

CHAPTER 2

ABANDONED MOTOR VEHICLES

SECTION:

- 6-2-1: Definitions
- 6-2-2: Abandonment Prohibited
- 6-2-3: Notice of Abandonment
- 6-2-4: Time Limits
- 6-2-5: Tow Away Vehicle
- 6-2-6: State Records, Police Notified
- 6-2-7: Owner May Redeem
- 6-2-8: Public Sale
- 6-2-9: Reports Required
- 6-2-10: Expenses Paid
- 6-2-11: Officers Not Liable
- 6-2-12: Nuisance Vehicle
- 6-2-13: Inoperable Motor Vehicle
- 6-2-14: Abatement Procedure
- 6-2-15: Serving Notice

DEFINITIONS: For the purpose of this Chapter, the following words shall have the meaning ascribed to them as follows:

HIGHWAY means any street, alley or public way within the Village.

ANTIQUE VEHICLE means any motor vehicle twenty-five (25) years of age or older.

6-2-1: 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 (7) consecutive days or more and is apparently deserted; and/or any vehicle without current license plates and which is not operable.

6-2-2: ABANDONMENT PROHIBITED: 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 herein. The abandonment of a motor vehicle or other vehicle or any part thereof on private or public property, other than the highway, in view of the general public, anywhere in this Municipality 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 of the Municipality, after a waiting period of seven (7) days or more has expired.

"The owner of any such abandoned vehicle or the owner of any property who knowingly allows the abandonment of a motor vehicle on his property and who shall neglect to abate and

remove such vehicle shall for each 24 hours thereafter be subject to a like penalty as originally incurred.

6-2-3: NOTICE TO ABATE: When a 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 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 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.

6-2-4: TIME LIMITS:

(A) When a motor vehicle or other vehicle is abandoned on a highway in this Municipality ten (10) hours or more, its removal by a towing service may be authorized by order of the Chief of 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 Police of this Municipality.

(C) When a vehicle removed from either private or public property is authorized by order of the Chief of Police, the owner of the vehicle will be responsible for all towing costs.

6-2-5: TOW AWAY VEHICLE: 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, manufacture's trade name, manufacturer's series name, body style, vehicle identification number and license plate number and year displayed on the vehicle. The record shall also include the date and hour of the tow, location towed from, location towed to, reason for towing and the name of the officer authorizing the tow.

6-2-6: STATE RECORDS, POLICE NOTIFIED:

(A) When the Municipal Police Department does not know the identity of the registered owner or other legally entitled person, they will cause the motor vehicle registration 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 will 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 records searches will be used by the Police Department in sending a notification by certified mail to the owner or legally entitled person advising them where the vehicle is held, requesting a disposition by mail and setting forth public sale information.

(B) 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 will 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 the owner.

6-2-7: OWNER MAY REDEEM: Any time before a motor vehicle or other vehicle is sold at a 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 of possession of the vehicle. No vehicle will be released to the owner or other person under this Section until all towing and storage charges have been paid.

6-2-8: PUBLIC SALE:

(A) Whenever an abandoned, lost, stolen or unclaimed motor vehicle or other vehicle, seven (7) years of age or newer, remains unclaimed by the registered owner or other person legally entitled to its possession for a period of thirty (30) days after notice has been given as provided herein, the Police Department having possession of the vehicle will cause it to be sold at public to the highest bidder. Notice of the time and place of the sale shall be posted shall be posted in a conspicuous place for at least ten (10) days prior to the sale on the premises where the vehicle has been impounded. At least ten (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. Such notice shall contain a complete description of the vehicle. Such notice shall contain a complete description of the vehicle to be sold and what steps must be legally entitled person to reclaim the vehicle.

In those cases where the certified notification specified herein has been returned by the postal authorities to the Police Department due to the addresses 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.

(B) When the identity of the registered owner or other person legally entitled to the possession of an abandoned, lost or unclaimed vehicle of seven (7) years or newer cannot be determined by any means provided by this Chapter, the vehicle may be sold as provided herein 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.

When an abandoned vehicle of more than seven (7) years of age is impounded as specified by this Chapter, it will be kept in custody for a minimum of ten (10) days for the purpose of

determining ownership, the contracting of the registered owner by U.S. Mail, public service or in person for a determination of disposition; and, an examination of the Illinois State Police stolen motor vehicles files for theft and wanted information. At the expiration date of the ten (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.

6-2-9: REPORTS REQUIRED: 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 sale or disposal.

6-2-10: EXPENSE PAID: 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.

6-2-11: OFFICERS NOT LIABLE: Any police officer, towing service owner, operator or employee shall not be held to answer or be liable for damages in any action 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 this Chapter. (Ord. 759; 6-16-70)

6-2-12: NUISANCE VEHICLE: It is hereby declared that all inoperable motor vehicles, whether on public or private property and in view of the general public, are hereby declared to be a nuisance within the meaning of the Illinois Revised Statutes, Chapter 24, Paragraph 11-40-3. However, nothing in this Section shall apply to any motor vehicle that is kept within a building when not in use, to historic vehicles over 25 years of age, nor to a motor vehicle on the premises of a place of business engaged in the wrecking or junking of motor vehicles.

6-2-13: INOPERABLE MOTOR VEHICLES: Means any motor vehicle from which, for a period of at least seven days, the engine, wheels or other parts have been removed, or in which 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 power in order to perform ordinary service or repair operations.

6-2-14: ABATEMENT PROCEDURE: Failure of any person, firm or corporation to remove any inoperable motor vehicle or parts thereof from the corporate limits of the Village after a written notice served by a seven-day abatement notice to remove such vehicle or parts thereof after a seven days from the issuance of such notice shall subject that person, firm or corporation to a fine of \$25.00 for each day the vehicle or parts thereof remain within the corporate limits after said seven-day notice period. The East Alton Police Department and

their authorized representatives are empowered to remove and dispose of said vehicle or parts thereof after seven days from the receipt of the municipal notice.

6-2-15: SERVING NOTICE: In the event receipt cannot be received by personal service, the Police Department shall attach said notice to the vehicle and to the closest occupant, business or resident and seven days after such notice has been posted, the East Alton Police Department or their authorized personnel shall remove such vehicle or parts thereof. In this event, the fine shall be \$35.00 for each day the vehicle or parts thereof remain in the corporate limits after the seven-day notice has been posted. (Ord. 1073)