

ORDINANCE NO. 22-40

**AN ORDINANCE AMENDING CHAPTER 22 "BUSINESSES"
OF THE CODE OF ORDINANCES IN ORDER TO REGULATE
THE BUSINESS OF RELOCATORS AND REPOSSESSORS
IN THE CITY OF ROLLING MEADOWS**

WHEREAS, the City Council of the City of Rolling Meadows has determined that it is in the best interests of the City to amend the City's Code of Ordinances, pursuant to its home rule powers set forth in Article VII, Section 6 of the Illinois Constitution, in order to regulate the business of relocators and reposessors in the City of Rolling Meadows.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Rolling Meadows, Cook County, Illinois, as follows:

Section 1: The facts and statements contained in the preambles to this Ordinance are found to be true and correct and are hereby adopted as part of this Ordinance.

Section 2: Chapter 22, entitled "Business," of the City Code of the City of Rolling Meadows is hereby amended by adding a new Article VI, entitled "Relocators and Repossessors," as set forth in Exhibit A, attached hereto and incorporated herein.

Section 3: Section XII, entitled "Businesses," of Appendix B, entitled "Schedule of Rates, Fees, Fines and Penalties" of the Code of Ordinances of the City of Rolling Meadows shall be amended by adding a new section XXVIII, entitled "Relocated and Repossessed Vehicle Permit Fees", as follows:

XXVIII. Relocated and Repossessed Vehicle Permit Fees

Relocated Vehicle Permit Fee (per vehicle) = \$15.00
(Sec. 22-1914 (10)(f) and (11))

Repossessed Vehicle Permit Fee (per vehicle) = \$15.00
(Sec. 22-1916)

Section 4: This Ordinance shall be in full force and effect 10 days from and after its passage and approval as provided by law.

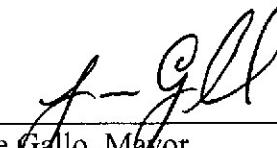
Section 5: This Ordinance shall be printed and published in pamphlet form by order of the City Council of the City of Rolling Meadows.

PASSED AND APPROVED by the City Council of Rolling Meadows, Cook County, Illinois this 11th day of October, 2022.

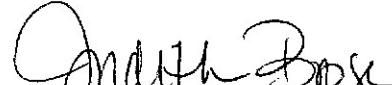
AYES: Bisesi, Reyez, Sanoica, McHale, O'Brien, Vineziano

NAYS: 0

ABSENT: Budmats


Joe Gallo, Mayor

ATTEST:


Judith Brose, Deputy City Clerk

Published this 20th day of October, 2022.

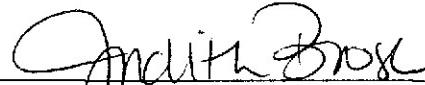

Judith Brose, Deputy City Clerk

EXHIBIT A

Chapter 22 BUSINESSES

ARTICLE VI. RELOCATORS AND REPOSSessORS

Sec. 22-1910. Definitions.

For the purposes of this article, the following words shall have the meanings indicated unless their context clearly requires otherwise:

Commission: Illinois Commerce Commission.

Collateral: any motor vehicle, boat, recreational vehicle, motor home, motorcycle or other property that is subject to a security, lease or rental agreement.

Dispatcher: Any person who, as an employee or agent of a relocator or repossession agency, dispatches vehicles for operators who perform removal activities.

Operator: Any person who, as an employee of a relocator or repossession, removes trespassing vehicles from private property by means of towing or otherwise recovers vehicles for collateral. This term includes the driver of any vehicle used in removing a trespassing vehicle from private property as well as any person other than the driver who assists in the removal of a trespassing vehicle from private property.

Relocator's license: A license issued to a commercial vehicle relocator in accordance with this chapter.

Relocator: Any person or entity engaged in the business of removing trespassing vehicles from private property by means of towing or otherwise, and thereafter relocating and storing such vehicles.

Repossession: any person or entity conducting business, or an employee of the business, who, for any type of consideration, engages in the business of, accepts employment, or agrees to provide collateral vehicle recovery.

Sec. 22-1911. Declaration of City policy.

It is hereby declared to be the policy of the City of Rolling Meadows to regulate the collateral recovery of vehicles and the removal of trespassing vehicles from private property and the subsequent relocation and storage of such vehicles in such manner as to fairly distribute rights and responsibilities among vehicle owners, private property owners, relocators and repossession. For this purpose, the City's regulations herein are for the purpose of complementing and supplementing the regulatory process of the Commission pursuant to 225 ILCS 422 and 625 ILCS 5/18a-100 *et seq.*, and any amendments thereto, and its enforcement efforts thereunder. The laws and regulations adopted hereunder are adopted pursuant to the home rule authority of the City of Rolling Meadows as well as

the express authority conferred by the state legislature on local units of government pursuant to 225 ILCS 422 and 625 ILCS 5/18a-100 *et seq.*

Sec. 22-1912. Towing performed pursuant to police order.

Nothing contained in this article shall be construed to regulate or otherwise affect towing performed by any relocator pursuant to the order of a law enforcement official or agency in accordance with 625 ILCS 5/4-201 through 5/4-204 of the Illinois Vehicle Code, or pursuant to section 3-90, of article III, of Chapter 3 of the Rolling Meadows Code of Ordinances.

Sec. 22-1913. General powers and duties of the City Manager.

The City Manager or his designee shall:

- (1) Regulate relocators and reposessors and their employees or agents in accordance with this article and to that end, may establish reasonable requirements with respect to proper service and practices relating thereto;
- (2) Require the maintenance of uniform systems of accounts, records and the preservation thereof;
- (3) Require all drivers and other personnel used in relocation and repossession operations to be employees of a relocator or reposessor;
- (4) Issue permits to relocators and reposessors in accordance within the requirements of this article;
- (5) Upon verified compliant in writing by any person, organization or body politic, or upon its own initiative, may investigate whether any relocator, reposessor, operator, dispatcher or person otherwise required to comply with any provision of this article or any rule promulgated hereunder has failed to comply with any such provision or rule.

Sec. 22-1914. Relocators - unlawful practices.

It shall be unlawful for any relocator to:

- (1) *Relocate vehicles from authorized spaces.* No vehicle shall be relocated if it is parked in a space on private property where it is authorized to be parked.
- (2) *Relocate vehicles from private property without authorization from property owner.* No vehicle shall be relocated from private property without express, written authorization from the property owner, lessee or agent. The authorization must either direct the relocator to remove the specific vehicle in question or authorize the relocator to remove all unauthorized vehicles from the property.

- (3) *Relocate vehicles not in accordance with proper posting.* No vehicle shall be relocated from a lot which does not, at the time of the tow and for at least twenty-four (24) hours prior thereto, have signs posted in compliance with this article. Furthermore, no vehicle shall be relocated to a storage lot or facility that is not identified on signs posted in compliance with this article at the location from which the vehicle is relocated. No vehicle shall be relocated and/or stored even temporarily at any other location than the location advertised on the relocator's sign. Once a vehicle is relocated from private property it must be towed immediately to the storage lot or facility that is identified on the sign posted on the private property. No vehicle shall be subsequently transported to any other lot or facility.
- (4) *Relocate vehicles where owner or driver is present.* No vehicle shall be relocated when the owner or operator of such vehicle is present or arrives at such location at any time prior to the completion of the removal of the vehicle from private property, and provided such owner and operator is willing and able to remove the vehicle immediately, and provided that the owner or operator does immediately remove the vehicle from the private property.
- (5) *Commercial Motor Vehicles.* No operator shall engage in the removal of a commercial motor vehicle that requires a commercial driver's license to operate, as required under 625 ILCS 5/6-500 *et seq.*, by operating the vehicle under its own power on a highway without authorization by a police officer.
- (6) *Notification of police department.* No relocator or repossession may transact any part of its business at any location until after the relocator or repossession has obtained and remitted payment for a permit from the police department. The police department is authorized to establish an electronic method for relocators to obtain a permit online using the internet.
- (7) *Post signs at locations where the relocator is not authorized to operate or tow beyond a maximum distance.* No relocator shall remove any vehicle otherwise in accordance with this article more than ten (10) air miles from its location when towed nor shall it post a sign at a location more than ten (10) air miles from the storage lot to which the relocator can relocate vehicles.
- (8) *Relocate vehicles unless the relocation lot is open during certain prescribed hours.* No vehicle shall be relocated to a lot which is not open to allow the vehicle owner to retrieve the vehicle within two (2) hours following the tow.
- (9) *Accept certain types of compensation:*
 - Except as provided in subsection (b) below, no relocator shall demand, collect or receive anything of value or compensation in relation to its relocation business;
 - a. From the property owner, lessee or their agents or from any person other than

the owner or owner's agent of the relocated vehicle, except according to terms in the contract entered into between the property owner or lessee and the relocator;

- b. From the vehicle owner, lessee or their agents:
 - i. Greater than the amount posted on the signs, posted on the private property from which the vehicle was relocated;
 - ii. Greater than or other than the rates prescribed by the Commission; or
 - iii. Where the relocation was not performed in compliance with the law in this Article.
- c. Storage fees must be posted in accordance with administrative rules of the Commission.
- d. A relocator must release the vehicle provided payment is either in cash or through a valid major credit card, including, but not limited to, VISA, American Express, Discovery or MasterCard.

(10) *Prerequisites to operation within the City.* No relocator shall:

- a. Employ as an operator or otherwise so use the services of any person who has not been duly licensed by the Commission and the Illinois Secretary of State pursuant to the applicable laws, rules and regulations.
- b. Operate a business other than in conformance with the laws of the Commission and the rules and regulations adopted thereunder.
- c. Operate any towing vehicle which does not carry a copy of 625 ILCS 5/18A of the Illinois Vehicle Code, a copy of this article of the City of Rolling Meadows Code of Ordinances and sufficient copies of the Commission complaint form. All documents shall be made available to any complainant at their request in the event of a dispute regarding vehicle relocation.
- e. Operate any vehicle which has not passed a safety test as required in 625 ILCS 5/13-101.
- f. Relocate any vehicle prior to obtaining and remitting payment for a permit. The police department is authorized to establish an electronic method for relocators to obtain and remit payment for an online permit using the internet. This permit must be displayed in either paper or electronic form to any police officer. The fees for permits shall be as set forth in the Schedule of Rates, Fees, Fines and Penalties, attached as Appendix B to the City Code.
- g. Relocate a vehicle unless the operator has a valid operator's permit issued from the Commission.

(11) *Notice to police department.* A relocator must:

- a. Notify the City police department prior to such removal by purchasing a permit as described in (10)(f) above. Notification shall include, but not limited to, a complete description of the vehicle, including the year, make, model vehicle identification number (VIN) and state license plate number, the registration numbers, the locations from which and to which the vehicle was removed, the time of removal and any other information required by state or local regulations, statute or ordinance.
- b. Make a telephone number available to the police department at which the relocator or an employer of the relocator may be contacted at any time, twenty-four hours each day. This phone number shall be advertised for the purpose of effectuating the release of a towed vehicle. The relocator must have an employee available at all times on the premises owned or controlled by the relocator for the purposes of arranging for the immediate release of the vehicle.

Sec. 22-1915. Relocators - posting of signs; sign specifications.

- (1) *Generally.* It shall be unlawful for an owner or other person in lawful possession or control of private property to remove, or employ a relocator to remove, an unauthorized vehicle from such property unless written notice is provided pursuant to the administrative rules of the Commission. Such notice shall consist of a sign posted in a conspicuous place in the affected area of a size and content as required by the Commission. Such sign shall state the amount of the towing charges to which the person parking may be subject. Such signs must be posted at least twenty-four (24) hours before any vehicle is relocated from the lot.
- (2) *Application to residential property.* No express notice shall be required under this section upon residential property which, paying due regard to the circumstances in the surrounding area, is clearly reserved or intended exclusively for the use or occupation of residents or their vehicles.
- (3) *Sign specifications:*
 - a. Those portions of the sign warning that unauthorized vehicles will be relocated must be formatted in accordance with the administrative rules of the Commission.
 - b. Each sign must contain:
 - i. A warning that unauthorized vehicles will be relocated;
 - ii. The full legal name of the relocator as it appears on the relocator's license, the address and telephone number of the relocator, and the address and telephone number of the location to which the vehicle will be relocated and at

which it can be reclaimed, if different from the address of the relocator;

- iii. The maximum fee which the relocator will charge the owner as a condition of reclaiming the vehicle and any restrictions on the method of payment which will be accepted by the relocator. No sign shall indicate a restriction on the method of acceptable payment that is contrary to section 22-1914(9);
- iv. The hours which the owner can reclaim the vehicle. To the extent that a sign does not show a limitation on hours or days when the vehicle can be reclaimed, the sign shall constitute a representation the vehicle can be reclaimed at any time or on any day. No sign shall include hours of doing business contrary to the restrictions contained in section 22-1914(8).

- c. Such signs must be visible and readable from all entrances and exits, both during the day and at night, free of any natural or man-made interference.
- d. No more than one (1) location where the vehicle may be relocated shall be identified on any posted sign at any lot from where the vehicle was relocated.

Lighting standard. All such signs shall be illuminated from dusk to dawn. Such lighting shall be directed to the sign face, uniformly distributed over the sign face and provide an illumination level on the sign face of at least twenty (20) feet.

Sec. 22-1916. Repossessors- unlawful practice.

It shall be unlawful for any repossession:

- (1) To repossess a vehicle prior to obtaining a valid permit issued by the City of Rolling Meadows. The police department is authorized to establish an electronic method for repossession to obtain and remit payment for an online permit using the internet. This permit must be displayed in either paper or electronic form to any police officer. The fees for permits shall be as set forth in the Schedule of Rates, Fees, Fines and Penalties, attached as Appendix B to the City Code.
- (2) To successfully repossess a vehicle and fail to submit a notification to the police department. The police department is authorized to establish an electronic method for repossession to submit notifications.
- (3) To violate any other provision of this chapter, Commission regulations or orders adopted under this article or pursuant to 225 ILCS 422 *et.seq.*
- (4) The police department shall establish the form and content of the online permit.

(5) No repossession may remove a vehicle from private property where trespassing signs have been erected prohibiting a repossession from entering and remaining on the property.

Sec. 22-1917. Penalties

Any relocator, repossession, operator, dispatcher or employee of a relocator or repossession who violates any provision of this article shall be subject to fines not less than \$50.00 plus the amount of the fee imposed by the repossession/relocator for the tow, reclaiming and storage of the vehicle, and not more than \$1,000.00 for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.