

ORDINANCE

WHEREAS, in order to facilitate the expedient, safe and efficient towing of damaged or disabled motor vehicles from public property of the City of Chicago, the City of Chicago desires to compile a list of authorized, licensed motor vehicle tow operators to perform motor vehicle tows of damaged or disabled motor vehicles from public property of the City of Chicago; and

WHEREAS, for the purpose of protecting the general welfare of the City of Chicago and public safety of motor vehicles using the public property of the City of Chicago, the expedient, safe and efficient towing of damaged or disabled motor vehicles from the public property of the City of Chicago, is hereby declared to be a matter of public safety; now, therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHICAGO:

SECTION 1. Title 9 of the Municipal Code of Chicago is hereby amended by inserting a new Chapter 9-125, as follows:

CHAPTER 9-125 TOW ROTATION SYSTEM

9-125-010 Definitions.

As used in this chapter:

"Damaged or disabled motor vehicle" means a motor vehicle which has been damaged, disabled, or rendered inoperable or unsafe to drive as the result collision of accident.

"Rotational Tow Required Equipment" means at least the following required tow equipment:

- (a) A mobile phone with access to the internet, and capable of supporting applications as directed by the Chicago Police Department;
- (b) 5 lb. hammer
- (c) Haz mat guide
- (d) Yellow safety vest
- (e) Two pairs of heavy duty gloves
- (f) 6 road flares (36 minute)
- (g) Spill containment system
- (h) Oil Dry (80 lb. bag)
- (i) Rock Salt/deicer (October – April only)
- (j) Tire chocks
- (k) Pen and paper
- (l) State issued Drivers License
- (m) 6 bungee cords
- (n) A set of tow dolly wheels

"Tow Rotation system" means a method of selecting a towing company from an authorized list for the purpose of towing a damaged or disabled vehicle from the public property of the City of Chicago.

"Tow truck" has the meaning ascribed to that term in Section 5/1-205.1 of the Illinois Vehicle Code, codified at 625 ILCS 5/1-01 et seq.

"Tower" means the person who owns or operates a tow truck.

"Towing" means for purposes of a Rotational tow System, any person or entity who, for hire or for compensation of any type, removes damaged or disabled vehicles from public property by means of a truck designed or altered and equipped for and used to push, tow, carry upon or draw vehicles by means of a crane, hoist, towbar, towline or auxiliary axle, or carried upon to move damaged or disabled vehicles.

9-125-020 License – Required.

(a) No person shall be eligible to be listed on a rotational tow system without first having obtained a towing license under Chapter 4-227. The towing license shall be in addition to any other license, registration, certificate or permit required by law.

(b) No person shall engage in towing from the scene of an accident or collision where City of Chicago Police Department have been dispatched or otherwise respond unless that person has been either selected through the operation of the rotational tow system established under this Chapter.

9-125-030 Rotational Tow System Application.

(a) To be included on the Chicago Police Department's Rotational Tow List, a licensed towing company shall submit an application in the form required by the Chicago Police Department, including at least the following:

(1) A copy of the current tow licenses issued by the City of Chicago under Chapter 4-227 and the Illinois Commerce Commission.

(2) A list of each tow truck to be used for the Rotational Tow System, including the Make, Model, Vehicle Identification Number (VIN) of each towing vehicle.

(3) The Name, Address, Date of Birth, and Driver's License Number for each tow truck driver within the tow company.

(4) Proof of insurance coverage meeting the requirements of Chapter 9-44-050.

(5) The location and description of the premises or places of business the towing company will operate.

(6) Any other information that the Chicago Police Department shall reasonably require.

(7) Certification that all of the Rotational Tow Required Equipment is provided to each tow truck of the towing company.

(8) Certification that the Rotational Tow System applicant received a copy of the written rules for participation in the Rotational Tow System.

(9) If the Chicago Police Department established geographic zones for the Rotational Tow System, a list of the geographic zones for which the applicant seeks to provide towing services.

9-125-040 Rules and Regulations

(a) The Chicago Police Department shall promulgate regulations governing towing companies who participate in the Rotational tow System, which regulations shall include at least the following provisions:

(1) The towing company shall provide tow and road services on a 24-hour a day basis and shall respond on 24-hour a day basis.

(2) The towing company shall maintain a 24-hour a day telephone number and the use of any message system for the call is not allowed.

(3) A missed call will result in a skip in the towing company's normal rotation in the Rotational Tow System and may be cause for removal from the authorized rotational towing list.

(4) The towing company's tow truck must arrive at the requested location within 30 minutes from the time the towing company was contacted by the Chicago Police Department.

(5) The towing company must dispatch an appropriate tow truck in response to the call from the Chicago Police Department. The towing company's dispatched vehicle will handle no other business.

(6) The towing company must tow the vehicle to its approved place of business.

(7) The towing company must provide the vehicle owner or operator with a form published by the Chicago Police Department explaining the vehicle owner or operator's rights and setting forth the location to which the vehicle will be towed.

(8) The towing company on the authorized rotational towing list shall maintain accurate records of all towing services provided under the Rotational Towing System for a minimum of three years from the date of service.

(9) The towing company agrees that compensation for services performed under the Rotational Tow System is solely from the owner of the vehicle. The towing company shall make no claim against the City of Chicago or any of its departments for any service performed or costs incurred under the Rotational tow system.

(10) The towing company shall not transfer a service call to another towing company. If the towing company is unable to handle the rotational tow service request from the Chicago Police Department, or if additional equipment is needed from another towing company, the Chicago Police Department shall be notified immediately in order to dispatch the authorized back-up towing company.

(11) The towing company's inclusion on the authorized rotational towing list is not transferrable and will be terminated immediately upon termination of the towing company's business, change in ownership, or when the applicant and controlling interest parties no longer have a majority ownership in the towing company.

(12) The towing company and its drivers agree to indemnify and hold harmless the City of Chicago, Chicago Police Department, and any other department of the City of Chicago from and against any and all liabilities, claims, injuries, damages, penalties, actions, suits, losses, costs, expenses of every nature and description, attorney fees resulting from or arising out of Chicago Police Department requests for towing company's tow services performed under the Rotational Tow System.

(13) The City of Chicago and the Chicago Police Department reserve the right, in its sole discretion, to terminate the towing company from the Rotational Tow System, upon thirty days notice to the towing company for a breach of a term of the Rotational Tow System.

(14) The City of Chicago and the Chicago Police Department may, in its sole discretion, immediately terminate the towing company's inclusion within the Rotational Tow System and halt all towing operations of the towing company if the City of Chicago or the Chicago Police Department determine that the towing company's actions are jeopardizing the safety of the general public.

9-125-050 Establishment of Towing Zones.

(a) Rotational Tow System Zones may be established by the Chicago Police Department to:

- (1) Minimize tow service vehicle response time to within 30 minutes of notification.
 - (2) Provide safe and efficient towing services to damaged or disabled vehicles on public property of the City of Chicago.
- (b) Towing Zone Boundaries:
- (1) The Chicago Police Department will determine Towing Zone Boundaries based upon operational needs.
 - (2) The Chicago Police Department will periodically review and revise Towing Zone Boundaries to ensure that the level of rotational tow service in each zone is consistent with a zone's towing needs.
 - (3) Towing companies need not be located within a towing zone's boundaries; they must, however, respond to calls within 30 minutes of notification.

9-125-060 System of Rotation

- (a) Each rotational tow zone will have a separate list for regular and medium/heavy duty towing.
- (b) A towing company approved for regular and medium/heavy duty towing may appear on both lists.
- (c) Towing companies sharing a given rotational tow zone will be called out in rotation, unless one towing company possesses special equipment required at the scene that the other towing companies in that rotational tow zone do not possess. The towing company with the special equipment required at the scene will be given priority whenever that special equipment is needed and shall be rotated to the bottom of the authorized list after being given the priority call.
- (d) The Chicago Police Department shall maintain records indicating the number of calls placed with each authorized rotational towing company and its response time.
- (e) The Chicago Police Department will attempt to call the towing company at the top of the authorized list at least 3 times within a 5 minute time period. If there is no answer to the call from the Chicago Police Department after the 5 minute time period, the call shall be considered a "no answer/turn down". A "no answer/turn down" call will be treated as a turn in the rotation, the same as if the towing company responded to the Chicago Police Department's call. Repeated "no answer/turn down" may lead to discipline or termination from the Rotational Tow System.
- (f) If the Chicago Police Department's call to the towing company is put on hold for any reason, the Chicago Police Department will call the next towing company on the authorized list for that tow zone.
- (g) Towing companies on the authorized list for the Rotational Tow System may hire a towing dispatch answering service to handle calls after normal business hours. However, the towing company must be able to take calls from the service on a 24 hour a day basis. Use of any form of an electronic messaging is strictly prohibited.
- (h) If the towing company cannot provide the towing service under the Rotational Tow System due to equipment failure, prior commitments, or other unforeseen circumstances, the towing company must notify the Chicago Police Department of its out-of-service status immediately at the time the towing company cannot provide the service. For the towing

company to resume its position on the authorized list for rotation, the towing company must notify the Chicago Police Department that is able to provide service.

9-125-070 Rules.

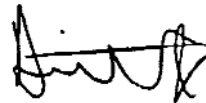
The Chicago Police Department is authorized to promulgate rules necessary or appropriate to implement this chapter.

SECTION 2. Severability, Repealer

(1) The provisions of this Ordinance are declared to be separate and severable. The invalidity of any provision of this Ordinance, or the invalidity of the application thereof to any person or circumstances, shall not affect the validity of the remainder of this Ordinance, or the validity of its application to other persons or circumstances.

(2) All ordinances, resolutions, motions, or orders inconsistent with this ordinance are hereby repealed to the extent of such conflict.

SECTION 3. This ordinance shall take full force and effect ten days after its passage and publication.



Gilbert Villegas
Alderman, 36th Ward