

ARTICLE X. VEHICLE RELOCATORS¹

Sec. 38-257. License required.

It shall be unlawful and a violation of this section for any person or entity to operate as a relocator or to provide relocation services upon any private property without first having obtained a relocator license from the village clerk; provided, however, that no such relocator license shall be required under this article where any such relocator limits its service to the removal of any vehicle at the request of the owner or operator of any such vehicle.

(Code 1977, § 25.9.1; Ord. No. 1744, 8-8-2000)

Sec. 38-258. Application for license.

- (a) Any applicant for a license to operate as a relocator or to provide relocation services upon private property under this article shall submit a written application to the village clerk which includes the business name, address, telephone number and telefax number of the applicant together with the address or location of the applicant's proposed lot for the storage of vehicles if different from the applicant's business address.
- (b) The application required by this section shall be accompanied by a non-refundable application fee in the amount established from time to time by the village board.
- (c) Any relocator license shall expire on April 30 of each year.
- (d) Each application for a relocator license required by this section shall be accompanied by a certificate of insurance issued by an insurance company licensed to do business in the State of Illinois. Such certificate shall insure the applicant in at least the following types and minimum amounts of coverage or their equivalents:
 - (1) *General liability.* \$100,000.00 for injury to any one person; \$300,000.00 for injuries resulting from any one accident; and \$50,000.00 property damage resulting from any one accident.
 - (2) *Garage keeper's legal liability.* Written on a comprehensive basis (including therein damage as the result of fire, theft, vandalism and collision) with no greater than a \$500.00-deductible and limits of no less than \$15,000.00 for vehicles damaged when stored, parked, serviced or attended, and including the Illinois Tow Truck Liability Endorsement covering damage (including mechanical damage) to any vehicle in the process of being towed, with no greater than \$500.00 deductible and limits of no less than \$15,000.00.
 - (3) *Automobile liability.* \$100,000.00 for injury to any one person; \$300,000.00 for injuries resulting from any one accident; and \$50,000.00 property damage resulting from any one accident.
 - (4) Workmen's Compensation and Employer's Liability Coverage, as required by state law.

The insurance certificate shall provide that the insurance carrier, in case of cancellation of the policy, shall give 30 days' prior notice in writing to the relocator and the village clerk. Whenever any policy is so cancelled, the towing

¹State law reference(s)—Dealers, transporters, wreckers, and rebuilders, 625 ILCS 5/5-100 et seq.

service shall furnish the village clerk with a new certificate outlining coverage in accordance with this section prior to the effective date of any such cancellation of the previous policy.

- (e) Each application for a relocator license required by this section shall be accompanied by a schedule of the applicant's fees and charges for the towing and storage of vehicles.
- (f) Each application for a relocator license required by this section shall be signed by the applicant. If the applicant is a partnership, all partners shall sign the application. If the applicant is a corporation, only authorized officers shall sign the application and indicate their official position.
- (g) Any relocator shall update information contained in its application, in writing, with regard to any acquisition, transfer or lease of any storage area used to store relocated vehicles and all other matters contained in the application prior to any change.

(Code 1977, § 25.9.2; Ord. No. 1744, 8-8-2000)

Sec. 38-259. Tow truck requirements.

- (a) All tow trucks used by any relocator in providing towing or relocating services shall comply with all applicable federal and state laws and village ordinances relating to motor vehicles and tow trucks.
- (b) Each tow truck used by any relocator shall have displayed on each side of such tow truck a sign with letters not less than two inches in height, contrasting in color to that of the background, stating the name, address and current telephone number of such relocator.

(Code 1977, § 25.9.3; Ord. No. 1744, 8-8-2000)

Sec. 38-260. Towing or removal regulations.

It shall be unlawful and a violation of this section for any relocator:

- (1) To operate as a relocator within the village without first having obtained a relocator license from the village clerk as required by this article above at least seven calendar days before commencing any such services as a relocator.
- (2) To operate on any street or highway of the village any vehicle used for the commercial relocation of trespassing vehicles unless there is required identification of such relocator as specified in this article.
- (3) To remove any trespassing vehicle from any private property or any private parking space on which written notice is required and on which appropriate signs are not posted in accordance with this article.
- (4) To pay money or other valuable consideration to any owner or other person in lawful possession or control of any private property from which any trespassing vehicle is to be removed for the privilege of relocating any such trespassing vehicle.
- (5) To remove any trespassing vehicle without having a relocator authorization form filled out and signed by the person authorized to request such removal. Such forms shall be signed and dated at the time of removal. No presigned forms shall be used. Such relocator authorization forms shall include the name of the relocator; the date and time of the removal; the make, model, color, registration plate number and vehicle identification number of the vehicle to be removed; the locations from which removed and to which relocated; and the name and signature of the person authorizing the removal, including such person's interest in the private property or private parking space.

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- (6) To remove any trespassing vehicle from private property or any private parking space unless the person requesting such removal has an interest in such private property or private parking space. Such interest shall be determined as follows:
 - a. Removal from a private parking space may be requested only by the person or persons having exclusive use of that space, except that any property owner or other person in lawful possession or control of such private property may also request such removal.
 - b. Removal from private property or the common areas of any parking lot may be requested only by the property owner or other person in lawful possession or control thereof, except that when such property owner or other person in lawful possession or control thereof is unavailable, any person having exclusive use of any parking space may request removal when the trespassing vehicle is obstructing or restricting ingress, egress or movement of such person's vehicle.
 - (7) To remove a vehicle more than five miles from the corporate limits of the village, to fail to store any such removed vehicle at the site of the relocator's place of business or the storage location set forth in the application, or, for the purpose of redemption of any such vehicle, to fail to have any such site open during any time that such relocater is open for relocating purposes.
 - (8) To remove a vehicle when the owner or operator of such vehicle is present or arrives at the vehicle location at any time prior to the completion of removal, and is willing and able to remove the vehicle immediately. In such case, the vehicle shall be disconnected from the tow truck and such person shall be allowed to remove the vehicle without interference, upon the payment of a reasonable service fee of not more than one-half the posted rate of the applicable fee for removal.
 - (9) To fail to notify the police department within 30 minutes following the removal of any vehicle pursuant to this article. Such notification shall include the locations from which the vehicle was removed and to which relocated, the make, model, color and registration plate number of the vehicle removed and the time of such removal.
 - (10) To fail to file with the police department of the village any signed relocater authorization form within seven days of the removal.
 - (11) To fail to comply with all other federal or state laws or village ordinances regulating the relocation of vehicles from private property.

(Code 1977, § 25.9.4; Ord. No. 1744, 8-8-2000)

Sec. 38-261. Right to employ relocation service.

- (a) It shall be unlawful and a violation of this section for any owner or other person in lawful possession or control of private property to remove or employ a relocater to remove any trespassing vehicle from such private property unless written notice is provided, in not less than two-inch high lettering, that any such vehicle will be removed at the vehicle owner's expense and that gives the name, address and telephone number of the appropriate relocater. Such notice shall consist of a sign, posted within five feet of any public right-of-way line at each driveway access or curb cut allowing vehicle access to any such private property. If there is no such driveway access or curb cut, such signs shall be posted not less than one sign for each 100 feet of parking area frontage. Any such sign shall be of a size at least 24 inches in height by 36 inches in width, shall be at least four feet from the ground but less than eight feet from the ground and shall be either illuminated or painted with reflective paint or both.
- (b) No express notice shall be required under this section upon:
 - (1) Residential property which, paying due regard to the circumstances and the surrounding area, is clearly reserved or intended exclusively for the use or occupation of residents or their vehicles.

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- (2) Any private property clearly intended for any use other than parking.
 - (3) Any private parking space reserved by the posting of an official sign for persons with disabilities when any vehicle is parked in such parking space in violation of section 38-164.

(Code 1977, § 25.9.5; Ord. No. 1744, 8-8-2000)

Sec. 38-262. Release of relocated vehicles.

It shall be unlawful and a violation of this section for any relocater:

- (1) To fail to display, in a prominent place at the relocator's place of business, a price schedule detailing the charges for services performed.
- (2) To fail to file with the village clerk a price schedule of charges to vehicle owners, including fees for services requiring a higher price due to extra work, equipment or personnel.
- (3) To fail to provide a detailed receipt to any vehicle owner or other person legally entitled to possession that fully outlines the fees and charges for services rendered.
- (4) To charge any person for towing or storage at a rate or fee that exceeds the price schedule filed with the village clerk and posted by such relocater.
- (5) To fail to inform any person, upon request, of such relocater's tow fee, storage charges and acceptable method of payment for reclamation.
- (6) To fail to release to its owner or other person legally entitled to possession, upon the payment of any applicable charges, any vehicle which has been removed or relocated pursuant to this article within 30 minutes after any request for such release, if such request is made during any hours that the relocater is open for the purpose of relocating vehicles.
- (7) To fail to allow any tow or storage charges to be payable by the use of any major credit card, in addition to being payable in cash.
- (8) To impose any storage charges prior to 24 hours after the removal has been completed.
- (9) To require as a condition of release of any vehicle to the owner or other legally authorized person any waiver or release which would eliminate any liability of the relocater for damages incurred during towing and storage of such vehicle.
- (10) To fail to allow any vehicle owner, lienholder or other person legally entitled to possession of the vehicle the right to inspect the vehicle prior to accepting its return.
- (11) To fail to release any unattached personal property in any relocated vehicle to the vehicle owner or person legally entitled to possession of the property at any such person's request.

(Code 1977, § 25.9.6; Ord. No. 1744, 8-8-2000)

Sec. 38-263. Disposal of unclaimed vehicles.

- (a) If a vehicle removed pursuant to this Article remains in storage for a period of 15 days, the applicable relocater shall notify the police department of the village and submit a request for junk title form along with an outlined receipt for services within five days after the expiration of such 15-day period that the vehicle remains unclaimed.
- (b) Failure to comply with the requirements of this section shall result in the forfeiture of any right to collect storage fees for the vehicle involved.

(Code 1977, § 25.9.7; Ord. No. 1744, 8-8-2000)

Sec. 38-264. Penalty.

Any person violating any of the provisions of this article shall be punished by penalties as set forth in section 1-23.

(Code 1977, § 25.9.8; Ord. No. 1744, 8-8-2000)

Secs. 38-265—38-272. Reserved.