File #: 21-1346, **Version:** 1

CITY COUNCIL AGENDA ITEM

ACTION REQUESTED:

Pass the ordinance repealing and replacing Title 11 (Motor Vehicles and Traffic), Chapter 5 (Motor Vehicle Tows) of the Naperville Municipal Code regarding motor vehicle tows

DEPARTMENT: Police Department

SUBMITTED BY: Jason Arres, Interim Police Chief and Kristen Foley, Senior Assistant City Attorney

BOARD/COMMISSION REVIEW:

N/A

BACKGROUND:

The Naperville Police Department (NPD) utilizes a list of approved companies to assist with the towing of vehicles after accidents, those associated with arrests, and due to violations of traffic laws. To be on the approved list, companies must meet the licensing requirements set forth in the Municipal Code regarding conduct and the maximum fee amount.

The ordinance is being repealed/replaced for the following reasons: changes in state law necessitated reciprocal changes in the Municipal Code; tow companies requested changes, including an increase in the fees they can charge; and NPD staff requested changes to clarify certain issues that have arisen over the years, including complaints from citizens.

Due to the amount of changes, the ordinance is being repealed and replaced in lieu of a text amendment.

Based upon feedback from the first reading, staff added gender neutral pronouns, the allowance of a credit card processing fee, and the ability for the police department to approve the usage of electronic tow invoices in the future.

DISCUSSION:

The proposed changes will improve clarity between the City and the tow companies will also provide citizens a better understanding of the rules, regulations, and fee structure.

The table below depicts the proposed changes.

Page(s)	Section	Description of the Change

3	11-5A-1	Address tow recoveries from extreme situations, i.e.… vehicles in lakes, rivers, ponds, pools, etc. These charges will be evaluated on a case by case basis.
3	11-5A-1	Update Winching definition.
4	11-5A-2	Update the maximum number of tow licenses changed from 13 to 11.
4	11-5A-2	Statutory updates regarding fingerprint submission and permissible tow drivers.
4	11-5A-3	Update regarding inspecting tow equipment, the physical location of the tow business, tow storage locations, records, employee checks, and insurance for qualification and approval of police towing licenses.
5	11-5A-4	Update the light duty license number to eleven (11).
6	11-5A-4	Update tow license company requirements.
8	11-5A-6	Update to required equipment on tow trucks, tow driver's classification, certification, and registration.
9&10&11	11-5A-9	Update to the corrective actions that are allowable by the Chief of Police or his/her designee. Statutory update regarding license removal for violations of the law. Update to include email address as a delivery method. License hearing notification with 5 business days. Update to license hearing language.
11&12&13	11-5A-10	Update to applicable years. Update to the fee structure. Allow tow companies to charge an administrative fee up to $50.00 to cover expenses associated with processing Certificates of Purchase (COP) paperwork. Update to language regarding when the police-initiated tow fee structure ending if the vehicle owner or insurance company enters into a signed contract with the towing facility's repair shop. Update to the allowable forms of payment for towing and storage charges.
14	11-5A-11	Update to language regarding storage facility requirements.
14	11-5A-12	Update to language regarding tow yard inspections by a City of Naperville employee.
17	11-5B-2	Added language for clarity.
19	11-5B-8	Added language regarding certified mailing.
22	11-5B-13	Language added regarding police providing written notice via first class mail.
23	11-5B-14	Statutory language added regarding the administrative hearing being recorded. Statutory language added regarding a hearing officer's decision being reviewable by appeal.

24	11-5B-16	Update to language regarding vehicle not claimed by the registered owner within thirty-five (35) days after the administrative hearing officer issues a written decision.

FISCAL IMPACT:
N/A