

POLICE DEPARTMENT**Memo**

TO: Raymond Turano, Chief of Police
FROM: Mark Leonard, Deputy Chief of Police *ML*
SUBJECT: **CITY ORDINANCE 5-3-11(D): REMOVAL OF VEHICLES**
DATE: MAY 2, 2019

On August 24, 2018, the Warrenville Police Department responded to a traffic crash involving several semi-tractor trailers near Rt. 59 and Prairie Avenue. The semi-tractors involved were either damaged to an extent of inoperability, leaking hazardous materials, or otherwise stuck in a ditch. Due to the magnitude of the crash and clean-up, Rt. 59 was closed for an extended period of time.

Police called an area towing company who specified the need of specialized equipment classified as a "Rotator" to effectively remove the involved vehicles. Following the incident, a representative of an involved trucking company questioned the cost of the tow, and the ordinance regarding police ordered tows. This particular incident fell under a section of state statute allowing municipalities flexibility when ordering towing companies to accomplish a given situation.

However, the revision of the ordinance to include specific language for removal of vehicles creating a traffic hazard would address this category of police ordered tows. Following city council review and approval, a list of approved towing companies and their fee schedule will be posted at the police department and on the city website.

Attached is a draft ordinance amending Title 5, Chapter 3, Section 11 (D) of the City Code.

**AN ORDINANCE AMENDING THE WARRENVILLE CITY CODE
REGARDING THE REMOVAL OF VEHICLES**

WHEREAS, the City is a home rule municipal corporation pursuant to Article VII, Section 6(a) of the Constitution of the State of Illinois of 1970; and

WHEREAS, Section 5-3-11 of the Warrenville City Code (“City Code”) authorizes the Police Department to remove vehicles from the right-of-way under certain circumstances; and

WHEREAS, pursuant to Section 5-1-16 of the City Code, the City has adopted by reference the Illinois Vehicle Code, as it has been amended from time to time; and

WHEREAS, Section 2-304(d) of the Illinois Vehicle Code states that if an abandoned, unattended, wrecked, burned or partially dismantled vehicle is creating a traffic hazard (“Hazardous Vehicles”) the law enforcement agency having jurisdiction may authorize the immediate removal of the Hazardous Vehicle; and

WHEREAS, the City desires to amend Section 5-3-11 of the City Code to clarify that the Police Department may authorize the immediate removal Hazardous Vehicles; and

WHEREAS, the Mayor and the City Council have determined that it is in the best interest of the City and the public to amend the City Code pursuant to this Ordinance;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF WARRENVILLE, DU PAGE COUNTY, ILLINOIS, AS FOLLOWS:

SECTION 1: Recitals. The recitals listed above are incorporated in this Ordinance as if fully set forth in this Ordinance.

SECTION 2: Amendment to Section 5-3-11. Section 5-3-11 of the City Code, entitled “Removal of Vehicles,” shall be and is hereby amended, as follows:

“5-3-11: REMOVAL OF VEHICLES:

* * *

D. Vehicles Creating Traffic Hazard: When an abandoned, unattended, wrecked, disabled, burned or partially dismantled vehicle is creating a traffic hazard because of its position in relation to the public street or right-of-way or its physical appearance is causing the impeding of traffic, the police department may authorize its immediate removal from the public street or right-of-way or property adjacent to the public street or right-of-way by city owned equipment, a commercial towing service, or by other reasonable means if towing is not feasible. Such vehicles may be stored at any private or public storage lot. Fees for towing and storage of a vehicle under this section 5-3-11.D shall be those approved by the chief of police for all tow companies authorized to tow for the police department. The

owner of the vehicle shall be responsible for payment of any costs and penalties incurred.

SECTION 3: EFFECTIVE DATE. This Ordinance shall be in full force and effect ten days after its passage, approval, and publication in the manner provided by law.

PASSED THIS ____ day of _____, 2019.

AYES:

NAYS:

ABSTAIN:

ABSENT:

APPROVED THIS ____ day of _____, 2019.

MAYOR

ATTEST:

CITY CLERK