

ORDINANCE NO. 1970-M-15
CHAPTER 19, ARTICLE 6, SECS. 1-15
AN ORDINANCE PROVIDING FOR THE
REMOVAL OF ABANDONED MOTOR VEHICLES

REFER TO:	
MINUTES	6/1/70
PAGE	757

WHEREAS, a continually increasing number of motor vehicles are being abandoned upon the streets and vacant and private property within the City of St. Charles, Illinois; and

WHEREAS, such abandonment of motor vehicles creates a problem insofar as the health, safety and welfare of the citizens of the City of St. Charles, Illinois are concerned; and

WHEREAS, the "Illinois Vehicle Code" grants to the corporate authorities of each municipality the power to provide for the removal of abandoned motor vehicles;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and City Council of the City of St. Charles, Illinois as follows:

SECTION 1. For the purpose of this ordinance, the following words shall have the meanings ascribed to them as follows:

"Highway" means any street, alley, or public way within the City of St. Charles, Illinois.

"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 7 consecutive days or more and is apparently deserted.

"Antique Vehicle" means any motor vehicle or other vehicle 25 years of age or older.

SECTION 2. 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 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. 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 Department of the municipality, after a waiting period of 7 days or more has expired.

SECTION 3. 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 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 ordinance.

SECTION 4.

(a) When a motor vehicle or other vehicle is abandoned on a highway in this municipality 10 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 this 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.

SECTION 5. 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.

SECTION 6. 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 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.

SECTION 7. 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.

SECTION 8. 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.

SECTION 9. Whenever an abandoned, lost, stolen or unclaimed motor vehicle or other vehicle, 7 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. 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.

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.

SECTION 10. When the identity of the registered owner or other person legally entitled to the possession of an abandoned, lost or unclaimed vehicle of 7 years of age or newer cannot be determined by any means provided for in this Ordinance, the vehicle may be sold as provided herein or disposed of in the manner authorized by the ordinance without notice to the registered owner or other person legally entitled to the possession of the vehicle.

When an abandoned vehicle of more than 7 years of age is impounded as specified by this Ordinance, it will be kept in custody for a minimum of 10 days for the purpose of determining ownership, the contacting of 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 Ordinance.

SECTION 11. 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 Ordinance, 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.

SECTION 12. 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 Ordinance, the proceeds of the public sale or disposition after the deduction of towing, storage and processing charges shall be deposited in the municipal treasury.

SECTION 13. 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 this Ordinance.

SECTION 14. Any person violating any provision of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be fined an amount not exceeding \$500. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable hereunder as such.

SECTION 15. This Ordinance shall be in full force and effect, from and after its passage and publication, in accordance with the terms of Section 1-2-4 of the Illinois Municipal Code, not earlier however, than July 1, 1970.

Presented to the City Council of the City of St. Charles, Illinois this 1st day of June, 1970 A.D.

Passed by the City Council of the City of St. Charles, Illinois this 1st day of June, 1970 A.D.

Approved by me as Mayor of the City of St. Charles, Illinois this 1st day of June, 1970-A.D.



Mayor C.V. Amenoff

ATTEST:

Jamie B. Griffin
City Clerk