



## MEMORANDUM

**TO: Council members and Mayor Prussing**

**FROM: Mike Monson, chief of staff**

**DATE: March 3, 2010**

**RE: Proposed towing administrative fee**

**Introduction:** This proposed ordinance would amend Chapter 23 of the Urbana City Code to establish administrative fees for police-ordered tows and commercial-relocator tows. It would create a new \$25 towing administrative fee to cover city costs associated with tow processing.

**Background:** Illinois law requires a towing service to notify local police when a tow is completed, if the tow isn't at the request of the owner. This requirement allows police to direct owners to where their vehicle is located when owners contact the department to report a missing vehicle or to inquire where their vehicle is. The justification behind the fee is to recover the costs of staff time devoted to towed vehicles.

**Police-ordered tow procedure:** According to Police Chief Mike Bily, officers order a tow for offenses such as DUI, illegal parking or nonpayment of parking fines and a variety of other offenses. Police use the following procedure: The officer calls for a tow truck, inventories the vehicle, fills out a tow sheet, waits for the tow truck to arrive, stands by while the vehicle is hooked up and provides the tow-truck driver with a copy of the tow sheet. The shift commander approves the tow report.

Once approved, the tow report (or the tow code, if there's an offense report) is entered into the ARMS database, the sheet is filed in a case jacket by a Police Services Representative (PSR) with a copy of the tow sheet being placed in a tow book.

When the owner of the vehicle comes to claim the vehicle, a police services representative confirms the identity of the vehicle owner by picture ID and then completes the tow release report; a copy of the release is given to the person claiming the vehicle, with instructions of where to pick up the vehicle.

The shift supervisor approves the tow release report and it is filed with the case. The yellow copy of the tow sheet is given to Parking Enforcement with 'released' stamped, date/time vehicle was released.

If an owner does not claim the vehicle, a member of our parking enforcement staff sends a letter to the owner notifying them of the need to claim the vehicle within 10 days. Additionally, a title search is run on the vehicle and if a lien holder is listed, they also receive a letter notifying them of the need to claim the vehicle. Ultimately if the vehicle is not claimed, we work with the tow company in possession of the vehicle to obtain a junk title to the vehicle for disposal of the vehicle.

Parking Enforcement Officers also tow nuisance vehicles. These are inoperable vehicles on private property or on city streets. The process is much the same as described above with a letter sent to the owner and then working with the tow company to obtain a junk title if the vehicle is not claimed.

**Commercial-relocator tows procedure:** Urbana police personnel are not involved in such tows, which generally involve a vehicle parking on a private lot without authorization. Once a vehicle is towed, the tow company notifies the city. Police representatives then check the vehicle to make sure it is not listed as stolen and file the tow information for future reference. If a citizen calls in to report their vehicle as stolen, both the police tow book and relocator book are checked.

**Process to collect the towing administrative fee:** The towing services will be responsible for collecting the fee, the same process used in the city of Champaign since Oct. 1. Champaign charges a \$25 towing administration fee for police-ordered and relocator tows. ARMS programming for keeping track of the fees and towing details has already been completed for Champaign's ordinance and will require little additional modifications for Urbana

**Implementation date:** The ordinance would take effect 10 days after the ordinance is published in The News-Gazette, assuming the mayor signs the ordinance.

**Fiscal impact:** The \$25 fee would generate an estimated \$28,000 annually, based upon 677 relocator tows and 469 police-ordered tows in Urbana during 2009.

**Recommendation:** The mayor and chief of staff recommend that the ordinance be approved as a step to help balance the city's budget.

ORDINANCE NO. 2010-03-018

AN ORDINANCE AMENDING CHAPTER 23 OF THE URBANA CITY CODE TO  
ESTABLISH ADMINISTRATIVE FEES FOR POLICE ORDERED TOWS AND  
COMMERCIAL RELOCATOR TOWS

WHEREAS, the Mayor and City Council find that the fees contained herein are proportional to the City's administrative costs resulting from vehicle towing; and

WHEREAS, the Mayor and City Council find that persons responsible for payment of the fees charged by commercial relocators should properly bear the City's costs.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and the City Council of the City of Urbana, Champaign County, Illinois, as follows:

Section 1.

Urbana City Code Chapter 23, "Local Traffic Code," Article XX, "Procedures Following Towing of Vehicles Pursuant to Police Order," Section 23-283, "Disposition of impounded vehicles, reclamation by owner or other," is hereby amended by adding the following subsection thereto:

(c) When a release from the Urbana Police Department is required to reclaim a vehicle towed by police order, the person legally entitled to its possession also shall pay an administrative fee as provided in the schedule of fees adopted by the city council by ordinance. No vehicle shall be released until the administrative fee is paid.

(Ord. No. 9697-123, § 23-20-3, 4-21-97)

Section 2.

Urbana City Code Chapter 23, "Local Traffic Code," Article XXI, "Commercial Relocation of Trespassing Vehicles," Section 23-291, "Relocator requirements," subsection f, "Fees," is hereby amended with the underlined text indicating new language and the strikethrough text indicating deletions as follows:

(f) ~~Fees. Each relocator shall, at its place of business, prominently post in full view of the public a schedule of its~~

~~usual and customary charges for the towing and storage of vehicles. Such schedule shall be prima facie evidence of what constitutes the reasonable value of services and costs for purposes of section 23-295 herein.~~

(1) Each relocater shall pay an administrative fee to the City for each unauthorized vehicle it tows from private property and for which it receives compensation. The fee shall be in an amount as provided in the schedule of fees adopted by the city council by ordinance. Relocaters are expressly authorized to add this City administrative fee to the towing and storage charges assessed against vehicle owners. No vehicle shall be released until the City administrative fee is paid.

(2) Each relocater shall, at its place of business, prominently post in full view of the public a schedule of its usual and customary charges for the towing and storage of vehicles. Such schedule shall be prima facie evidence of what constitutes the reasonable value of services and costs for purposes of section 23-295 herein.

**Section 3.**

Urbana City Code Chapter 14, "Licenses and Permits," Section 14-7, "Schedule of fees," is hereby amended by adding the following subsection thereto:

(N) VEHICLE TOWING AND IMMOBILIZATION

- 1. Police ordered tow.....\$25
- 2. Relocator tow.....\$25

**Section 4.**

Those sections, paragraphs, and provisions of the Code of Ordinances, City of Urbana, that are not expressly amended or repealed by this Ordinance are hereby re-enacted, and it is expressly declared to be the intention of this Ordinance not to repeal or amend any portions of the Code of Ordinances, City of Urbana, other than those expressly set forth as amended or repealed in this Ordinance. The invalidity of any section or provision of this Ordinance hereby passed and approved shall not

invalidate other sections or provisions thereof.

**Section 5.**

This Ordinance shall not be construed to affect any suit or proceeding pending in any court, or any rights acquired, or a liability incurred, or any cause or causes of action acquired or existing prior to the effective date of this Ordinance; nor shall any right or remedy of any character be lost, impaired, or affected by this Ordinance.

**Section 6.**

The City Clerk is directed to publish this Ordinance in pamphlet form by authority of the corporate authorities, and this Ordinance shall be in full force and effect from and after its passage.

This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called, of a majority of the members of the Council of the City of Urbana, Illinois, at a meeting of said Council.

**PASSED BY THE CITY COUNCIL** this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

AYES:

NAYS:

ABSENT:

ABSTAINED:

\_\_\_\_\_  
Phyllis D. Clark, City Clerk

**APPROVED BY THE MAYOR** this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Laurel Lunt Prussing, Mayor