

ABANDONED VEHICLES

Chapter 10.10

ABANDONED VEHICLES²

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10.10.010 Definitions.

For the purpose of this chapter, the following words shall have the meanings ascribed to them as follows:

- A. "Abandoned vehicle" means all motor vehicles or other vehicles in a state of disrepair rendering the vehicle incapable of being driven in its condition; or any motor vehicle or other vehicle that has not been moved or used for seven consecutive days or more and is apparently deserted.
- B. "Antique vehicle" means any motor vehicle or other vehicle twenty-five years of age or older.
- C. "Highway" means any street, alley, or public way within the city.
(Ord. 1970-M-15 § 1.)

10.10.020 Abandonment of vehicles prohibited - Police to authorize removal.

The abandonment of a motor vehicle or other vehicle or any part thereof on any highway in this municipality is unlawful and subject to penalties as set forth in this chapter. 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 this municipality is unlawful except on property of the owner of bailee of such abandoned vehicle. (Ord. 2003-M-72 § 1; Ord. 1970-M-15 § 2.)

10.10.025 Removal of Vehicles Abandoned on Private Property

The owner or lessor of privately owned real property within this County, or any person authorized by such owner or lessor, or any state law enforcement agency in the case of publicly owned real property may cause any motor or other type of vehicle abandoned or left unattended upon such property without permission to be removed by a relocation towing service as provided for in Chapter 625 of the Illinois Compiled Statutes Section 18(a) without liability for the cost of the removal, transportation, or storage. (Ord. 2003-M-72 § 1.)

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10.10.030 Notification of police - Removal by towing service - Maintenance and recordkeeping of vehicles by towing service.

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 municipal police department when the vehicle is within the corporate limits of the municipality. Upon receipt of such notification, the chief of the municipal police department shall authorize a towing service to remove and take possession of the 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 tow 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 in this chapter. Those vehicles towed by the municipal police department that are determined by definition to be abandoned shall be towed by the towing service to the municipal storage lot until the vehicle is claimed by the owner or other person legally entitled to possession thereof, or until it is disposed of as provided for in this chapter. (Ord. 2003-M-72 § 1; Ord. 1970-M-15 § 3.)

10.10.040 Towing service - Authorized by police chief to remove vehicles when.

- A. When a motor vehicle or other vehicle is abandoned on a highway in this municipality ten hours or more, its removal by a towing service may be authorized by order of the chief of the police department of this municipality.
- B. When an abandoned, unattended, wrecked, burned or partially dismantled motor vehicle or other vehicle is creating a traffic hazard because of its position in relation to the highway or its physical appearance is causing the impeding of traffic, its immediate removal from the highway by a towing service may be authorized by order of the chief of the police department of its municipality.
- C. When a vehicle removed from either public or private property is authorized by order of the chief of the police department of this municipality, the owner of the vehicle will be responsible for all towing costs.

(Ord. 1970-M-15 § 4.)

10.10.050 Record of towed vehicles kept by police department.

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 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. (Ord. 1970-M-15 § 5.)

10.10.060 Record searches to obtain ownership information - Notification of owner.

- A. When the municipal police department does not know the identity of the registered owner or other legally entitled person, they shall cause the motor vehicle registration records of the state to be searched by a directed communication to the Secretary of State for the purpose of obtaining the required ownership information.
- B. The police department shall cause the stolen motor 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 be made and setting forth public sale information.

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(Ord. 1970-M-15 § 6.)

10.10.070 Notification of state police to obtain ownership information.

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. (Ord. 1970-M-15 § 7.)

10.10.080 Release of vehicle to owner upon proof of ownership and payment of charges.

Any time before a motor vehicle or other vehicle is sold at public sale or disposed of as provided in this chapter, 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. (Ord. 1970-M-15 § 8.)

10.10.090 Sale to public - Notification procedures.

- A. 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 thirty days after notice has been given as provided in this chapter, 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 ten days prior to the sale on the premises where the vehicle has been impounded. At least ten 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. Such notice shall contain a complete description of the vehicle to be sold and what steps must be taken by any legally entitled person to reclaim the vehicle.
- B. In those instances where the certified notification specified in subsection A of this section 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.

(Ord. 1970-M-15 § 9.)

10.10.100 Sale or disposal procedure when owner unknown.

- A. 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 newer cannot be determined by any means provided for in this chapter, the vehicle may be sold as provided in this chapter or disposed of in the manner authorized by this chapter without notice to the registered owner or other person legally entitled to the possession of the vehicle.
- B. When an abandoned vehicle of more than seven years of age is impounded as specified by this chapter, it will be kept in custody for a minimum of ten days for the purpose of determining ownership, the contacting of the registered owner by United States 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 ten-day period, without the benefit of disposition information being received from the registered owner, the chief of police shall authorize the disposal of the vehicle as junk only.

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C. A motor vehicle or other vehicle classified as an antique vehicle is excluded from this chapter. (Ord. 1970-M-15 § 10.)

10.10.110 Police to maintain report of vehicles sold or reclaimed by owner.

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 chapter, a report of the transaction will be maintained by the police department for a period of one year from the date of the sale or disposal. (Ord. 1970-M-15 § 11.)

10.10.120 Deposit of proceeds from public sale or disposition in city treasury.

When a vehicle located within the corporate limits of this municipality is authorized to be towed away by the chief of police and disposed of as set forth in this chapter, the proceeds of the public sale or disposition after the deduction of towing, storage and processing charges shall be deposited in the municipal treasury. (Ord. 1970-M-15 § 12.)

10.10.130 Nonliability of police or towing service for damages.

Any police officer, towing service owner, operator or employee shall not be held to answer or be liable for damages in any action brought by the registered owner, former registered owner, or his legal representative, 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 chapter. (Ord. 1970-M-15 § 13.)

10.10.140 Violation - Penalty.

Any person violating any provision of this chapter shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined an amount not exceeding five hundred dollars. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable hereunder as such. (Ord. 1970-M-15 § 14.)