

**AN ORDINANCE TO AMEND TITLE 7 ENTITLED,
“MOTOR VEHICLES AND TRAFFIC,”
OF THE VILLAGE CODE OF THE VILLAGE OF GLENDALE HEIGHTS, ILLINOIS**

WHEREAS, the Village of Glendale Heights deems it necessary and in the best interest of the public to regulate Relocators and Repossessors operating within the Village of Glendale Heights; and

WHEREAS, the Village of Glendale Heights deems it necessary and desirable to amend Title 7 of the Glendale Heights Village Code.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Glendale Heights, DuPage County, Illinois, as follows:

Section 1: That the corporate authorities hereby incorporate the foregoing preamble clauses into this ordinance.

Section 2: That Title 7 entitled, “Motor Vehicles and Traffic,” of the Glendale Heights Village Code is amended as follows:

By adding Chapter 12 entitled, “Relocators and Repossessors,” to read as follows:

**“CHAPTER 12
RELOCATORS AND REPOSSESSORS**

- 7-12-1: Definitions
- 7-12-2: Declaration of Village Policy
- 7-12-3: Towing Performed Pursuant to Police Order
- 7-12-4: General Powers and Duties of the Chief of Police
- 7-12-5: Relocators-Unlawful Practices
- 7-12-6: Relocators-Posting of Signs; Sign Specifications
- 7-12-7: Repossessors-Unlawful Practice
- 7-12-8: Penalties

7-12-1: DEFINITIONS:

For the purposes of this Chapter, the following words shall have the meanings indicated unless their context clearly requires otherwise:

Commission: Illinois Commerce Commission.

Collateral: Any motor vehicle, boat, recreational vehicle, motor home, motorcycle or other property that is subject to a security, lease, or rental agreement.

Dispatcher: Any person who, as an employee or agent of a Relocator or repossession agency, dispatches vehicles for Operators who perform removal activities.

Operator: Any person who, as an employee of a Relocator or Repossessor, removes trespassing vehicles from private property by means of towing or otherwise recovers vehicles for Collateral. This term includes the driver of any vehicle used in removing a trespassing vehicle from private property as well as any person other than the driver who assists in the removal of a trespassing vehicle from private property.

Relocator's license: A license issued to a commercial vehicle Relocator in accordance with this chapter.

Relocator: Any person or entity engaged in the business of removing trespassing vehicles from private property by means of towing or otherwise, and thereafter relocating and storing such vehicles.

Repossessor: Any person or entity conducting business, or an employee of the business, who, for any type of consideration, engages in the business of, accepts employment, or agrees to provide Collateral vehicle recovery.

7-12-2: DECLARATION OF VILLAGE POLICY:

It is hereby declared to be the policy of the Village of Glendale Heights to regulate the Collateral recovery of vehicles and the removal of trespassing vehicles from private property and the subsequent relocation and storage of such vehicles in such manner as to fairly distribute rights and responsibilities among vehicle owners, private property owners, Relocators and Repossessors. For this purpose, the Village's regulations herein are for the purpose of complementing and supplementing the regulatory process of the Commission pursuant to 225 ILCS 422/1 et. seq. and 625 ILCS 5/18a-100 et seq., and any amendments thereto, and its enforcement efforts thereunder. The laws and regulations adopted hereunder are adopted pursuant to the home rule authority of the Village of Glendale Heights as well as the express authority conferred by the state legislature on local units of government pursuant to 225 ILCS 422/1 et. seq. and 625 ILCS 5/18a-100 et seq.

7-12-3: TOWING PERFORMED PURSUANT TO POLICE ORDER:

Nothing contained in this chapter shall be construed to regulate or otherwise affect towing performed by any Relocator pursuant to the order of a law enforcement official or agency in accordance with 625 ILCS 5/4-201 through 5/4-204 of the Illinois Vehicle Code, or pursuant to the Glendale Heights Code of Ordinances.

7-12-4: GENERAL POWERS AND DUTIES OF THE CHIEF OF POLICE:

The Chief of Police or his designee shall:

- (1) Regulate Relocators and Repossessors and their employees or agents in accordance with this chapter and to that end, may establish reasonable requirements with respect to proper service and practices relating thereto;
- (2) Require the maintenance of uniform systems of accounts, records and the preservation thereof;
- (3) Require all drivers and other personnel used in relocation and repossession operations to be employees of a Relocator or Repossessor;
- (4) Issue permits to Relocators and Repossessors in accordance within the requirements of this chapter;
- (5) Upon verified complaint in writing by any person, organization or body politic, or upon its own initiative, may investigate whether any Relocator, Repossessor, Operator, Dispatcher or person otherwise required to comply with any provision of this chapter or any rule promulgated hereunder has failed to comply with any such provision or rule.

7-12-5: RELOCATORS-UNLAWFUL PRACTICES:

It shall be unlawful for any Relocator to:

- (1) *Relocate vehicles from authorized spaces.* No vehicle shall be relocated if it is parked in a space on private property where it is authorized to be parked.
- (2) *Relocate vehicles from private property without authorization from property owner.* No vehicle shall be relocated from private property without express, written authorization from the property owner, lessee or agent. The authorization must either direct the Relocator to remove the specific vehicle in question or authorize the Relocator to remove all unauthorized vehicles from the property.
- (3) *Relocate vehicles not in accordance with proper posting.* No vehicle shall be relocated from a lot which does not, at the time of the tow and for at least twenty-four (24) hours prior thereto, have signs posted in compliance with this chapter. Furthermore, no vehicle shall be relocated to a storage lot or facility that is not identified on signs posted in compliance with this chapter at the location from which the vehicle is relocated. No vehicle shall be relocated and/or stored even temporarily at any other location than the location advertised on the Relocator's sign. Once a vehicle is relocated from private property it must be towed immediately to the storage lot or facility that is identified on the sign posted on the private property. No vehicle shall be subsequently transported to any other lot

or facility.

- (4) *Relocate vehicles where owner or driver is present.* No vehicle shall be relocated when the owner or Operator of such vehicle is present or arrives at such location at any time prior to the completion of the removal of the vehicle from private property, and provided such owner and Operator is willing and able to remove the vehicle immediately, and provided that the owner or Operator does immediately remove the vehicle from the private property.
- (5) *Commercial Motor Vehicles.* No Operator shall engage in the removal of a commercial motor vehicle that requires a commercial driver's license to operate, as required under 625 ILCS 5/6-500 et. seq., by operating the vehicle under its own power on a highway without authorization by a police officer.
- (6) *Notification of police department.* No Relocator or Repossessor may transact any part of its business at any location until after the Relocator or Repossessor has obtained and remitted payment for a permit from the police department. The police department is authorized to establish an electronic method for Relocators to obtain a permit online using the internet.
- (7) *Post signs at locations where the Relocator is not authorized to operate or tow beyond a maximum distance.* No Relocator shall remove any vehicle otherwise in accordance with this chapter more than ten (10) air miles from its location when towed nor shall it post a sign at a location more than ten (10) air miles from the storage lot to which the Relocator can relocate vehicles.
- (8) *Relocate vehicles unless the relocation lot is open during certain prescribed hours.* No vehicle shall be relocated to a lot which is not open to allow the vehicle owner to retrieve the vehicle within two (2) hours following the tow.
- (9) *Accept certain types of compensation:*

Except as provided in subsection (b) below, no Relocator shall demand, collect or receive anything of value or compensation in relation to its relocation business:

- a. From the property owner, lessee or their agents or from any person other than the owner or owner's agent of the relocated vehicle, except according to terms in the contract entered into between the property owner or lessee and the Relocator;
- b. From the vehicle owner, lessee or their agents;
 - i. Greater than the amount posted on the signs, posted on the private property from which the vehicle was relocated;
 - ii. Greater than or other than the rates prescribed by the Illinois Commerce

Commission; or

iii. Where the relocation was not performed in compliance with the law in this chapter.

- c. Storage fees must be posted in accordance with administrative rules of the Commission.
- d. A Relocator must release the vehicle provided payment is either in cash or through a valid major credit card, including, but not limited to, VISA, American Express, Discovery or MasterCard.

(10) *Prerequisites to operation within the Village.* No Relocator shall:

- a. Employ as an Operator or otherwise so use the services of any person who has not been duly licensed by the Commission and the Illinois Secretary of State pursuant to the applicable laws, rules and regulations.
- b. Operate a business other than in conformance with the laws of the Commission and the rules and regulations adopted thereunder.
- c. Operate any towing vehicle which does not carry a copy of 625 ILCS 5/18A of the Illinois Vehicle Code, a copy of this chapter of the Village of Glendale Heights Code of Ordinances and sufficient copies of the Commission complaint form. All documents shall be made available to any complainant at their request in the event of a dispute regarding vehicle relocation.
- d. Operate any vehicle which has not passed a safety test as required in 625 ILCS 5/13-101.
- e. Relocate or Repossess any vehicle, without first applying for, and remitting payment for a permit. The police department is authorized to establish an electronic method for Relocators to obtain and remit payment for an online permit using the internet. This permit must be displayed in either paper or electronic form to any police officer. The fee for permits shall be \$20.00.
- f. Relocate a vehicle unless the Operator has a valid Operator's permit issued from the Commission.

(11) *Notice to police department.* A Relocator must:

- a. Notify the Village police department prior to such removal by purchasing a permit as described in 7-12-5 (10) (f). Notification shall include, but not limited to, a complete description of the vehicle, including the year, make, model vehicle identification number (VIN), state license plate number, the registration numbers, the locations from which and to which the vehicle was

removed, the time of removal, and any other information required by state or local regulations, statute or ordinance.

- b. Make a telephone number available to the police department at which the Relocator or an employer of the Relocator may be contacted at any time, twenty-four hours each day. This phone number shall be advertised for the purpose of effectuating the release of a towed vehicle. The Relocator must have an employee available at all times on the premises owned or controlled by the Relocator for the purposes of arranging for the immediate release of the vehicle.

7-12-6: RELOCATORS-POSTING OF SIGNS; SIGN SPECIFICATIONS:

- (1) *Generally.* It shall be unlawful for an owner or other person in lawful possession or control of private property to remove, or employ a Relocator to remove, an unauthorized vehicle from such property unless written notice is provided pursuant to the administrative rules of the Commission. Such notice shall consist of a sign posted in a conspicuous place in the affected area of a size and content as required by the Commission. Such sign shall state the amount of the towing charges to which the person parking may be subject. Such signs must be posted at least twenty-four (24) hours before any vehicle is relocated from the lot.
- (2) *Application to residential property.* No express notice shall be required under this chapter upon residential property which, paying due regard to the circumstances in the surrounding area, is clearly reserved or intended exclusively for the use or occupation of residents or their vehicles.
- (3) *Sign specifications:*
 - a. Those portions of the sign warning that unauthorized vehicles will be relocated must be formatted in accordance with the administrative rules of the Commission.
 - b. Each sign must contain:
 - i. A warning that unauthorized vehicles will be relocated;
 - ii. The full legal name of the Relocator as it appears on the Relocator's license, the address and telephone number of the Relocator, and the address and telephone number of the location to which the vehicle will be relocated and at which it can be reclaimed, if different from the address of the Relocator;
 - iii. The maximum fee which the Relocator will charge the owner as a condition of reclaiming the vehicle and any restrictions on the method of payment which will be accepted by the Relocator. No sign shall indicate

a restriction on the method of acceptable payment that is contrary to section 7-12-5 (9) (d);

- iv. The hours which the owner can reclaim the vehicle. To the extent that a sign does not show a limitation on hours or days when the vehicle can be reclaimed, the sign shall constitute a representation the vehicle can be reclaimed at any time or on any day. No sign shall include hours of doing business contrary to the restrictions contained in section 7-12-5 (8).
- c. Such signs must be visible and readable from all entrances and exits, both during the day and at night, free of any natural or man-made interference.
- d. No more than one (1) location where the vehicle may be relocated shall be identified on any posted sign at any lot from where the vehicle was relocated.
- e. *Lighting standard.* All such signs shall be illuminated from dusk to dawn. Such lighting shall be directed to the sign face, uniformly distributed over the sign face and provide an illumination level on the sign face of at least twenty (20) feet.

7-12-7: REPOSSESSORS-UNLAWFUL PRACTICE:

It shall be unlawful for any Repossessor:

- (1) To repossess a vehicle prior to obtaining a valid permit issued by the Village of Glendale Heights. The police department is authorized to establish an electronic method for Repossessors to obtain and remit payment for an online permit using the internet. This permit must be displayed in either paper or electronic form to any police officer. The fee for permits shall be \$20.00.
- (2) To successfully repossess a vehicle and fail to submit a notification to the police department. The police department is authorized to establish an electronic method for Repossessors to submit notifications.
- (3) To violate any other provision of this chapter, Commission regulations or orders adopted under this chapter or pursuant to 225 ILCS 422 et. seq.
- (4) The police department shall establish the form and content of the online permit.
- (5) No Repossessor may remove a vehicle from private property where trespassing signs have been erected prohibiting a Repossessor from entering and remaining on the property.

7-12-8: PENALTIES:

Any Relocator, Repossessor, Operator, Dispatcher or employee of a Relocator or Repossessor who violates a section of this chapter other than 7-12-7 (1), 7-12-7 (2), 7-12-5 (10) (e), or 7-12-5 (11) shall pay a fine of no less than \$250.00 for each violation. Any Relocator, Repossessor, Operator, Dispatcher or employee of a Relocator or Repossessor who violates sections 7-12-7 (1), 7-12-7 (2), 7-12-5 (10) (e), or 7-12-5 (11) shall pay a fine of no less than \$500.00 for each violation.”

Section 3: That this Ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form as provided by law.

AYES:

NAYS:

ABSENT:

Chodri Ma Khokhar, Village President

ATTEST:

Marie Schmidt, Village Clerk

PASSED: This _____ day of _____, 2024.

APPROVED: This _____ day of _____, 2024.

PUBLISHED: This _____ day of _____, 2024.

ORDINANCE NO. 2024 - _____

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OF THE VILLAGE CODE OF THE VILLAGE OF GLENDALE HEIGHTS, ILLINOIS**

PASSED AND APPROVED BY
THE PRESIDENT AND BOARD OF TRUSTEES
THIS _____ DAY OF _____, 2024.

Published in pamphlet form by
authority of the corporate authorities
of the Village of Glendale Heights, Illinois,
the _____ day of _____, 2024.