

ORDINANCE NO. O2025-34

**AN ORDINANCE REPEALING AND REPLACING TITLE 4, CHAPTER 8 OF THE
WARRENVILLE CITY CODE REGARDING
THE REPOSSESSION AND RELOCATION 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, Title 4, Chapter 8 of the Warrenville City Code ("**City Code**") regulates the repossession of vehicles; and

WHEREAS, the City desires to repeal and replace Title 4, Chapter 8 of the City Code in its entirety in order to further regulate the repossession of vehicles and regulate the relocation towing of trespassing vehicles from private property ("**Proposed Amendments**"); and

WHEREAS, the Proposed Amendments require that a permit from the City must be obtained prior to repossessing or relocating a vehicle from private property so that the City Police Department is aware of the activity and informed sufficiently to answer questions from vehicle owners regarding the activity; and

WHEREAS, the Police Department desires that the require permits be obtained through the Oxcart System, which is currently used to process and issue overweight truck permits for the City, which Oxcart System will charge additional administrative processing fees of \$3.00 per plus applicable credit card processing fees; and

WHEREAS, the Mayor and the City Council have determined that it is in the best interest of the City and the public to approve the Proposed Amendments and amend the City Code in accordance with this Ordinance;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF WARRENVILLE, DUPAGE 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: Repeal and Replacement of Chapter 8, Title 4. Chapter 8, titled "Repossession of Vehicles," of Title 4, titled "Police Regulations," is hereby repealed and replaced in its entirety with a new Chapter 8, titled "Repossession and Relocation of Vehicles," as set forth on **Exhibit A** attached to and made a part of this Ordinance.

SECTION 4: Effective Date. This Ordinance shall be in full force and effect 10 days after its passage, approval, and publication in the manner provided by law.

[Signatures and Voting Record on Following Page]

PASSED THIS 18th day of August, 2025.

APPROVED THIS 18th day of August, 2025.

VOTE: AYES 8 NAYS 0 ABSENT 0 ABSTAIN 0


MAYOR

ATTEST:

DEPUTY CITY CLERK

EXHIBIT A

CHAPTER 8

REPOSSESSION AND RELOCATION OF VEHICLES

4-8-1: DEFINITIONS:

When used in this chapter, the following words and terms will have the meanings set forth below:

VEHICLE: Includes automobiles, trucks, trailers, construction and excavation equipment, campers, boats and watercraft on trailers, snowmobiles and all other apparatus on wheels which may either be driven or towed.

PERSON: Includes individual persons, corporations, partnerships and all other entities.

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.

4-8-2: TOWING PERFORMED PURSUANT TO A 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 – 5/4-204 of the Illinois Vehicle Code or Title 5, Chapter 5 of this Code.

4-8-3: RELOCATORS – UNLAWFUL PRACTICES:

It shall be unlawful for any relocator to:

- A. Relocate a vehicle if it is parked in a space on private property where it is authorized to be parked.
- B. Relocate a vehicle from private property without express, written authorization from a property owner, lessee, or agent of the owner or lessee.
- C. Relocate a vehicle prior to obtaining a valid permit issued by the city as required by this chapter.
- D. Relocate a vehicle without having a valid operator's license issued by the Illinois Commerce Commission.
- E. Relocate a vehicle from a location that does not include the signage required by this chapter.
- F. Relocate a commercial motor vehicle that requires a commercial driver's license to operate, as required under 625 ILCS 5/6-500 et seq., unless the relocator driver has the appropriate driver's license classification.

- G. Demand, collect, or receive anything of value or compensation in relation to its relocation business from the property owner, lessee, or their agents or from any person, in a manner or amount not in accordance with the terms in the contract entered into with the property owner or lessee or their agent.
- H. Demand, collect, or receive compensation from the vehicle owner, lessee, or their agents greater than the amount posted on the required signage on the private property from which the vehicle was relocated.
- I. Refuse to release the relocated vehicle upon proper payment.
- J. Relocate a vehicle to a location other than the location identified on the required signage.
- K. Not take the relocated vehicle directly to the identified storage location or move the vehicle from one storage location to another.

4-8-4: RELOCATORS – PREREQUISITES TO OPERATING WITHIN THE CITY:

- A. Relocators must only employ as a driver or otherwise use the services of people who have been duly licensed by the Illinois Commerce Commission and the Illinois Secretary of State pursuant to the applicable laws, rules, and regulations.
- B. Relocators must operate in conformance with applicable laws, regulations, and rules, including, without limitation, the laws, rules and regulations of the Illinois Commerce Commission.
- C. All vehicles operated by relocators must:
 - 1. pass a safety test as required in 625 ILCS 5/13-101;
 - 2. have the proper identification, equipment, and insurance for that vehicle;
 - 3. carry a copy of 625 ILCS 5/18A of the Illinois Vehicle Code and a copy of this chapter of the City Code, which documents must be made available to any complainant at their request in the event of a dispute regarding vehicle relocation; and
 - 4. carry a copy of the Illinois Commerce Commission operator's license, which license must be presented to any investigator or enforcement officer of the Illinois Commerce Commission upon request.
- D. The relocator must accept cash and major credit cards as forms of payment for release of the vehicle.

4-8-5: SIGNAGE REQUIRED TO BE POSTED - VEHICLE RELOCATION:

- A. 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 the property unless written notice is provided pursuant to the administrative rules of the Illinois Commerce Commission, including 92 Ill. Admin. Code 1710.51, as such rules may be amended from time to time. The notice must consist of a sign posted in a conspicuous place in the affected parking area of a size and with the content required by the Illinois Commerce Commission. The sign must state the amount of the towing charges

to which the person parking may be subject. The sign must be posted at least 24 hours before any vehicle is relocated from the lot.

- B. Application to residential property. No express notice is required under this chapter for the relocation of vehicles from residential property when a person paying due regard to the circumstances in the surrounding area would observe that the parking area is clearly reserved or intended exclusively for the use or occupation of residents or their vehicles.
- C. Sign specifications:
 - 1. Each sign must contain:
 - a. A warning that unauthorized vehicles will be relocated;
 - b. The full legal name of the relocator as it appears on the relocator's state 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 (only one location may be listed), if different from the address of the relocator;
 - c. The maximum fee that the relocator will charge the vehicle's owner as a condition of reclaiming the vehicle, and any restrictions on the form of payment which will be accepted by the relocator, provided that no sign may indicate a restriction on the form of acceptable payment that is contrary to section 4-8-4(D);
 - d. The hours during which the owner can reclaim the vehicle and the dates and times when the relocator is closed to the public due to observation of holidays or otherwise. To the extent that a sign does not show limitation on hours or days when the vehicle can be reclaimed, the sign will constitute a representation that the vehicle can be reclaimed at any time or on any day.
 - 2. The sign(s) must be visible and readable from all entrances and exits to the property, both during the day and at night and be free of any natural or man-made interference.

4-8-6: REPOSSESSORS – UNLAWFUL PRACTICES:

It shall be unlawful for any reposessor to:

- A. Repossess a vehicle prior to obtaining a valid permit issued by the city as required by this chapter.
- B. Repossess vehicle without having a valid license issued by the Illinois Commerce Commission.
- C. Violate any other provision of this chapter or state law, including, without limitation, Illinois Commerce Commission regulation or order, or 22 ILCS 422/1 et. seq.
- D. Repossess a vehicle from private property where such entry or removal constitutes a breach of the peace.
- E. Repossess a vehicle without having provided the notice required pursuant to this chapter.

4-8-7: NOTICE OF REPOSSESSION:

- A. To the Person in Possession: At the time of the repossession of any motor or nonmotor vehicle, the person repossessing the vehicle must post a letter in a conspicuous place at the residence of the person from whom the vehicle is being repossessed, if known, and if unknown, at the place the vehicle is located, immediately prior to the repossession stating the information required by subsections 4-8-9.D.1, D.2, D.3, and D.4 of this chapter.

- B. To the City. In addition to the advanced notice provided to the City as part of the application for the permit pursuant to Section 4-8-9 of this Chapter, the Repossessor must, within 24 hours after repossessing a vehicle from a location in the City, notify the City of the repossession.

4-8-8: PERMIT; PERMIT FEE REQUIRED:

No person shall repossess or relocate any motor or nonmotor vehicle within the corporate limits of the city unless they have first obtained a permit from the City and paid the \$15.00 permit fee, plus applicable third-party processing fees.

4-8-9: PERMIT APPLICATION REQUIREMENTS:

The following information must be provided to the City:

- A. A copy of the valid license issued from the Illinois Commerce Commission.
- B. Valid driver's license.
- C. Entity identification.
- D. If relocating a vehicle:
 - 1. the description of the vehicle to be relocated including the make, year and license plate number, vehicle identification number (VIN), if available;
 - 2. the location from which the vehicle will be removed and the location to which the vehicle will be transported and stored; and
 - 3. the date and time of the relocation.
- E. If repossessing a vehicle:
 - 1. the description of the vehicle to be repossessed, including the make, year and license plate number, vehicle identification number (VIN), if available;
 - 2. the name and address of the person from whom the vehicle is to be repossessed; the name and address of the person holding a lien on the vehicle to be repossessed for whom such repossession is to be performed;
 - 3. a copy of the letter, court order or other document executed by the lienholder or court and authorizing the repossession;
 - 4. the date of the proposed repossession.

- E. A telephone number at which the relocator or reposessor may be contacted at any time, 24 hours each day.
- F. A telephone number that will be advertised for the purpose of effectuating the release of a relocated vehicle.

4-8-10: PENALTY:

Any person violating the provisions of this chapter shall be subject to a fine not less than \$100.00 and not more than \$500.00 for each and every offense.