

Chapter 10.58

TOWING SERVICES

Sections:

10.58.020	In general.
10.58.040	Section and designation of towing services.
10.58.060	Business operation.
10.58.100	Roster fee.
10.58.120	Review of applications.
10.58.130	Number of Agencies.
10.58.140	Assignment.
10.58.160	Tow trucks - Minimum equipment standards.
10.58.180	Dispatching requirements.
10.58.200	Fees.
10.58.210	Other rules of operation.
10.58.220	Tow car markings.
10.58.240	Ethics and conduct.
10.58.260	Protection of vehicles.
10.58.280	Insurance.
10.58.300	Storage lot capacity.
10.58.310	City of St. Charles held harmless.
10.58.320	Responsibility.
10.58.340	Supervision checks.
10.58.360	Vehicle repair or alteration; when permitted.
10.58.380	Access to vehicles.
10.58.400	Damage Appraisals.
10.58.420	Failure to provide services - Penalty.
10.58.440	Building code.
10.58.460	Regulations.

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.

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

TOWING SERVICES

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 maintains its principal place of business in the City of St. Charles or is within the subdivision control limits of the City of St. Charles.
- 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.

(1999-M-36 § 1.)

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 the names, addresses, driver's license number, and classification 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 of 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, proof of ownership or signed lease agreement, valid for one year, and the type of protection 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

TOWING SERVICES

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.

(2000-M-40 § 1; 1999-M-36 § 1.)

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.

10.58.120 Review of applications.

It shall be the duty of the Chief of Police, or his designated agent, to investigate all applications submitted. The Chief of Police may deny any application if, after due investigation, he finds that the applicant does not meet the minimum requirements set forth herein.

(Ord. 2000-M-40 § 1.)

10.58.130 Number of Agencies

The Chief of Police shall also determine the number of towing agencies used by the Department based on calls for service, as well as ability of the rostered agencies to provide any and all services and requirements as stated in 10.58.040 of this chapter.

(Ord. 2000-M-40 § 1.)

10.58.140 Assignment.

The Chief of Police may, at his discretion, and upon consent of the City Council Government Services Committee, assign a towing service to operate in conjunction with those firms already on the towing roster, in the event that those firms are not available to respond to police or other City Departments' request for service as outlined in Section 10.58.180 of this chapter.

This towing service shall meet all the requirements set forth in this chapter and have made application and been inspected to insure compliance.

Any firm listed on the roster shall not assign its position in the schedule to other towing concerns, without the written consent of the Chief of Police.

(Ord. 2003-M-71 § 1.)

10.58.160 Tow trucks - Minimum equipment standards.

Minimum equipment standards for tow trucks shall be as follows:

- A. Truck Chassis: At least two rigs, one of which being a flat bed, of one (1) ton capacity with rear dual wheels. The police officer on the scene shall determine if greater capacity is needed and may

TOWING SERVICES

call upon any service capable of providing that capacity regardless of whether or not said company is on the roster of the City and whether it is their period of time to receive police requests.

- B. Company Name: Company name, address and phone number on both sides of tow truck which conform in color and size to those requirements as set forth in 65 ILCS 5/12-606(a).
- C. Lights: Trucks must, at all times, be equipped with such headlights, taillights, red reflectors, stoplights, warning lights, plus front cornering strobes 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 Illinois 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.

(1999-M-36 § 1.)

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 determine 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.

10.58.200 Fees.

The Police Department will no less than annually review fees related to towing and set a schedule of fees for use during each fiscal year by Special Order in the Police Department. All other provisions in this chapter shall remain in effect.

- A. Towing – the maximum fee which may be charged by any towing operation for removing a vehicle from the street in response to a police call shall be as follows:
 - 1. For the towing of any vehicle, for the total gross weight up to 12,000 pounds: a flat rate of one hundred forty dollars (\$140.00).
 - 2. For any service call where no tow is involved: sixty-five dollars (\$65.00).
 - 3. All out-of-town mileage charges shall not exceed three dollars and fifty cents (\$3.50) per mile.
 - 4. For vehicles with a weight between 12,000 and 40,000: one hundred fifty dollars (\$150.00).
 - 5. Any and all vehicles with a weight over 40,000 pounds: two hundred fifty dollars (\$250.00).
 - 6. Recovery fee: for vehicles with a combined weight of 26,000 pounds and under, the fee shall be no more than one hundred fifty dollars (\$150.00) per hour. For vehicles over 26,000 and where goods need to be secured, a recovery fee not in excess of one hundred eighty-five (\$185.00) per hour.
 - 7. Charges of thirty dollars (\$30.00) per hour will be charged to cage brakes and/or removing the drive shaft, if necessary, for the removal of a disabled vehicle.
 - 8. Where a lowboy trailer is required to haul away a vehicle, the rate shall not exceed more than two hundred fifty dollars (\$250.00) per hour.

TOWING SERVICES

9. Special handling charges shall be at a rate not to exceed one hundred twenty-five (\$125.00) per hour and shall be measured in 30-minute increments. Special handling charges shall include, but not be limited to the following:
 - a. Vehicle rollover;
 - b. Vehicle impacted in a building or other structure;
 - c. Vehicle in river or other body of water;
 - d. Vehicle off the roadway requiring the use of a power winch for retrieval;
 - e. Motorcycle or other vehicle requiring special handling considerations.
 10. Miscellaneous rates.
 11. Police vehicles for the City of St. Charles will be towed at the rate of fifty dollars (\$50.00) per hour.
 12. Removal of abandoned vehicles from city streets to City vehicle impound lot will be towed at the rate of fifty dollars (\$50.00) per vehicle.
 13. Snow tow removal or snow relocation shall be charged at the rate of one hundred dollars (\$100.00) per hour.
 14. Standby time shall be charged at the rate of fifty-five dollars (\$55.00) per hour, up to a maximum of two (2) hours.
 15. Any time a firm is required to respond out of the corporate limits of the city to recover a vehicle for the Police Department, time shall be charged at the rate of seventy dollars (\$70.00) per hour plus mileage.
 16. Removal of debris in the roadway combined with the use of necessary oil-dry type substance shall charge at a rate of thirty dollars (\$30.00) per incident.
- B. Storage charges for vehicles shall be as follows:
1. For vehicles stored less than 24 hours: no charge.
 2. For any vehicle up to 12,000 pounds: thirty-five dollars (\$35.00) per day.
 3. For any vehicle over 12,000 pounds: sixty dollars (\$60.00) per day.
 4. For storage of semi-tractor only: fifty dollars (\$50.00) per day.
 5. For storage of semi-tractor truck and trailer: seventy-five dollars (\$75.00) per day. After the 10th day: one hundred dollars (\$100.00) per day.
- C. Release fee for release other than normal business hours, Monday through Friday, 8:00 a.m. to 5:00 p.m. and Saturday 8:00 a.m. to 12:00 noon: forty dollars (\$40.00).
(Ord. 2013-M-8 § 1; Ord. 2008-M-33 § 1; Ord. 2005-M-37 § 1; Ord. 2003-M-71 § 1; Ord. 1999-M-36 § 1; Ord. 1988-M-35 § 1.)

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.

10.58.220 Tow Truck Markings

Only tow trucks bearing the name of the company called shall be dispatched to the scene of need.
(1999-M-36 § 1.)

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.

10.58.260 Deleted.
(Ord. 1999-M-36 § 1.)

TOWING SERVICES

10.58.280 Insurance

Each firm listed on said firm 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 not be less than that specified by Chapter 625 of the Illinois Compiled Statutes, Paragraph 5/12-606, Sub-paragraph (d).

(2003-M-71 § 1; 2000-M-40 § 1; 1999-M-36 § 1.)

10.58.300 Storage Lot Capacity

At no time shall the storage lot be filled to more than ninety (90) percent 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.

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.

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.

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 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.

10.58.360 Vehicle repair or alteration; 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 of his designee. Parts or accessories shall not be removed from vehicles without authorization except as necessary for securing purposes. Under such circumstances, the parts or accessories removed shall be listed on the tow sheet.

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.

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.

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

TOWING SERVICES

provided by this chapter may be removed from the roster and may not be reinstated for a period of one year following removal.

10.58.440 Building code.

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

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 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 of said vehicle and/or may designate the destination of the towed vehicle.
(Ord. 1986-M-4).

CITY OF ST. CHARLES

TWO EAST MAIN STREET
ST. CHARLES, ILLINOIS 60174-1984



DEPARTMENT: MAYOR'S OFFICE

PHONE: (630) 377-4445

FAX: (630) 377-4440

Application to Tow for the City of St. Charles • This is Not a Contract
Return this application to the Mayor's Office

Name of Business _____

Address of Business _____

Applicant is: ___ Individual ___ Partnership ___ Corporation

List Applicant(s) Name Address Phone Date of Birth

Blank lines for listing applicant information.

If Applicant is a Corporation, list names, addresses, offices held and date of birth for all officers and directors

Name Address Office Date of Birth

Blank lines for listing corporate officers and directors.

Number of years business has been established in the City of St. Charles _____

Has Applicant (if partnership, any members thereof; or a corporation, the president or secretary thereof) ever been convicted of a felony? _____. If Yes, attach explanation to this Application.

Has Applicant submitted any prior application to tow for the City that has been revoked or suspended? _____

If Yes, attach explanation to this Application.

Does Applicant tow for any governmental agency in DuPage/Kane County?

If Yes, list governmental agencies and years of participation. _____

Blank lines for listing governmental agencies.

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

Blank lines for describing business activities.

List the following for all attendants and drivers who will conduct the police towing service.

Name Address Yrs. employed w/firm Training received Police Towing Experience

Blank lines for listing attendants and drivers.

TOWING SERVICES

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

Describe the communication system between the place of business and operating tow truck as well as the means utilized for ensuring prompt dispatch of trucks upon receipt of police department calls. _____

Describe the primary business location, including dimension and types of facilities available. _____

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

Name, address and phone of the building or property owner, if not the Applicant, where business will be operated. _____

If property is leased, give length of lease and date lease expires. _____

Name, address and phone of insurance company. _____

Description and amount of insurance. _____

Policy Number. _____

Note: By signing this application, the Applicant agrees to all the provision of Chapter 10.58 of the Municipal Code of the City of St. Charles.

Applicant Signature: _____

For Office Use Only	
Investigation Date _____	Investigator _____
Recommendation _____	

Approval Date _____	Approved By _____