tow list, the superintendent of police, or his designee, shall conduct an investigation to determine the truth and accuracy of the information contained in such application. The superintendent of police, or his designee, shall also check to determine whether the location meets the zoning code, building code, and fire code requirements. Upon completion of this investigation, the superintendent of police ~~shall~~ may, at his discretion, place the tow operator on the rotating tow list on a one year probationary status or notify the tow operator in writing that his application is disapproved and state the reasons for such disapproval.

(b)        No tow operator's application shall be disapproved unless:

- (1) The applicant has knowingly furnished false or misleading information, or withheld relevant information on the application;
- (2) The applicant does not have or will not acquire insurance as required by section 30-324;
- (3) The location where the applicant will conduct his business fails to meet the zoning, building and/or fire codes of the city;
- (4) The applicant or any of his owners have been permanently removed from the rotational tow list for cause pursuant to section 30-327;
- (5) The applicant has any outstanding fines or fees due to the City of Peoria; or
- (6) The applicant fails to qualify under section 30-329.

(c)        Addition to the tow rotation list is a privilege and not a right. Once a towing company's application is approved, they will be added to the tow rotation list on a one year probationary status. During that probationary period, any documented complaints, violations, etc., will be investigated by the Auto Theft Investigator and if well founded, the tow company will be removed from the tow rotation list permanently.

(d)        The tow rotation list shall be comprised of eight (8) to ten (10) companies. However, this amount may fluctuate based upon the needs of the City of Peoria police department as determined by the Superintendent of Police.

## Sec. 30-325. - Operation of list.

(a) The superintendent of police shall ensure that tow trucks on the rotation tow list are called in rotation as far as practicable. The police department shall not, except upon request of the owner, operator or person legitimately in possession of the vehicle to be serviced, call any tow truck not on the rotation tow list (other than the city-owned tow truck) unless all such tow trucks are unavailable.

(b) It is specifically permitted for the police department to call a tow truck out of sequence in a life-threatening emergency, where there is an urgent need for services of the tow truck in the proximity to the location or estimated response time makes it more practical to do so.

## Sec. 30-326. - Tow trucks for semi-tractor trailer vehicles.

A separate tow list for tow trucks capable of towing semi-tractor trailer vehicles shall be maintained consisting of firms on the rotation tow list. The tow truck must be a tandem axel truck capable of towing a minimum of 25 tons.

## Sec. 30-327. - Removal from list.

(a)        The superintendent of police may remove any tow operator temporarily or permanently from the rotation tow list when he finds:

- (1) Placement on the list was secured by fraud or concealment of a material fact, which if known would have caused disapproval of the application;
- (2) The tow operator has violated any of the provisions of this division;
- (3) The service provided by the tow operator has been substantially inadequate, which shall include but not be limited to, failing to be available for or not accepting at least 85% of all calls, slow response time, excessive damage claims, substantial and repeated complaints from citizens or abuse of special circumstance fees under section 30-298; ~~A tow operator shall not be temporarily removed from the rotation tow list for more than 30 days at any one time.~~ or
- (4) Any code enforcement, building code, or fire code violations.

(b) Following three (3) infractions, a tow company will be automatically removed from the rotation tow list.

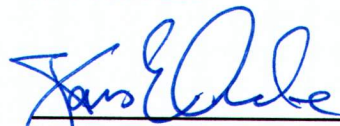
Sec. 30-349. - Disposition of owner's claim.

- (a) Impounded Vehicles: After hearing the owner's reasons for believing the tow was improper and doing such other investigation as may be appropriate, if the designated employee shall determine(s) that the tow was improper, the vehicle shall be immediately released, and the city shall pay the cost of towing and storage to the date of the release. If the tow is found to have been proper, the vehicle shall continue to be held subject to such conditions as may be appropriate. Nothing in this section shall prohibit the city from seeking reimbursement of such costs through a court of law.
- (b) All other appeals shall be reviewed by the Peoria Police Department day-shift patrol Lieutenant.


Section 2. This Ordinance shall be in full force and effect immediately after its passage.

PASSED BY THE CITY COUNCIL OF THE CITY OF PEORIA, ILLINOIS, this 14<sup>th</sup> Day of JANUARY, 2020.

APPROVED:

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
City Clerk

EXAMINED AND APPROVED:

  
\_\_\_\_\_  
Corporation Counsel