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AN ORDINANCE AMENDING TITLE 9 OF THE ORLAND PARK VILLAGE CODE IN REGARD TO THE ELIGIBILITY OF TOWING COMPANIES TO TOW ABANDONED, WRECKED, DISABLED OR IMPOUNDED MOTOR VEHICLES

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WHEREAS, the Village President and Board of Trustees of the Village of Orland Park (the “Village”) have the authority to adopt ordinances and to promulgate rules and regulations that pertain to its government and affairs and to protect the public health, safety and welfare of its citizens; and

WHEREAS, pursuant to 65 ILCS 5/11-60-2 (2010), the President and Board of Trustees may define, prevent and abate nuisances; and

WHEREAS, the Village desires to provide for an effective and efficient method of maintaining a list of qualified towing companies readily available to tow abandoned, wrecked, disabled and impounded motor vehicles from streets and roadways within the Village in order to protect the vehicles from damage and to facilitate the orderly flow of motor vehicle traffic through the Village; and

WHEREAS, it is in the best interests of the health, safety and welfare of the citizens and residents of the Village, as well as the motoring public, that the Village Manager create and maintain a list of qualified towing companies readily available to the Village Police Department to promptly tow abandoned, wrecked, disabled and impounded motor vehicles from streets, roadways and public ways and property within the Village;

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Orland Park, Cook and Will Counties, Illinois, as follows:

SECTION 1

The above recitals are incorporated herein by reference as though fully set forth herein.

SECTION 2

That Title 9, Chapter 11, Section 9-11-8-3 is amended so as to read in its entirety as follows:

**9-11-8-3: ELIGIBILITY REQUIREMENTS:**

The Village Manager shall include a towing company on the list on a first come, first serve basis, and maintain the company's name on the list provided the company:

1. Maintains a vehicle storage facility located within the corporate limits of Orland Park, which includes both an outside storage facility secured by a protective fence and structure for the dry storage of at least three (3) towed vehicles, should the Police Department request dry storage.

2. If required by Village Code, holds an applicable current Village business license and holds current Village licenses for its business vehicles registered in the Village.
3. Agrees to and provides prompt response to the Police Department request for towing any time during the day or night. A prompt response means arrival on the scene which may be any location within the Village within twenty (20) minutes of request from the Police Department.
4. Agrees to and provides courteous treatment to citizens/vehicle owners and members of the Police Department.
5. Agrees to and does clean accident scenes of debris (i.e., glass, metal and plastics) as necessary.
6. Maintains the following minimum insurance coverages;
  - General liability insurance in the amount of \$1,000,000 per occurrence;
  - Automobile liability insurance in the amount of \$1,000,000 combined single and limit each occurrence;
  - Worker's Compensation and Employers' liability insurance with limits of \$500,000, but not less than the minimum statutory amount;
  - Garage Keeper's legal liability insurance of \$250,000 with first dollar coverage or on a direct primary basis in a minimum amount to cover the Village of Orland Park's interest.
7. Agrees to defend, indemnify, keep and hold harmless the Village of Orland Park, its officers, representatives, elected and appointed officials, agents and employees against any and all losses, including reasonable attorneys' fees and cost of defense. A certificate of insurance is required listing the Village of Orland Park as additional insured on a primary and non-contributory basis. Insurance must be maintained with an insurance carrier with an A.M. Best rate of A- or better.
8. Agrees to and makes towed vehicles available for release during business hours, eight o'clock (8:00) A.M. through five o'clock (5:00) P.M., Monday through Friday, and, if available, on Saturdays from nine o'clock (9:00) A.M. to one o'clock (1:00) P.M.
9. Agrees to and shall base towing charges upon the most recently published Memorandum from the Chief of Police detailing the authorized charges for towing and other related services, and shall not charge for the first twenty-four (24) hours of storage or for basic crash scene clean-up, as that is part of the towing charge. The Chief of Police may use the most recent Illinois State Police Schedule and other sources as a guide to set all acceptable charges for tows and related services.

A copy of the memorandum setting forth authorized charges shall be posted in the office of all tow companies in a conspicuous place where vehicle owners will have access and be most likely to see the document.

10. Provides the Orland Park Police Department, on no less than a weekly basis, with a receipt for each tow listing all charges, the date and time of the tow, related police incident/report number and any other information to properly identify the tow.

Two receipts will list only services relevant to the Police requested tow. Any additional charges agreed to by any other responsible party shall be listed on a separate receipt. Each tow company will provide for a log book detailing all information regarding each police tow, keep the log book current and make it accessible to the Chief of Police, or designee upon request.

11. Performs all Police requested tows of vehicles within the Village of Orland Park at no cost to the Village, to include tow of Police vehicles, seized vehicles and those vehicles seized and held for evidentiary purposes.

12. Responds to Police Department requests for Police tows with the appropriate number of trucks needed to safely and efficiently clear the roadway in a timely manner.

13. Allows access to the vehicle owner as follows:

- Allow vehicle owner or third parties directed and authorized by the vehicle owner to have access to remove personal property from towed and stored vehicles during normal business hours for no additional fee, provided that the vehicle owner has insurance for the vehicle;
- Request for after hour or non-business day recovery of property shall be accommodated at the discretion of the tow company and may be subject to reasonable additional fees set forth by the company.
- Request to remove personal property from stored vehicles shall be subject to the rules of the towing company and any limitations provided by law. The tow company shall not allow the owner access to any vehicle that is the subject of a written hold order without written consent of the Chief of Police or designee.

14. Complies with applicable Village Codes, ordinances and other applicable laws; and

15. Shall be responsible for meeting the needs of oversized vehicles such as semi-tractor trailers and vehicles similar in size and weight, which require larger super-sized tow trucks. The maximum response time provided in paragraph 3 of this Section may be extended if necessary to provide for a super-sized tow truck. The tow company may sub-contract for heavy-duty towing service during its on-call period if it does not have a tow vehicle capable of handling heavy-duty towing services.

Before the list is finalized, the Village Manager shall notify the Chief of Police of the three (3) tentatively approved companies. The Chief of Police will have seven (7) days within which to make a recommendation of whether to accept or reject any or all of the companies. A recommendation of rejection shall specify the reason.

Accepted companies shall be finalized for the towing list, and the names of those companies shall be forwarded to the Chief of Police for use in towing. If any or all of the tentatively approved companies are rejected, the Village Manager shall publish the availability of an opening or openings on the list and accept further applications.

### SECTION 3

If any section, paragraph, clause or provision of this Ordinance shall be held invalid, the invalidity thereof shall not affect any of the other provisions of this Ordinance. All ordinances in conflict herewith are hereby repealed to the extent of such conflict.

### SECTION 4

This Ordinance shall be in full force and effect from and after its adoption, approval and publication in pamphlet form as provided by law.