

Chapter 285

VEHICLES, ABANDONED OR WRECKED

[HISTORY: Adopted by the Board of Trustees of the Village of Port Byron 12-9-1991 by Ord. No. 91-9-12-A (Title 4, Ch. 2, Art. 3, of the 1993 Code). Amendments noted where applicable.]

GENERAL REFERENCES

Nuisances — See Ch. 208.

Vehicles and traffic — See Ch. 290.

§ 285-1. Definitions.

As used in this chapter, the following terms shall have the meanings ascribed to them in this section:

ABANDONED VEHICLE — All vehicles 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 consecutive days or more and is apparently deserted.

ANTIQUÉ VEHICLE — Any motor vehicle or other vehicle 25 years of age or older.¹

INOPERABLE MOTOR VEHICLE — Any motor vehicle that cannot presently be operated on a street or highway of the Village either due to physical defects in the motor vehicle or due to legal prohibitions, including but not limited to want of licenses, defective parts, absence of required parts, etc.

LAWFULLY OCCUPIED — This refers to premises occupied under contract, license or other consent.

MOTOR VEHICLE — An auto, car, motorcycle, truck, truck trailer, auto trailer, boat trailer, camper or any other vehicle for use on the streets or highways, as well as any constituent part.

§ 285-2. Exceptions.

The requirements and provisions of this chapter shall not apply to:

- A. Vehicles specifically exempt from local licensing pursuant to the laws of the United States or the State of Illinois.
- B. Legally licensed antique vehicles.

§ 285-3. Acts prohibited.

¹. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. VI).

No person shall engage in any of the following acts:

- A. The abandonment of any motor vehicle on any street, highway, alley or other public way within the Village.
- B. The abandonment of any motor vehicle on any public property or on any private property within the Village.
- C. The parking of any inoperable motor vehicle on any street, highway, alley or other public way within the Village where the same constitutes a hazard or dangerous condition for person and property lawfully using the same.
- D. The parking of any inoperable motor vehicle on any street, highway, alley or other public way within the Village for more than 48 hours.
- E. The parking of any inoperable motor vehicle on any private property, except property owned or lawfully occupied, or on public property, without the consent of the owner or lawful occupant for more than eight hours.
- F. The parking of any inoperable motor vehicle on private residentially zoned property and allowing the motor vehicle to remain there for more than 14 days if the vehicle is open to the view of the public.

§ 285-4. Removal of abandoned and inoperable vehicles.

Whenever any act prohibited by this chapter is perpetrated, the law enforcement department of the Village shall have the right to authorize removal of the vehicle concerned by towing at the time the prohibited act becomes violative of this chapter, as follows:²

- A. Law enforcement may remove a motor vehicle abandoned on any street, highway, alley or other public way within the Village immediately upon a determination of abandonment by the law enforcement department.
- B. Law enforcement may remove a motor vehicle abandoned on any private or public property immediately upon a determination of abandonment by the law enforcement department.
- C. Law enforcement may remove an inoperable motor vehicle from any street, highway, alley or other public way within the Village immediately upon a determination by the law enforcement department that the vehicle is inoperable and that it constitutes a hazard or a danger to persons and property lawfully using the highway.
- D. Law enforcement may remove an inoperable motor vehicle from any street, highway, alley or other public way within the Village where the vehicle has been parked for more than 48 hours and is apparently inoperable.

². Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. VI).

- E. Law enforcement may remove an inoperable motor vehicle from any other public or private property, except a motor vehicle on the property of the owner of the vehicle or one lawfully entitled to park there, where the vehicle has been parked for more than 72 hours without the consent of the owner or person lawfully occupying the premises.
- F. Law enforcement may remove an inoperable motor vehicle from any private residentially zoned property, including property owned or lawfully occupied by the owner of the vehicle, where the same is open to public view for more than 14 days.

§ 285-5. Impoundment.³

After impounding a motor vehicle pursuant to § 285-1, law enforcement shall deal with the motor vehicle as follows:

- A. Whenever any citizen of the Village is the victim of an act done in violation of this chapter, he shall have the right to request law enforcement to remove the vehicle by towing. Thereafter, law enforcement shall deal with the vehicle as if it had initiated the removal.
- B. The person who abandons the vehicle or parks an inoperative vehicle in violation of this chapter shall have the responsibility for all towing, storage, advertising, disposal and related costs.

§ 285-6. Complaint filed.

Within 48 hours of having a vehicle towed pursuant to this chapter, the enforcement officer initiating the towing may cause a complaint to be filed charging the registered owner with a violation of this chapter. The registered owner shall be responsible for the violation in all cases except when, and only when, a stolen auto report has been filed, prior to the tow occurring, with an authorized law enforcement agency.

§ 285-7. Records.

When a motor vehicle or other vehicle is authorized to be towed away pursuant to this chapter, the Village law enforcement department shall keep and maintain a record of the vehicle towed, listing the color, the year of manufacture, the manufacturer's trade name, the manufacturer's series name, the body style, the vehicle identification number, and the license plate year and number displayed on the vehicle. The record shall also include the date and hour of the tow, the location towed from, the location towed to, the reason for the towing, and the name of the officer authorizing the tow.

§ 285-8. Reclaim and liability for expenses.

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 law enforcement department proof of ownership

³. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. VI).

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.

§ 285-9. Disposal of unclaimed vehicles.

- 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 30 days after notice has been given as provided in this chapter, the 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 law enforcement 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 law enforcement 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 has been returned by the postal authorities to the law enforcement 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.
- C. 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 reasonable means, the vehicle may be sold as provided 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.
- D. When an impounded 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 10 days for the purpose of determining ownership, the contacting of the registered owner by the United States mail, public service or in person for a determination of disposition, and an examination of the 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, law enforcement will authorize the disposal of the vehicle as junk only.
- E. When a motor vehicle or other vehicle in the custody of the law enforcement 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 law enforcement department for a period of one year from the date of the sale or disposal.
- F. When a vehicle located within the corporate limits of the Village is authorized to be towed away by law enforcement 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 Village treasury.

§ 285-10. Liability for damages.

Any law enforcement 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 chapter.

§ 285-11. Violations and penalties.⁴

Any person violating any provision of this article shall be subject to a penalty as set forth in Chapter 1, General Provisions, Article II, of the Village Code. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

⁴. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. VI).