

ORDINANCE NO. F-1503

AN ORDINANCE AMENDING CHAPTER 26 (BUSINESSES) OF THE WHEATON CITY CODE –
ARTICLE X. WRECKER OR TOWING SERVICE BUSINESSES

BE IT ORDAINED that the Wheaton City Code, 1996, as amended, is hereby further amended, as follows: by adding Article X. Wrecker or Towing Service Businesses to Chapter 26 (Businesses), as follows:

Section 1: That a new “Article X. Wrecker or Towing Service Businesses” be added to Chapter 26 (Businesses), as follows:

“Sec. 26.220. Definitions.

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

Chief of police means the executive head of the police department of the city or anyone designated by him.

Towing list means a list maintained by the police department containing the names of those wreckers licensed by the city to respond to requests for the towing of vehicles made by the police department.

Wrecker means a person engaged in the business of, or offering the services of, a vehicle wrecker or towing service, whereby motor vehicles are or may be towed or otherwise removed from one place to another by the use of a motor vehicle adapted to and designed for that purpose, and such term also includes the motor vehicle so adapted and designed.

Sec. 26-221. License—Required.

No person shall perform towing work at the request of the police department of the city without first having obtained a wrecker service license, as provided in section 26-222.

Sec. 26-222. Same—Application.

Persons desirous of obtaining or annually renewing a wrecker service license shall apply for such license with the police department. Application/renewal application forms shall be obtained from the police department.

Sec. 26-223. Same—Approval of applications and renewal applications.

(a) Initial application for license. Within 30 days after receiving an initial application for a wrecker's license, the chief of police shall determine whether or not the applicant has complied with the necessary standards and criteria as set forth in this article. If he finds the applicant is qualified, then the license shall be issued and the applicant's name placed on a certified towing list to be kept and maintained by the chief of police.

(b) License renewal applications. Application for a calendar year renewal of a wrecker service

license may be applied for from the police department after October 1 and must be completed and submitted to the chief of police no later than November 15, annually. By December 15, the chief of police shall determine whether or not the renewal applicant has complied with the necessary standards and criteria as set forth in this article. If he finds the renewal applicant is qualified, then the renewal license shall be issued and the firm shall remain on the certified towing list to be kept and maintained by the chief of police.

Sec. 26-224. Same—Prerequisites to issuance.

(a) License fee. Any wrecker and/or towing service business wishing to do business in the city at the request and in conjunction with the police department shall pay an annual license fee as set forth in Appendix B of the City Code (B.10 Police Department Fees).

(b) Insurance. A garage liability policy covering the operation of the owner's business, equipment or other vehicles for any bodily injury or property damage shall be maintained by the wrecker and/or towing service business in accordance with 625ILCS 5/12-606.

(c) Equipment. All wreckers shall be equipped with warning lights required under state law and have working two-way communication radio equipment on the same frequency as a base station located at the point where calls are received.

Sec. 26-225. Requirements and conditions governing the operation of licensed wreckers.

(a) Continuous operation. The owner of the wrecker service shall provide continuous 24-hour-a-day service each day of the year, and there shall be an attendant on duty at all times for the purpose of receiving calls and releasing stored vehicles.

(b) Release of vehicles. The wrecker shall not release any vehicle directly impounded by the city without authorization from the police department.

(c) Debris on roadway. The wrecker shall be responsible for cleaning any debris left on the roadway or parking lot that would cause a traffic hazard when removing a vehicle from the scene of an accident.

(d) Responsibility for personal property. The wrecker shall be responsible for any personal property left in the towed or stored vehicle.

(e) Inspections. The owner of any wrecker company licensed within the city shall permit the police department to check his equipment, building and storage area upon the request of the chief of police.

(f) Maintenance of records. The wrecker owner shall maintain an approved record and claim check system to assure the release of vehicles to rightful owners or authorized persons. Such records shall be open to the police department for inspection.

(g) Secured storage area. The wrecker owner shall provide a secured area for storage of vehicles placed under his control.

Sec. 26-226. Calls to wreckers.

The chief of police shall ensure that wreckers are called to the scene of an accident or to impound vehicles on a rotation basis of those wreckers who are on the certified list of wreckers kept by the chief of

police. No wrecker shall be called that is not licensed with the city unless all licensed wreckers are unavailable or at the request of the vehicle operator. Wreckers may be called out of sequence if the proximity and response time make it more practical to do so.

Sec. 26-227. Suspension/termination of license.

Ongoing provision of services to the city by a licensed wrecker service is subject to compliance by the firm, its officers and its employees with all federal, state and municipal laws, ordinances and regulations including, but not limited to, criminal, environmental and zoning laws. Upon notification of an arrest for violation of any federal, state or municipal laws, the city manager may summarily suspend any wrecker's license without hearing. The city manager may revoke any wrecker's license upon conviction for the violation of any federal, state or municipal law. The city manager may also revoke any wrecker's license when he finds that:

- (1) The license was secured by fraud or by the concealment of a material fact by the wrecker owner and such fact, if known, would have caused a refusal to issue the license; or
- (2) The wrecker owner has violated any of the requirements or regulations contained in this article.

Sec. 26-228. Fees; disposal of abandoned vehicles.

- (a) See the applicable fees as set forth in Appendix B of the city code (B-10 Police Department Fees) for licensed wrecker/towing businesses.
- (b) The towing agency shall assume responsibility for abandoned vehicle disposal.

Sec. 26-229. Solicitation of business.

No wrecker licensed under this article may respond to the scene of an accident or emergency for the purpose of towing vehicles unless specifically called there by the police or person involved in the accident or emergency. Nothing in this section shall be construed to prohibit any wrecker from contracting with any person, provided that the wrecker owner, his agents and employees do not solicit towing contracts at the scene of accidents or emergencies.

Sec. 26-230. Limitations of article.

This article applies only to those persons who wish to perform towing work at police request and does not in any way limit or prohibit the conduct of any other wrecker and/or towing business within the city limits.

Sec. 26-231. Penalty for violation.

Any person who engages in wrecking or towing work who is not licensed shall be punished in an amount not to exceed \$750.00, except those unlicensed persons operating under section 26-226."

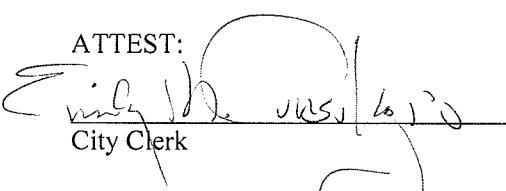
Section 2: That Appendix B, Fee Schedule, Section B-10 Police Department Fees, item number 4, Disposal of abandoned vehicle fee: be amended by deleting the parenthetical reference only as follows:

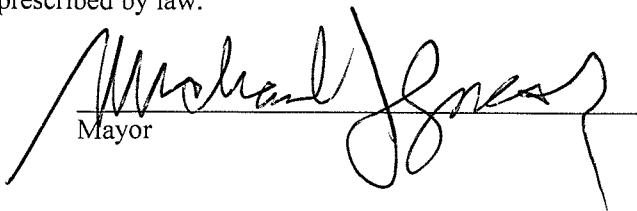
4. Disposal of abandoned vehicle fee:	(Chapter 82)	Per vehicle
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Section 3: That all ordinances or parts of ordinances in conflict with these provisions are repealed.

Section 4: That this ordinance shall become effective from and after its passage, approval, and publication in pamphlet form in the manner prescribed by law.

ATTEST:


Emily J. Juskloski
City Clerk


Michael Gresk
Mayor

Ayes:

Roll Call Vote:

Councilman Suess
Councilwoman Corry
Councilman Levine
Mayor Gresk
Councilman Scalzo

Nays:

None

Absent:

Councilman Mouhelis
Councilman Prendiville

Motion Carried Unanimously

Passed: July 19, 2010

Published: July 20, 2010