



## Legislation Text

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File #: 21-0517, Version: 1

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### **CITY COUNCIL AGENDA ITEM**

#### **ACTION REQUESTED:**

Waive the first reading and pass the ordinance amending Article B-12 (Towing of Unlawful Vehicles) Chapter 5 (Motor Vehicle Tows) Title 11 (Motor Vehicles and Traffic) of the Naperville Municipal Code to increase the administrative tow fee from \$300 to \$500 (requires 6 positive votes)

**DEPARTMENT:** Police Department

**SUBMITTED BY:** Robert W. Marshall, Chief of Police

#### **BOARD/COMMISSION REVIEW:**

N/A

#### **BACKGROUND:**

State law authorizes municipalities to impose “a reasonable administrative fee related to their administrative and processing costs associated with the investigation, arrest, and detention of an offender, or the removal, impoundment, storage, and release of the vehicle.” The administrative fee imposed is in addition to any fees charged for the towing and storage of an impounded vehicle. (see, 625 ILCS 5/11-208.7)

In September 2010, Naperville’s City Council approved an Administrative Tow Ordinance which provided a three-tiered fee structure to recoup police department administrative expenses for processing towed vehicles. The ordinance was later revised in December 2012 (ordinance 12-015), to remove the tiered fee system and replace it with a \$300 flat administrative tow fee.

#### **DISCUSSION:**

When a vehicle is used in connection with certain serious vehicle code and criminal code offenses, the police department has the authority to tow and impound the “unlawful vehicle.” Under the current ordinance, the owner of the unlawful vehicle that is towed is liable to the City for an administrative tow fee of \$300 to offset the City’s administrative costs connected to the tow. In every situation, the fee is only imposed when a vehicle is used in connection with a crime. This requirement, that the fee be imposed only in situations where the vehicle is used in connection with the crime, provides a nexus between the criminal activity and the tow and fee. Processing of these vehicles results in significant expenditures of police resources and time.

In addition to imposing an administrative tow fee, the City’s tow ordinance provides due process for the impacted registered owner. A registered owner who is charged the administrative tow fee may pay it or request an administrative hearing to provide reasons why the fee is not appropriate (e.g., proof that the vehicle was stolen at the time the vehicle was towed).

State law requires that the imposed administrative tow fee be reasonable and related to the administrative and processing costs associated with the investigation, arrest, and detention of an offender, or the removal, impoundment, storage, and release of the vehicle. Additionally, all fees shall be uniform for all similarly situated vehicles.

The City’s administrative tow fee has been set at \$300 since at least 2012. That fee does not fully cover the significant administrative and processing costs incurred by the City in association with the towing of unlawful vehicles. The process of towing a vehicle requires Naperville police staff to stay on -scene until a vehicle is towed as well as the administrative and technological infrastructure involved with managing and dispatching eligible local tow providers and the resources necessary to process the imposition of administrative tow fees. Each tow involves on average several hours of police department employee time and as police department employee hourly wages have increased over time the administrative tow fee has not been correspondingly increased to cover the City’s costs.

Based on staff’s analysis, it is recommended that the City’s administrative tow fee be increased from \$300 to \$500.

Not only will a \$500 administrative fee be more appropriate to cover the City’s cost, but a survey of surrounding communities indicates that a \$500 fee is reasonable as it is on par with the tow fee being charged by other communities.

The survey completed of the surrounding communities showed that nearly 80% of the responding communities have similar ordinances that impose a \$500 towing fee (see survey results below).

Police Department	Administrative Tow Fee		Police Department	Administrative Tow Fee
Minooka	\$ 250.00		Gurnee	\$ 500.00
Mokena	\$ 250.00		Hinsdale	\$ 500.00
South Elgin	\$ 250.00		Mundelein	\$ 500.00
Bolingbrook	\$ 300.00		New Lenox	\$ 500.00
Geneva	\$ 300.00		Niles	\$ 500.00
Hillside	\$ 350.00		Oak Brook	\$ 500.00
Winfield	\$ 450.00		Oswego	\$ 500.00
Algonquin	\$ 500.00		Palatine	\$ 500.00
Aurora	\$ 500.00		Park Ridge	\$ 500.00
Bartlett	\$ 500.00		Plainfield	\$ 500.00
Buffalo Grove	\$ 500.00		Rolling Meadows	\$ 500.00
Channahon	\$ 500.00		St. Charles	\$ 500.00
Countryside	\$ 500.00		Tinley Park	\$ 500.00
Crystal Lake	\$ 500.00		Villa Park	\$ 500.00
Darien	\$ 500.00		Warrenville	\$ 500.00
Downers Grove	\$ 500.00		West Dundee	\$ 500.00
Elmhurst	\$ 500.00		Wheeling	\$ 500.00
Forest Park	\$ 500.00		Yorkville	\$ 500.00

**FISCAL IMPACT:**

CIP #: N/A

<b>Account Number</b>	<b>Fund Description</b>	<b>Total Budget Amount</b>
21001100-440105	General Fund	\$210,000

Increase in administrative tow fee revenues by approximately \$100,000 annually.