

CHAPTER 5
ABANDONED AND INOPERABLE VEHICLES

Section

- 8-5-1 General Provisions
- 8-5-2 Violations, Penalties

§8-5-1: GENERAL PROVISIONS:

All inoperable and/or abandoned motor vehicles, whether on public or private property and in view of the general public are declared to be a nuisance. However, nothing in this Chapter shall apply to any motor vehicle that is kept within a building when not in use.

- (A) **Definitions:** For the purpose of this Chapter, all words shall have the meanings respectively ascribed to them in the Illinois Motor Vehicle Code, as amended from time to time, except that the following words and phrases shall have the meanings respectively ascribed to them in this subsection:

ABANDONED VEHICLE: Any vehicle in a state of disrepair rendering the vehicle incapable of being driven in its condition or any vehicle that has not been moved or used for seven (7) consecutive days or more and is apparently deserted.

INOPERABLE MOTOR VEHICLE: Any motor vehicle from which, for a period of at least seven (7) days or any greater period fixed by ordinance, the engine, wheels or other parts have been altered, damaged or otherwise so treated that the vehicle is incapable of being driven under its own motor power. "Inoperable motor vehicle" shall not include a motor vehicle which has been rendered temporarily incapable of being driven under its own motor power in order to perform ordinary service or repair operations. All inoperable motor vehicles, whether on public or private property and in view of the general public are declared to be a nuisance.

ROAD, STREET, ALLEY, HIGHWAY, OR CUL-DE-SAC: The entire width between the boundary lines of every way: 1) publicly maintained when any part thereof is open to the use of the public for the purpose of vehicular travel, or 2) not open to use but offered for dedication for public use.

- (B) **Abandonment Of Vehicles Prohibited:**

1. **Abandonment on Roads and Streets:** The abandonment of a vehicle or any part thereof on any road, street, alley, highway, or cul-de-sac in this Village is unlawful and subject to penalties as set forth under penalty Section 8-5-2 of this Chapter.
2. **Abandonment on Private or Public Property:** The abandonment of a vehicle or any part thereof on private or public property, other than a highway, road, street, alley or cul-de-sac, in view of the general public, anywhere in this Village is unlawful except on property of the owner or bailee of such abandoned vehicle. A vehicle or any part thereof so abandoned on private property shall be authorized for removal, by a law enforcement agency having jurisdiction,

after a waiting period of seven (7) days or more. A violation of Subsection (B)1 or (B)2 of this Section is subject to penalties as set forth under Section 8-5-2 of this Chapter.

3. Process by Towing Service: A towing service may begin to process an unclaimed vehicle as abandoned by requesting a record search by the Secretary of State up to ten (10) days after the date of the tow, or any later date acceptable to the Secretary of State. This subsection (B)3 shall not apply to vehicles towed by order or authorization of a law enforcement agency.
4. Abandoned, Lost, Stolen or Unclaimed Vehicle; Notification to Law Enforcement Agencies: When an abandoned, lost, stolen or unclaimed vehicle comes into the temporary possession or custody of a person in this Village, not the owner of the vehicle, such person shall immediately notify the Tower Lakes Police Department when the vehicle is within the corporate limits of the Village. Upon receipt of such notification, the Police Department will authorize a towing service to remove and take possession of the abandoned, lost, stolen or unclaimed vehicle. The towing service will safely keep the towed vehicle and its contents, maintain a record of the tow as set forth in Section 4-204 of the Illinois Motor Vehicle Code, 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 the Illinois Motor Vehicle Code, as amended from time to time.

(C) Location or Presence of Inoperable Motor Vehicles Within Village Deemed Public Nuisance; Exceptions: The location or presence of any inoperable motor vehicle on any private lot, tract, parcel of land or portion thereof, occupied or unoccupied, improved or unimproved, within the Village and/or on any road, street, alley, highway, or cul-de-sac, or other public property within the Village shall be deemed a public nuisance and it shall be unlawful for any person or persons to cause or maintain such public nuisance by wrecking, dismantling, rendering inoperable, abandoning or discarding, parking, or storing his or their vehicle or vehicles on the property of another or on any road, street, alley, highway, or cul-de-sac, or other public property within the Village, or to suffer, permit or allow the same to be placed, located, maintained or exist upon his or their own real property or on any premises leased or occupied by them, or on any road, street, alley, highway, or cul-de-sac or other public property within the Village; provided that this Section shall not apply to a vehicle or part thereof which is completely enclosed within a garage in a lawful manner where it is not visible from the street or other public or private property.

(D) Abatement or Removal Order; Contents; Service:

1. Whenever such public nuisance exists in the Village in violation of this Chapter, the Village and/or its agents shall mail a notice to the owner and any lienholders, if any, of the vehicle, and to the owner of the real property, the occupant and lessee, if any, of the premises whereon such public nuisances exist to abate or remove the same, stating the nature of the public nuisance on private property and that it must be removed and abated within ten (10) days and further that the request for a hearing must be made before the expiration of said ten (10) day period by the aggrieved person, such notice to be mailed, by certified or registered mail with a five (5) day return receipt requested and also by regular U.S. mail, to the owner and any lienholders, if any, of the vehicle, and to the owner, to the occupant, and the lessee, if any, of the private premises whereupon such public nuisance exists.
2. Whenever such public nuisance exists in the Village in violation hereof, the Village and/or its agents shall mail a notice, stating the nature of the public nuisance on the public property or on a public right of way and that it must be removed and abated within ten (10) days and further that the request for further hearing must be made before expiration of said ten (10) day period, such notice to be mailed, by certified or registered mail with a five (5) day return receipt

requested and also by regular U.S. mail, to the owner, the occupant and the lessee, if any, of the premises adjacent to the public right of way whereupon such public nuisance exists, and to the owner and lienholders, if any, of the vehicle.

3. A public hearing prior to the removal of the vehicle or part thereof as a public nuisance is to be held before a person designated by the Village when such a hearing is requested by the owner and/or lienholders, if any, of the vehicle, the owner, occupant and/or the lessee, if any, of private premises or by the owner, occupant and/or the lessee, if any, of the premises adjacent to the public right of way on which said vehicle is located, within ten (10) days after the date of mailing of the notice to abate the nuisance, and any resolution or order requiring the removal of a vehicle or part thereof shall include a description of the vehicle, and correct identification number and license number of the vehicle, if available at the site.
- (E) Removal With Permission of Owner or Occupant: If ten (10) days after the date of mailing of the notice from the Village and/or its agents to abate the nuisance, as herein provided, to the owner and lienholder, if any, of the vehicle, and to the owner, the occupant, and lessee, if any, of the premises, such owner and lienholders, if any, and such owner, occupant and lessee, if any, shall give their written permission to the Village for removal of the inoperable motor vehicle from the premises, the removal shall be at the expense of those persons providing such permission. The giving of such permission shall be considered compliance with the provisions of this Chapter.
- (F) Disposal of Abandoned or Inoperable Vehicles: If such public nuisance is not abated by said owner or the lienholder, if any, of the vehicle, or by the owner, occupant and/or lessee, if any, after notice is given in accordance with this Chapter, official action shall be taken by the Village to abate such nuisance. Inoperable and/or abandoned vehicles or parts thereof may be disposed of by removal to a scrapyard or demolishers for processing as scrap or salvage in accordance with the provisions of the Illinois Motor Vehicle Code, as amended from time to time.
- (G) Authority to Enforce: Any law enforcement agency serving the Village may enter upon private property for the purposes specified in this Chapter to examine vehicles or parts thereof, obtain information as to the identity of vehicles and to remove or cause the removal of a vehicle or parts thereof declared to be a nuisance pursuant to this Chapter but shall comply with the Fourth Amendment of the United States Constitution.
- (H) Application: Nothing in this Chapter shall affect any statutes or any provisions of this Code that permit immediate removal of a vehicle left on public property which constitutes an obstruction to traffic.

(Ord. 01-483, 10-15-2001)

§8-5-2: VIOLATIONS, PENALTIES:

- (A) Except as otherwise provided herein, any person, firm or corporation who shall be found guilty by a court of competent jurisdiction of violating any provision of this Chapter or of failing to comply with any requirements thereof, or of violating any permit, any approval, or directive issued under the provisions of this Chapter shall be guilty of a petty offense. Any person who violates this Chapter or who aids and abets in that violation: 1) shall be subject to a mandatory fine of not less than two hundred dollars (\$200.00) nor more than seven hundred fifty dollars (\$750.00) for each offense, and 2) shall be required by the court to make a disposition on the abandoned or unclaimed vehicle and pay all towing, storage, and processing charges and collection costs incurred relative to

such vehicle or inoperable vehicle in violation of this Chapter. When a vehicle is abandoned or inoperable in violation of this Chapter, it shall be presumed that the last registered owner is responsible for such vehicle and said violation and shall be liable for all towing, storage, and processing charges and collection costs, less any amounts realized in the disposal of the vehicle. The last registered owner's liability for storage fees may not exceed a maximum of thirty (30) days' storage fees. The presumption established under this Section may be rebutted by a showing that, prior to the time of the tow: 1) a report of vehicle theft was filed with respect to the vehicle, or 2) the vehicle was sold or transferred and the last registered owner provides the towing service with the correct identity and address of the new owner at the time of the sale or transfer. If the presumption established under this Section is rebutted, the person responsible for theft of the vehicle or to whom the vehicle was sold or transferred is liable for all towing, storage, and processing charges and collection costs. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

- (B) In addition to seeking fines as provided by this Chapter, the Village may also make application to the circuit court for an injunction requiring conformance with this Chapter or such other order as the court deems necessary to secure compliance with this Chapter.

(Ord. 01-483, 10-15-2001)