

MEMORANDUM

June 30, 2020

TO: Mayor John Kahl and Members of City Council

THRU: Steve Roegge, Chief of Police

FROM: Rich Brodrick (Deputy Chief)

SUBJECT: Towing Ordinance Restructuring

DISCUSSION:

To amend Title 3, Chapter 23 of the Code of Ordinances, City of East Peoria.

The Police Department was recently approached by the Illinois Towing Association regarding our current ordinance and the fee structure for services tow companies provide. The towing companies on our rotation towing list have not had a raise in fees since 2012, though surrounding cities have authorized raises in fees. The Police Department supports the companies' request, and this comes with zero cost for the City.

Under the City's current ordinance, the Police Department itself lacks authority to hold tow companies accountable for rules/regulations violations. This restructuring of the City's tow ordinance provides the authority and clear language for guidance that will be provided to all police employees and companies currently towing for the City. This Ordinance will bring the City's tow ordinance and fee structure in line with those of surrounding communities that our companies also tow for.

RECOMMENDATION:

The Council should pass this Ordinance.

c: Dennis R. Triggs
Steve Roegge, Chief of Police
Morgan Cadwalader, City Clerk

ORDINANCE NO. 4509

AN ORDINANCE AMENDING TITLE 3, CHAPTER 23 OF THE EAST PEORIA CITY CODE REGARDING THE CITY OF EAST PEORIA'S TOWING SERVICES

WHEREAS, the City of East Peoria ("City") maintains a rotation tow list consisting of tow companies authorized by the City to respond to the tow requests of the East Peoria Police Department ("Police Department"); and

WHEREAS, the City Council finds that it is necessary to make changes pertaining to the regulations governing its rotation tow list to better regulate participation on such list and to have the City's policies, procedures, and fees reflect similar policies, procedures, and fees of the region so that there is consistency and compliance by such tow companies; and

WHEREAS, pursuant to Section 11-1-1 of the Illinois Municipal Code (65 ILCS 5/11-1-1), the City has the authority to pass and enforce all necessary police ordinances for the health, safety and welfare of its residents; and

WHEREAS, the City Council finds that it is necessary to pass and enforce the proposed amendments to the towing services provisions of the City Code as set forth herein for the health, safety and welfare of its residents when a towing company is called by the Police Department; and

WHEREAS, the City Council finds that the adoption of these proposed amendments serves the best interests of the City, its residents, and the general public;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF EAST PEORIA, TAZEWELL COUNTY, ILLINOIS, THAT:

Section 1. Chapter 23 of Title 3 of the East Peoria City Code is hereby deleted in its entirety and replaced with the following:

CHAPTER 23. TOWING SERVICES

3-23-1. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Chief of Police means the executive head of the East Peoria Police Department or anyone designated by him to perform the functions prescribed under this chapter.

Police Department means the City of East Peoria Police Department.

Rotation tow list means a list maintained by the Police Department containing the names of those tow operators approved by the chief of police to respond to requests by the Police Department for the towing of vehicles for the Police Department or towing of vehicles which are disabled where the person in charge of the vehicle has no preference for any particular tow service or is unable to make such a decision.

Tow operator means a person engaged in the business of, or offering the services of, vehicle towing whereby motor vehicles are or may be towed or otherwise removed or moved from one place to another by the use of a tow truck.

Tow truck means every truck designed or altered and equipped for and used to push, tow and draw disabled vehicles by means of a crane, hoist, tow bar, tow line or auxiliary axle, and to render assistance to disabled vehicles.

3-23-2. Application for placement on list.

(a) Any person desiring to perform towing at the Police Department's request shall submit an application for placement on the rotation tow list to the chief of police. Said applications can be obtained from the office of the chief of police.

(b) Applications shall include the following information:

- (1) the name of the tow operator;
- (2) the names, addresses and phone numbers of all partners or shareholders for both home and businesses;
- (3) the name of the firm under which the tow operator will do business;
- (4) the location, size and security features of the storage lot on which the towed vehicles will be stored;
- (5) the location to which the public must come to claim stored or impounded vehicles;
- (6) a statement of willingness to provide full service on a continuous 24-hour-a-day basis each day of the year;
- (7) a list of towing equipment including its size and capacity;

- (8) a complete listing of insurance policies, carriers and agents that the tow operator will have in effect upon approval of said application;
- (9) a description of the two-way mobile communication system to be used at the base station and on each tow truck and at the office where calls are received.

(c) No person, business partners, silent partners, or other business affiliate shall submit an application for the "rotation tow list" for more than one towing service or more than one towing service business address. No towing service whose owner(s), partners or stockholders who are also owners, partners or shareholders of a separate approved towing service shall submit an application for the "rotation tow list. This prohibition shall not be applicable to those towing services that have been approved and appear on the "rotation tow list" prior to August 1, 2020. Purchase of a towing service on or off the list after August 1, 2020, by an owner, partner, or shareholder of a towing service which is on the list, shall not be exempt from the prohibition.

(d) Violation of this section shall disqualify an applicant. An approved towing service found in violation of this section shall be removed from the rotation tow list as provided for in section 3-23-15 of this chapter.

(e) Any transfer of ownership or partnership shall be grounds for reapplication and the tow company under new ownership must be approved through the application process in order to remain on the rotation tow list.

(f) Any fraudulent statements made on the application will be grounds for rejection of the application and permanent removal from the rotation tow list.

3-23-3. Investigation and approval.

(a) Within thirty (30) days after receiving an application for placement on the rotation tow list, the chief of police shall conduct an investigation to determine the truth and accuracy of the information contained in such application. The chief of police shall also check to determine whether the location, if within the municipal boundaries of the City of East Peoria, meets the city's zoning code, building code, and fire code requirements. Upon completion of this investigation, the chief of police may, at his discretion, place the tow operator on the rotation tow list for a one-year probationary period or notify the tow operator in writing that his application is disapproved. Said notice of disapproval shall state the

reasons for such disapproval and shall be either hand delivered to the tow operator or sent via U.S. mail, first-class, certified or registered.

- (b) No tow operator's application shall be disapproved unless:
 - (1) The applicant has knowingly furnished false or misleading information, or withheld relevant information on the application;
 - (2) The applicant does not have or will not acquire insurance as required by section 3-23-14;
 - (3) The location where the applicant will conduct his business fails to meet the zoning, building, or fire codes of the city as applicable;
 - (4) The applicant or any of its owners have been permanently removed from the rotation tow list for cause pursuant to section 3-23-15;
 - (5) The applicant has any outstanding fines or fees due to the City of East Peoria; or
 - (6) The applicant fails to qualify under the chapter.

(c) Addition to the rotation tow list is a privilege and not a right. Once a towing company's application is approved, it will be added to the rotation tow list for a one-year probationary period. During that probationary period, any documented complaints, violations, or other issues will be investigated by the Police Department and if well founded, the tow company will be removed from the rotation tow list permanently.

(d) The rotation tow list shall be comprised of no more than eight (8) tow companies. However, this amount may fluctuate based upon the needs of the Police Department as determined by the chief of police.

3-23-4. Insurance.

(a) No tow operator shall be placed on the rotation tow list until such operator has deposited with the chief of police a certificate of insurance or a copy of the following policies:

- (1) *Garage keeper's policy.* A garage keeper's legal liability policy covering fire, theft, windstorm, vandalism and explosion in the amount of \$15,000.00 with "voluntary payment" or "direct primary" endorsement to cover loss of property in a towed

vehicle, with each vehicle suffering damage being a separate claim.

- (2) *Garage liability policy.* A garage liability policy covering the operation of the owner's business, equipment or other vehicles for any bodily injury or property damage. This policy shall be in the minimum amount of \$100,000.00 for any one person killed or injured, and a minimum amount of \$300,000.00 for more than one person killed or injured in any accident and an additional \$50,000.00 for property damage.

(b) Each policy required under this section must contain an endorsement by the carrier providing 90 days' notice to both the city and the insured in the event of any change of coverage under the policy including cancellation.

(c) The tow operator must have the city added on such insurance policies as a certificate holder and provide proof of such within five (5) days of approval of said application. Failure to provide such proof will result in the automatic removal from the rotation tow list.

3-23-5. Operation of list.

(a) The chief of police shall ensure that tow operators on the rotation tow list are called in the order of the rotation as far as practicable. The Police Department shall not, except upon request of the owner, operator, or person legitimately in possession of the vehicle to be serviced or pursuant to paragraph (b) below, call any tow operator not on the rotation tow list unless all such tow operators are unavailable.

(b) It is specifically permitted for the Police Department to call a tow operator out of sequence in a life-threatening emergency where there is an urgent need for services of the tow operator in the proximity to the location or estimated response time makes it more practical to do so.

3-23-6. Fees.

(a) The following schedule of maximum fees shall be in effect for all tow calls received off the rotation tow list and shall be prominently displayed at every office or storage facility of the tow operator. For all Police Department ordered tows, each tow company **must** send the proper notifications under Sections 4-205 and 4-209 of the Illinois Vehicle Code (625 ILCS 5/4-205 and 5/4-209) as amended from time to time.

- (1) Standard towing fee (i.e., use of flatbed truck, clean-up, dollies, etc.). A cost of living adjustment shall be established

which will increase the standard tow fee \$5.00 a year as follows not to exceed \$175.00.

Effective as of January 1 of each year:

2020--\$155.00 standard tow fee - effective 4/1/2020
2021--\$160.00 standard tow fee
2022--\$165.00 standard tow fee
2023--\$170.00 standard tow fee
2024--\$175.00 standard tow fee

- (2) An exceptional location fee (winching) of \$60.00 applies when the use of a winch is needed to remove vehicles from the scene such as on a concrete center median or up on a curb/parking block, or when 2 vehicles are stuck together. An additional recovery fee, to be determined according to the service and equipment provided, applies where a vehicle is up to 75' off of the roadway and cannot be driven from scene. A rotary crane fee applies where a crane is used to hoist a vehicle out of difficult locations where a tow truck would not work.

a.	Lot storage fee (per day)	\$ 35.00
b.	Inside storage fee (per day)	\$ 40.00
c.	Interrupted tow fee	\$ 50.00
d.	Service fee (i.e. jump start, tire change, fuel etc.)	\$ 80.00
e.	Snow emergency tow	\$150.00
f.	Emergency openings after the end of posted business hours/special trips	\$ 60.00
g.	Lien holder notification fee	\$ 85.00
h.	Clean up fee	\$ 25.00

(b) Where special or unusual circumstances require an exceptional amount of work or equipment, a higher fee may be charged, provided that the owner or operator of the vehicle to be serviced is informed of the additional fee in advance if such person is available to be notified.

(c) A \$25.00 fee may be charged for the removal of personal belongings from towed vehicles. Property that can be removed from the towed vehicle is defined under Section 4-203(g)(4) of the Illinois Vehicle Code (625 ILCS 5/4-203(g)(4)) as amended from time to time.

(d) No vehicle may be towed by any person from private property if the owner or other person entitled to possession of the vehicle is present, or arrives at the scene prior to the vehicle's removal from such private

property, exhibits the ignition key of said vehicle, and offers to remove such vehicle voluntarily prior to the time such person attempting to tow actually removes such vehicle from the private property in question, provided that such other person so removes such vehicle immediately. However, the owner must pay an interrupted tow fee. If the owner refuses to pay the interrupted tow fee, the tow truck operator may proceed to tow the vehicle.

(e) All tow companies must accept all of the following forms of payment: credit, debit, or cash. Major credit and debit cards: To the extent that the city is authorized to enact regulations on the use of credit and debit cards, a relocater or towing company holding a properly signed credit or debit card receipt shall become a holder in due course, and neither the holder of the credit or debit card nor the company which issued the credit or debit card may thereafter refuse to remit payment in the amount shown on the credit or debit card receipt minus the ordinary charge assessed by the credit or debit card company for processing the charge.

(f) Pursuant to state law, tow operators may charge up to a 4% convenience fee/surcharge for accepting payment made via credit card. This fee must be disclosed to customers in advance. Pursuant to state law, this fee does not apply to debit card payments under Section 25 of the Local Governmental Acceptance of Credit Cards Act (50 ILCS 345/25).

3-23-7. City administrative fee.

There is hereby imposed an additional administrative fee of \$25.00 for each rotation tow for which a vehicle owner is required to obtain a release from the Police Department prior to reclaiming the vehicle or any personal belongings. The administrative fee shall be collected by the Police Department when the vehicle owner obtains its release. This fee shall not apply to unclaimed vehicles which are scrapped by the tow operator, tows paid for by the city, or vehicle owners who are victims of theft or vehicular invasion of their vehicle.

3-23-8. Collection of costs; inspection of records.

(a) Collection of authorized towing charges from the owner or driver of the towed vehicles shall be the sole responsibility of the tow operator or its employee. The city and the Police Department will not be responsible for nor assist in the collection of such fees, except as provided in section 3-23-17(c).

(b) The tow operator shall maintain complete records and a system of releasing vehicles which assures that vehicles are released only to the rightful owner or authorized person. All records involving towing from the rotation tow list shall be open to the chief of police for inspection during

normal business hours or at such time as there is existing a dispute concerning the amount or validity of any towing or storage charges.

3-23-9. Duties and requirements of tow operators on list.

(a) Each tow operator shall maintain a secured storage lot with an office at that location. This office must be open and staffed during reasonable business hours. Reasonable business hours (8 a.m. - 4 p.m. or 9 a.m. - 5 p.m.) shall be set, posted and adhered to by all operators. The attendant on-site shall be able to receive or release stored vehicles during posted business hours. If the tow operator's office is found closed or unstaffed during set business hours, the tow operator will be found to be in violation of these provisions.

(b) Each tow operator shall provide continuous 24-hour-per-day service each day of the year. There shall be an attendant or answering service on duty at all times for the purpose of receiving calls. There shall also be a person on call at all times for the purpose of releasing stored vehicles from the end of posted business hours until 9:00 p.m. No vehicle releases are required after 9:00 p.m., but vehicles may be released after 9:00 p.m. at the operator's discretion. All vehicles released after the end of the operator's posted business hours may be charged an emergency opening or special trip fee as identified in section 3-23-6(a)(8).

(c) Based on the Tollway Roadway Traffic Control and Communication Guidelines and Federal Regulations regarding proper safety attire, all tow operators must comply with the following:

- (1) All operator personnel responding to a tow or accident scene during daytime operations must wear a fluorescent orange, fluorescent yellow/green, or a combination of fluorescent orange and fluorescent yellow/green vest meeting the requirements of ANSI/ISEA 107-1999 for Conspicuity Class 2 garments. Other types of garments may be substituted for the vest as long as the garments have manufacturer tag identifying them as meeting the ANSI Class 2 requirement.
- (2) All tow operator personnel responding to a tow or accident scene during nighttime operations must wear garments of fluorescent orange or fluorescent orange and fluorescent yellow/green meeting the ANSI Class 3 requirements.
- (3) Any tow operator personnel that responds to a tow without the appropriate vest or safety equipment shall be asked to leave the scene and the next tow operator on the rotation tow list shall be called.

(d) Flatbed trucks and wheel lift equipment must be readily available to all towing operators. A tow operator must have a minimum of one flatbed truck available at all times. Dispatch will advise the tow operator of the type of vehicle and of any special instructions for the tow operator. The tow operator will then be allowed to decide which truck is best suited for a job, unless a specific type of tow is requested by the officer on scene.

(e) All tow trucks shall be equipped to safely transport motorcycles.

(f) All tow trucks shall be equipped with warning lights and all other equipment required by state law including one or more brooms and shovels; one or more trash cans at least 18 inches in height; one fire extinguisher of a dry chemical or carbon dioxide type with an aggregate rating of at least 40B:C and bearing the approval of a laboratory qualified by the Division of Fire Prevention for this purpose (i.e. UL approval); and have a working two-way communication equipment on the same commercial frequency as the base station located at the point where calls are received. All tow trucks shall carry dollies at all times.

(g) The tow operator shall sign an agreement to indemnify and hold the city harmless from any liability for damages sustained by vehicles by being towed or stored and for all personal injuries occurring to any of the tow operator's firms, employees, or other persons, and shall maintain the required insurance policies.

(h) Tow operators shall not release any vehicle directly impounded by the Police Department without written authorization from the Police Department. This includes both impounded and abandoned vehicles.

(i) All tow operator personnel who respond to the scene must have photo identification displayed on their person so that they are easily and quickly identifiable to police and rescue personnel.

3-23-10. Tow operator personnel qualifications.

(a) A person who has been convicted under the laws of this state, or any other state, of an offense which under the laws of the state would be a felony theft of a vehicle or a felony offense under Section 4-103 of the Illinois Vehicle Code (625 ILCS 5/4-103), or convicted of any felony sex offense as defined in Article 11 of the Illinois Criminal Code of 1961 (720 ILCS 5/11-0.1, *et seq.*), first degree murder as defined by Section 9-1 of the Illinois Criminal Code (720 ILCS 5/9-1), or any similar offense under the laws of another state, shall not be approved as a tow operator to be placed on the rotation tow list, nor shall any tow operator knowingly permit such a person to operate a tow truck on rotation tow list calls; provided, however, that a

person whose last conviction was more than four (4) years past, and who has shown evidence of rehabilitation, may be approved by the chief of police if otherwise eligible.

(b) Each tow operator shall furnish to the Police Department a complete and current list of all drivers who may respond to rotation tow list calls. No driver shall be permitted to respond to any rotation tow list call unless the person's name, sex, date of birth and driver's license number have been furnished to the Police Department at least 24 hours in advance by the tow operator on forms provided by the Police Department.

(c) All tow personnel responding to a call from the Police Department shall have personal identification displayed in compliance with sections 3-23-9(i) and 3-23-11(l) of this Chapter.

3-23-11. Tow truck operation.

(a) All tow operators and drivers must be in possession of a state issued Traffic Incident Management Card (TIM Card). Drivers without TIM cards shall be asked to leave the scene and the next tow operator on the rotation tow list shall be called.

(b) No tow operator or driver of a tow truck shall respond to a call for service while under the influence of intoxicants.

(c) Tow operators must be able to respond to calls within thirty (30) minutes or less for tows occurring inside the city limits under reasonable road conditions.

(d) If a tow operator is unable to respond to a request for service immediately, the tow operator or his employee shall advise the Police Department that their company is not available. No substitute tow truck or operator will be allowed. The police dispatcher will then call the next tow operator on the list.

(e) Tow operators must respond to ALL TYPES of tow calls. A tow operator may NOT pick-and-choose to which calls the tow operator will respond. Dispatch will not indicate the type of tow until the tow operator has indicated whether or not they will accept the tow. Once accepted, the tow operator will be advised of the situation, so they can best determine the truck and equipment necessary to respond to said call.

(f) A tow operator must respond to 85% of requests for towing. If a tow operator fails to respond to at least 85% of tow requests, the tow operator will be found to be in violation of these provisions and will be

disciplined appropriately by the chief of police including, but not limited to, being removed from the tow list.

(g) If a tow operator will be unable to provide towing services or towing for specific types of vehicles for any period of time, the tow operator should notify and get approval from the Police Department for special circumstances (i.e. vacation, injury, illness, or damaged equipment with set time frame for repairs).

(h) If a tow truck is cancelled by the Police Department after being dispatched off the rotation tow list, it shall be put back at the head of the rotation tow list.

(i) If a tow operator calls the Police Department to cancel a tow after agreeing to accept it, they must provide a valid reason for the cancellation. The Police Department may investigate the reason for cancellation and if the cancellation is found to be in bad faith, the cancellation may count as a violation of these provisions, and the tow operator will be disciplined appropriately.

(j) Towed vehicles shall be taken to the location designated by the vehicle owner, driver, or agent, should such person not wish to store the vehicle at the tow operator's facility once towing fees are paid to the towing provider. However, all vehicles towed upon the direction of the Police Department shall be towed to the location designated by the police officer in charge at the scene.

(k) Every tow operator or driver of a tow truck shall remove or cause to be removed all glass and debris deposited on any street or highway by the disabled vehicle being serviced, and shall also spread dirt, sand, or other oil-absorbing materials upon that portion of any street or highway where oil or grease has been deposited by the disabled vehicle being serviced.

(l) All tow operator personnel who respond to a tow or accident scene shall have photo identification displayed on their person so that they are easily and quickly identifiable to police and rescue personnel.

3-23-12. Storage facility.

Each tow operator shall maintain a secure storage lot of adequate size to store all towed vehicles safely, but in no event, shall the capacity be smaller than 40 vehicles. Such lot shall be enclosed by a fence.

3-23-13. Solicitation of business.

(a) No tow operator may respond to the scene of an accident or emergency for the purpose of towing vehicles unless called there by the Police Department or persons involved in the accident or emergency. Tow operators responding to an accident or emergency at the request of an individual other than a Police Department employee, must record the name and address of the person making the request and make such information available to the chief of police upon request.

(b) This section is intended only to prohibit the soliciting of business at the scene of accidents and emergencies and shall not be construed to prohibit any tow operator from contracting with any person; provided, that the tow operator, his agents and employees do not solicit tow contracts at the scene of accidents or emergencies.

3-23-14. Tow trucks for semi-tractor trailer vehicles.

A separate tow list for tow trucks capable of towing semi-tractor trailer vehicles shall be maintained by the Police Department consisting of tow operators on the rotation tow list. The tow truck must be a tandem axel truck capable of towing a minimum of 25 tons.

3-23-15. Removal from rotation tow list.

(a) The chief of police may remove any tow operator temporarily or permanently from the rotation tow list when the chief of police finds:

- (1) Placement on the list was secured by fraud or concealment of a material fact, which if known would have caused disapproval of the application;
- (2) The tow operator has violated any of the provisions of this chapter;
- (3) The service provided by the tow operator has been substantially inadequate, which shall include but not be limited to, failing to be available for or not accepting at least 85% of all calls, slow response time, excessive damage claims, substantial and repeated complaints from citizens, or abuse of special circumstance fees under section 3-23-6; or
- (4) Any violations of this code, including but not limited to code enforcement, building code, or fire code relating to any properties the tow operator owns that are within the municipal boundaries of the city.

(b) Following three (3) infractions, a tow company will be automatically removed from the rotation tow list.

(c) At any time, a tow operator may choose to remove themselves from the rotation tow list by submitting in writing such notice to the chief of police.

(d) Investigation of Complaints: Complaints with respect to towing services may be investigated by the Police Department.

(1) If the allegations of the complaint are confirmed, the Police Department shall notify the tow operator in writing of the results of the investigation. The tow operator shall have ten (10) days from receipt of the notice to file a written response to the allegations. All written responses shall be addressed to the chief of police.

(2) Thereafter, the chief of police shall take whatever corrective action is deemed appropriate in light of the investigation conducted by the Police Department and the tow operator's response. Discipline may consist of corrective action, a reprimand, temporary suspension, removal from the tow rotation list, or any other action deemed appropriate by the chief of police.

3-23-16. Appeals, hearing, notice: removal from rotation tow list.

Any tow operator aggrieved by an action of the chief of police removing the tow operator from the rotation tow list or refusing to place or reinstate the tow operator on the rotation tow list may appeal the chief of police's decision to the mayor. Such appeal must be in writing and delivered to the office of the mayor within five (5) days after the decision of the chief of police. The mayor shall, after three (3) days' written notice to the tow operator, conduct a public hearing affording such tow operator an opportunity to appear and defend. Within five (5) days of such hearing, the mayor shall determine whether the tow operator should remain off of the rotation tow list. The mayor shall state the reasons and such determination in a written order, and shall serve a copy of such order within the said five (5) days upon said tow operator.

3-23-17. Appeal: involuntary tow.

For the purposes of this chapter, the term "involuntary tow" means any direction by the Police Department to tow a private vehicle without the permission of the owner or operator thereof. Involuntary tows shall include

the direction to tow issued by the Police Department on behalf of another city department.

(a) Appeal. Whenever an involuntary tow was directed by the Police Department and the owner of the vehicle believes that the tow was incorrectly ordered, such owner shall have the right to appear before a person designated by the department head of the department ordering the tow and present the owner's reasons for believing such tow was incorrectly ordered. If the department head ordered the tow, the owner shall have the right to appear before a day-shift deputy chief of the Police Department to present the owner's reasons for believing such tow was incorrectly ordered. In no case shall such opportunity to contest the tow be held more than 72 hours after it is requested, unless the owner requests such opportunity to contest be held after the expiration of 72 hours. The person designated by the city under this Section to hear the owner's reasons shall in no case be the same person who ordered the tow.

(b) Notification of rights. The Police Department shall give all persons contacting them concerning an involuntarily towed vehicle a written notice of the rights accorded by this chapter. Such notice shall include the name, address, phone number, and email where the complainant can request to be heard. The department ordering the tow shall provide to the Police Department a copy of such notice completely and accurately filled out at the time the tow is ordered.

(c) Disposition of owner's claim for impounded vehicles. After hearing the owner's reasons for believing the tow was improper and doing such other investigation as may be appropriate, if the designated city representative determines that the tow was improper, the vehicle shall be immediately released, and the city shall pay the cost of towing and storage to the date of the release. If the tow is found to have been proper, the vehicle shall continue to be held subject to such conditions as may be appropriate. Nothing in this section shall prohibit the city from seeking reimbursement of such costs through a court of law.

3-23-18. Violation and penalty.

Any person who violates any of the provisions of this chapter shall, upon conviction thereof, be fined not less than one hundred dollars (\$100.00) nor more than as provided in section 1-1-14 of this Code.

Section 2. This Ordinance is hereby ordered to be published in pamphlet form by the East Peoria City Clerk and said Clerk is ordered to keep at least three (3) copies hereof available for public inspection in the future and in accordance with the Illinois Municipal Code.

Section 3. This Ordinance is in addition to all other ordinances on the subject and shall be construed therewith excepting as to that part in direct conflict with any other ordinance, and in the event of such conflict, the provisions hereof shall govern.

Section 4. This Ordinance shall be in full force and effect from and after its passage, approval and ten (10) day period of publication in the manner provided by law.

PASSED BY THE COUNCIL OF THE CITY OF EAST PEORIA, TAZEWELL COUNTY, ILLINOIS, IN REGULAR AND PUBLIC SESSION THIS _____ DAY OF _____, 2020.

APPROVED:

Mayor

ATTEST:

City Clerk

EXAMINED AND APPROVED:

Corporation Counsel