

Chapter 2
MOTOR VEHICLES¹

- 7-2-1 Abandoned Motor Vehicles
- 7-2-2 Inoperable Vehicles

7-2-1 **ABANDONED MOTOR VEHICLES**

- A. Definitions: Terms used in this Section 7-2-1 are defined in the Illinois Vehicle Code, 625 ILCS 5/1-100.
- B. Abandoning Vehicle: The abandonment of a motor vehicle or other vehicle or any part thereof on any highway in the Village is unlawful and subject to penalties as set forth herein. The abandonment of a motor vehicle or other vehicle or any part thereof on private or public property, other than a highway, in view of the general public, anywhere in the Village is unlawful.

A motor vehicle or other vehicle or any part thereof so abandoned on private property may be authorized for removal by or upon the order of the Chief of Police after expiration of a 10-day notice sent to the registered owner.

A motor vehicle or other vehicle or any part thereof so abandoned on any public property may be authorized for removal by or upon the order of the Chief of Police after expiration of a 3-day notice sent to the registered owner.

Any subsequent violation of this Section 7-2-1 shall result in the immediate issuance of a citation to the registered owner pursuant to Section 7-2-3 herein.

- C. Notice to Police: When an abandoned, lost, stolen or unclaimed motor vehicle or other vehicle comes into the temporary possession or custody of a person in this state, not the owner of the vehicle, such person shall immediately notify the Police Department when the vehicle is within the corporate limits of the Village.

Upon receipt of such notification, the Chief of Police shall authorize a towing service to remove and take possession of the abandoned, lost, stolen or unclaimed motor vehicle or other vehicle.

The towing service will safely keep the towed vehicle and its contents, maintain a record of the two until the vehicle is claimed by the owner, or any other person legally entitled to possession thereof, or until it is disposed of as provided herein.

- D. Removal of Vehicles:

¹ Established by Ord. No. 1998-99-621, which repealed Chapter 1, Weeds; Chapter 2, Junk Storage, Chapter 3, Environmental Protection Enforcement; and Chapter 4, Commercial Nuisances.

1. When a motor vehicle or other vehicle is abandoned within the Village 10 hours or more, its removal by a towing service may be authorized by order of the Chief of Police.
 2. When a stock car, demolition derby vehicle or abandoned, unattended, wrecked, burned, or partially dismantled motor vehicle or other vehicle is creating a traffic hazard within the Village or its physical appearance is causing the impediment of traffic, its immediate removal by a towing service may be authorized by order of the Chief of Police.
 3. When a vehicle is removed from either public or private property authorized by order of the Chief of Police, the owner of the vehicle will be responsible for all towing costs.
- E. Records of Vehicle Removed: When a motor vehicle or other vehicle is authorized to be towed away, the Police Department shall keep and maintain a record of the vehicle towed, listing the color, year of the manufacture, manufacturer's trade name, manufacturer's series name, body style, vehicle identification number and license plate year and number displayed on the vehicle. The record shall also include the date and hour of tow, location towed from, location towed to, reason for towing and the name of the officer authorizing the tow.
- F. Search for Owner: When the Police Department does not know the identity of the registered owner or other legally entitled person, they will cause the motor vehicle records of the State of Illinois to be searched by a directed communication to the Secretary of State for the purpose of obtaining the required ownership information.
- The Police Department shall cause the stolen vehicle files of the Illinois State Police to be searched by a directed communication to the Illinois State Police for stolen or wanted information on the vehicle. When the Illinois State Police files are searched with negative results, the information contained in the National Crime Information Center (NCIC) files will be searched by the Illinois State Police. The information determined from these record searches will be used by the Police Department in sending a notification by certified mail to the owner or legally entitled person advising where the vehicle is held, requesting a disposition to be made and setting forth public sale information.
- G. Notice to State Police: When the registered owner or other person legally entitled to the possession of a motor vehicle or other vehicle cannot be identified from the registration files of this state or from the registration files of a foreign state, if applicable, the Police Department shall notify the Illinois State Police for the purpose of identifying the vehicle's owner or other person legally entitled to the possession of the vehicle. The information obtained by the Illinois State Police will be immediately forwarded to the law enforcement agency having custody of the vehicle for notification of owner.
- H. Reclaiming Vehicles: Any time before a motor vehicle or other vehicle is sold at public sale or disposed of as provided herein, the owner or other person legally entitled to its

possession may reclaim the vehicle by presenting to the Police Department proof of ownership or proof of the right to possession of the vehicle.

No vehicle shall be released to the owner or other person under this section until all towing and storage charges have been paid.

- I. Sale of Vehicle: Whenever an abandoned, lost, stolen or unclaimed motor vehicle or other vehicle, seven years of age or newer, remains unclaimed by the registered owner or other person legally entitled to its possession for a period of 30 days after notice has been given as provided herein, the Police Department having possession of the vehicle shall cause it to be sold at public sale to the highest bidder.

Notice of the time and place of the sale shall be posted in a conspicuous place for at least 10 days prior to the sale on the premises where the vehicle has been impounded.

At least 10 days prior to the sale, the Police Department shall cause a notice of the time and place of the sale to be sent by certified mail to the registered owner or other person known by the Police Department or towing service to be legally entitled to the possession of the vehicle to be sold and what steps must be taken by any legally entitled person to reclaim the vehicle.

In those instances where the certified notification specified herein has been returned by the postal authorities to the Police Department due to the addressee having moved, or being unknown at the address obtained from the registration records of this state, the sending of a second certified notice will not be required.

- J. Older Vehicles: When the identity of the registered owner or other person legally entitled to the possession of an abandoned, lost or unclaimed vehicle of seven years of age or older cannot be determined by any means provided for in this section, the vehicle may be sold as provided herein or disposed of in the manner authorized by this section without notice to the registered owner or other person legally entitled to the possession of the vehicle.

When an abandoned vehicle of more than seven years of age is impounded as specified by this section, it will be kept in custody for contacting the registered owner by the U.S. Mail, public service or in person for a determination of disposition, and an examination of the Illinois State Police stolen motor vehicle files for theft and wanted information. At the expiration of the 10 day period, without the benefit of disposition information being received from the registered owner, the Chief of Police will authorize the disposal of the vehicle as junk only.

A motor vehicle or other vehicle classified as an antique vehicle is excluded from this Section 7-2-1.

- K. Records: When a motor vehicle or other vehicle in the custody of the Police Department is reclaimed by the registered owner or other legally entitled person, or when the vehicle

is sold at public sale or otherwise disposed of as provided in this section, a record of the transaction shall be maintained by the Police Department for a period of one year from the date of the sale or disposal.

- L. Disposition of Sale Proceeds: When a vehicle located within the corporate limits of the Village is authorized to be towed away by the Chief of Police and disposed of as set forth in this Section 7-2-1, the proceeds of the public sale or disposition after the deduction of towing, storage and processing charges shall be deposited in the municipal treasury.
- M. Liability of Officers: Any police officer, towing service owner, operator or employee shall not be held to answer or be liable for damages or his legal representatives, or any other person legally entitled to the possession of a motor vehicle or other vehicle when the vehicle was processed and sold or disposed of as provided by this Section 7-2-1.

7-2-2 **INOPERABLE VEHICLES**

- A. Definitions: Terms used in this Section 7-2-2 are defined in the Illinois Vehicle Code, 625 ILCS 5/1-100.
- B. Abandonment of Vehicles: No person shall abandon any vehicles within the Village, and no person shall leave any vehicle at any place within the Village for such time and under such circumstances as to cause such vehicle reasonably to appear to have been abandoned.
- C. Wrecked, Non-Operating Vehicles on Streets: No person shall leave any partially dismantled, non-operating, wrecked or junked vehicle on any street in the Village.
- D. Inoperable Vehicles Declared to be a Nuisance: Inoperable motor vehicles, as defined herein, whether on public or private property, are hereby declared to be a nuisance.
- E. Disposal: All persons are required to dispose of any inoperable motor vehicles under their control upon written notice received from the corporate authorities or from the Chief of Police, or any member of his department designated by him commending such disposition of such inoperable motor vehicle.
- F. Impounding: The Chief of Police or any member of his department designated by him is hereby authorized to remove or to have removed any vehicle left at any place within the Village which reasonably appears to be in violation of this section or which reasonably appears to be lost, stolen, unclaimed, or which is an inoperable vehicle as defined herein. Such vehicle shall be impounded until lawfully claimed or disposed of in accordance with 625 ILCS 5/4-201 *et seq.*