

COUNCIL BILL NO. 2022-011

AN ORDINANCE

AMENDING SECTIONS 33-51, 33-52 AND 33-168 OF THE CHAMPAIGN
MUNICIPAL CODE, 1985, AS AMENDED
(Traffic and Motor Vehicles – Parking on Public Property – Tow Authorization)

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHAMPAIGN,
ILLINOIS, as follows:

Section 1. That Section 33-51 entitled "Parking restrictions" of the Champaign
Municipal Code, 1985, as amended, is hereby amended to read as follows:

"Sec. 33-51. - Parking restrictions.

(a) The City Manager, on recommendation of the Chief of Police, Public Works Director, or Neighborhood Services Director, or such chief or directors' designee, is hereby authorized to prohibit or otherwise restrict the parking of vehicles at all times, or between certain hours, on any public property or portion thereof, when he or she finds it necessary or desirable to protect the public health, safety, and welfare, including but not limited to when such parking may impede, interfere with, or obstruct or may tend to impede, interfere with or obstruct: the flow of traffic; the delivery of police; fire and other emergency services; the removal of snow; and the maintenance of streets. Appropriate signs, pavement or curb markings or other designations shall be erected and maintained giving reasonable notice of such prohibitions or restrictions.

(b) The City Manager may prohibit or limit parking on any street or portion thereof or in any City operated parking lot in connection with a special event for which a Special Event Permit has been issued. The City Manager shall cause written notice indicating the area and times that such restrictions or limitations will apply to be given to the Council and filed with the City Clerk prior to such prohibitions and limitations taking effect. The Director of Public Works or any other person designated by the City Manager shall cause notice of such prohibitions or limitations to be posted in all areas where such limitations or restrictions apply. No person shall park a vehicle in violation of any such prohibition or limitation.

(c) Notice at the specific location of any parking prohibition, the nature of the prohibition, the time limits, and the types of notice, if any, approved by the City Manager shall be filed with the City Clerk prior to its designation and reported to the City Council in writing within fourteen (14) days of such designation.

(d) No vehicle shall be parked on property under the ownership or control of the City which is not a designated City parking lot or parking space and for which the vehicle's driver does not have the consent of the public body to park or exceeds such consent.

(e) The failure to file or provide any parking or towing related action, order, or designation to the City Clerk or the City Council within the specified timeframe shall have no effect on such action, order, or designation, shall not nullify or otherwise void any such action, order, or designation, and such action, order, or designation shall remain in full force and effect."

Section 2. That Section 33-52 entitled "Posting of signs; pavement markings" of the Champaign Municipal Code, 1985, as amended, is hereby amended to read as follows:

"Sec. 33-52. – Posting of signs; pavement markings.

(a)

(1) The Director of Public Works or other persons authorized by the City Manager shall cause signs to be posted adjacent to all lanes where parking is limited or prohibited, indicating such limitations or prohibitions.

(2) Such signage may also include pavement or curb markings which the Public Works Director or other person authorized by the City Manager shall cause to be painted or otherwise designated where parking is limited or prohibited.

(3) The Public Works Director, subject to the approval of the City Manager, may have lines or markings painted or placed upon the curb or street for the purpose of designating the limits of individual parking spaces.

(b) In the case of required fire lanes on private property, the property owner, or the agent of the property owner, shall be responsible for providing and posting the proper signs, which signs shall conform to the Illinois Manual on Uniform Traffic Control Devices and shall be approved by the Public Works Director or the Director's designee prior to posting.

(c) The City Manager is hereby authorized and may designate by order in writing any public property or portion thereof as a tow-away zone, upon recommendation of the same by the Chief of Police, Public Works Director, or Neighborhood Services Director, or such chief or directors' designee. Said tow-away zone may be authorized for a specific property or geographic area for a specific period of time, not to exceed 120 days, and/or may be authorized for a specific purpose, such as tow of vehicles parking in violation of a specifically marked space such as those marked as handicap spaces or rental spaces. The order may designate a specific towing service or service(s) authorized to conduct such tows. Any tow-away zone designation by the City Manager shall be filed with the City Clerk and reported to the City Council in writing within fourteen days of such designation. After such designation by the City Manager, the Public Works Director shall

cause appropriate signs to be posted pursuant to Section 33-168(5). Such orders may be issued consecutively. Vehicles parked in violation of any such order shall be deemed trespassing vehicles."

Section 3. That Section 33-168 entitled "Towing regulations" of the Champaign Municipal Code, 1985, as amended, is hereby amended to read as follows:

"Sec. 33-168. - Towing regulations.

It shall be unlawful for any towing services:

- (1) To operate in the City of Champaign as a relocater without first having obtained a relocater license from the City Clerk at least seven (7) days before commencing such towing.
- (2) To remove vehicles from private and/or public property without first obtaining a signed contract from the property owner authorizing them to relocate trespassing vehicles from the property as specified in section 33-166 of this Code.
- (3) To employ as a tow truck operator, a person not licensed by the State of Illinois for a tow truck operation.
- (4) To operate on the streets and roadways of this City any vehicle used for the commercial relocation of trespassing vehicles unless there is required identification of the towing service as specified in section 33-164 of this Code.
- (5) Except as provided in subsection (6), it shall be unlawful for a relocater to remove a trespassing vehicle from private property, public property, or a private parking space unless written notice is provided to the effect that such vehicles will be removed. The written notice shall include the name, address, and current telephone number of the relocater used by the property owner. The notice shall consist of a sign prominently placed at each driveway access or curb cut allowing vehicle access to the property within five (5) feet from the public right-of-way line. If there are no curb or access barriers, the sign must be posted not less than one sign each one hundred (100) feet of the lot frontage. Sign structures containing any required notice must be permanently installed with the bottom of the sign not less than four (4) feet above ground level, and must be continuously maintained on the property for not less than twenty-four (24) hours prior to the towing or removing of any vehicle. The sign shall be at least twenty-four (24) inches by thirty-six (36) inches and the notice must clearly indicate, in not less than two (2) inch high light-reflective letters on a contrasting background, that unauthorized vehicles will be towed away at the vehicle owner's expense.
- (6) The notice provisions of subsection (5) shall not be required under this section in the following circumstances where towing is otherwise authorized:

- a. From public property, single family, or residential property which, having due regard to the circumstances and the surrounding area, is clearly reserved or intended exclusively for the use or occupation of vehicles belonging to residents or official governmental vehicles;
 - b. From any property clearly intended for a use other than parking;
 - c. From public property which is posted with a conspicuous limitation on parking; or
 - d. For tows from public property as provided or in violation of Section 33-51(d) or Section 33-184.
- (7) Any vehicle not bearing the registration plates, certificate, device or decal required by law and which is parked in a handicapped designated space may be removed from such space after the property owner notifies the Police Department and the required police-tow authorization forms are filled out, if any.
- (8) To pay money or other valuable consideration to the owners or operators of the premises from which vehicles are to be removed for the privilege of relocating those vehicles.
- (9) Except in the case of vehicles towed by order of the Police Department, no towing service may remove a trespassing vehicle without having a relocater tow form filled out and signed by the person authorized to request the removal. Such forms shall be signed and dated at the time of removal. No presigned forms shall be used. The relocater tow forms shall be those provided by the City Clerk to the towing service at a reasonable cost. No signature is required on relocater tow forms for trespassing vehicles towed from public property pursuant to Section 33-52(c), and presigned forms may also be used in such instances, but shall not be required.
- (10) No towing services shall remove a trespassing vehicle from private property or a reserved parking space unless the person requesting the removal has an interest in the private property or reserved space. Interest shall be determined as follows:
- a. Removal from a reserved parking space may be requested only by the person or persons having exclusive use of that space, except that where a space has not been rented or assigned to any person, the property owner and/or property owner's designee may request removal.
 - b. Removal from private property or the common areas of a parking lot may be requested by the property owner, except that when the property owner is unavailable, a person using a parking space may request removal when the unauthorized vehicle is obstructing or restricting ingress, egress or movement of that person's vehicle. Issuance of a parking ticket shall not be a prerequisite for vehicle removal authorized by this subsection.
- (11) To fail to store a removed vehicle at the site of the relocater service's place of business or storage location set forth in the application, and to fail to have the site open during business hours; and, for the purpose of redemption of vehicles, to fail to

have the site open during the time that the business relocating such vehicles is open for relocating purposes.

- (12) To remove a vehicle when the owner or operator of such vehicle is present or arrives at the vehicle location at any time prior to the completion of removal, and is willing and able to remove the vehicle immediately. In such case, that person shall be allowed to remove the vehicle without interference, upon the payment of a reasonable service fee of not more than one-half (½) the posted rate of the towing fee, payable by cash or any major credit card, for which a receipt shall be given.
- (13) To fail to notify the Police Department within thirty (30) minutes following the removal of the vehicle with the location the vehicle was removed from, make, model, color, and license plate number of the vehicle and to fail to obtain and record the name of the person at the Police Department and the time such information was reported.
- (14) To fail to file with the Traffic Services Office the signed relocation tow forms within seven (7) days of the removal. Each relocation tow form shall include the date and hour of the tow, specific location the vehicle was towed from, location vehicle was towed to, legible name of person authorizing the tow, color, year, make, model, license plate number, state of registration, sticker registration year, VIN (Vehicle Identification Number) of the vehicle towed, legible name of the tow truck operator, and any other information pertinent at the time of the tow.
- (15) To fail to comply with all other City, State or Federal laws regulating the relocation of vehicles from public and/or private property.
- (16) To remove vehicles from public property without first obtaining authorization to do so from a Champaign Police Officer or person authorized to make such decision by the Police Chief or Public Works Director or Director's designee, or as authorized pursuant to Section 33-52(c)."

Section 4. That this ordinance shall be effective after passage and publication as provided by law.

Section 5. That the City Clerk is hereby directed to publish this ordinance so that its effective date is March 1, 2022.

Section 6. If any section, paragraph or provision of this ordinance is held to be invalid or unenforceable, such invalidity or unenforceability of such section, paragraph or provision shall not affect any of the remaining provisions of this ordinance or the Code.

Section 7. Any order of the City Manager in effect at the time of this ordinance shall continue as written and without impact by this ordinance until the date of expiration stated in the order.

Section 8. The provisions of this ordinance shall take precedence and be interpreted as superseding any other ordinance or statutes in conflict with the provisions of this ordinance.

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PASSED: February 1, 2022

APPROVED: _____
Mayor

ATTEST: _____
Acting City Clerk

APPROVED AS TO FORM:

City Attorney