

Ordinance No. 2012-10-01
Chapter 6
ABANDONED, INOPERABLE AND UNLICENSED MOTOR
VEHICLES HEREBY AMENDED

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Image# 003477810006 Type: ORDIN
Recorded: 10/18/2012 at 09:55:12 AM
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Fees: \$37.00
IL Rental Housing Fund: \$0.00
Williamson County, IL
Saundra K. Jent Clerk & Recorder
Book 338 Page 919
File **2012-00009487**

6-1: DEFINITIONS:

The following definitions shall apply in the interpretation and enforcement of this Chapter:

ABANDONED VEHICLE: Any vehicle which is left unattended on any private property, not owned or leased by the owner or bailee of the vehicle, for a period of thirty (30) days or longer without being moved or entered by the owner or bailee of the vehicle in question.

INOPERABLE MOTOR VEHICLE: Any motor vehicle from which, for a period of at least thirty (30) days, the engine, wheels or other parts have been removed, or on 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 any vehicle which:

- A. Is kept within a completely closed building or a carport; or
- B. Is maintained on the property of a business enterprise lawfully engaged in the wrecking or junking of motor vehicles.

PERSON: Any person, firm, partnership, association, corporation, company, or organization of any kind.

PROPERTY: Any real property within the Village which is not a street or highway.

STREET OR HIGHWAY: The entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

UNLICENSED VEHICLE: Any vehicle not bearing a current license plate and not stored in a completely closed building or carport on any residentially zoned property.

VEHICLE: A machine propelled by power other than human power designed to travel along the ground by use of wheels, treads, runners, or slides and transport persons or property or pull machinery and shall include without limitation, automobile, truck, trailer, motorcycle, tractor, buggy or wagon.

6-2: ABANDONMENT OF VEHICLES:

No person shall abandon any vehicle within the Village limits. No person shall leave any vehicle at any place within the Village limits in such a manner as to cause a reasonable person to believe that the vehicle has been abandoned.

6-3: INOPERABLE MOTOR VEHICLES WITHIN VILLAGE LIMITS

A. Private Property: No person shall leave any "inoperable motor vehicle", as that term is defined in Section 6-1 of this Chapter, upon any private property within the Village limits.

B. Public Property: No person shall leave any motor vehicle, from which the engine, wheels or other parts have been removed, altered, damaged or otherwise so treated as to render the motor vehicle incapable of being driven under its own motor power, on any street, alley, highway, or other public property within the Village limits for a period of time greater than twelve (12) hours.

6-4: UNLICENSED VEHICLES IN RESIDENTIAL AREAS

No person shall park or store any unlicensed vehicle on any residentially zoned property other than in a completely closed building or carport.

6-5: DISPOSAL OF INOPERABLE MOTOR VEHICLES

A. Disposition Required: Any owner or bailee of an inoperable motor vehicle located on private property not in accordance with definition of "inoperable motor vehicle" in Section 6-1 of this Chapter must dispose of the vehicle within ten (10) days of having received notice from the Village President, the Chief of Police, or any of their designees, commanding the disposition of the inoperable motor vehicle.

B. Notice: Notice shall be given as follows:

1. Written notice is required for all inoperable motor vehicles bearing a license plate and shall be in substantial compliance with the following requirements:

a. Notice must be sent to the last known owner of the inoperable motor vehicle, as reflected in the vehicle registration records of the Secretary of State for the State of

Illinois, or the functional equivalent of such for the state whose name appears on the license which is displayed by the inoperable motor vehicle, at the address indicated by such records.

b. Notice shall be sent by certified or registered mail, restricted delivery, return receipt requested.

c. Notice shall include the following information:

(1) A description of the inoperable motor vehicle;

(2) The location of the inoperable motor vehicle;

(3) The date on which the notice was mailed;

(4) An admonition that the inoperable motor vehicle will be towed at the direction of the Village and at the owner's expense if not properly disposed of within ten (10) days of receipt of written notice;

(5) The location to which the inoperable motor vehicle will be towed, together with the approximate fee for towing and storage; and

(6) A date of not less than three (3) days and not more than eight (8) days subsequent to the mailing of the notice at which time a hearing shall be held to determine whether the vehicle shall be towed.

2. If the inoperable motor vehicle does not bear a license plate, or if notice by mail is unsuccessful, there shall be placed upon the windshield or, if none exist, upon any other conspicuous place on the inoperable motor vehicle a self-adhering sign not less than seven inches by nine inches (3" x 5") in size containing the following information:

a. The vehicle has been deemed to be an inoperable motor vehicle;

b. The date on which the sign was placed upon the vehicle;

c. An admonition that the inoperable motor vehicle will be towed at the direction of the Village and at the owner's expense if not properly disposed of within ten (10) days;

d. The location to which the inoperable motor vehicle will be towed, together with the approximate fee for towing and storage; and

e. A date of not less than three (3) days and not more than eight (8) days after the notice is posted at which time a hearing shall be held to determine whether the vehicle shall be towed.

C. Hearing: Not less than three (3) days and not more than eight (8) days after the notice

described in subsection B of this Section is mailed, or posted, the Village President shall hold a hearing.

1. If the owner or bailee of the inoperable motor vehicle appears, he shall present sufficient evidence to show cause why the vehicle should not be towed.
2. If the owner or bailee of the inoperable motor vehicle fails to appear, the Village President shall receive a written statement from the complaining witness as to why the complaining witness believes the vehicle to be an inoperable motor vehicle and should be towed.
3. If the Village President finds the vehicle to be an inoperable motor vehicle, which should be towed, he shall make a notation of the vehicle's description, its present location, the location to which it is to be towed, and the date of towing. This notation shall be delivered to the Chief of Police.

6-6: DISPOSAL OF ABANDONED VEHICLES:

- A. Time Limit: Any owner or bailee of an abandoned vehicle must move or otherwise dispose of such vehicle within ten (10) days of having received notice from the Village President, the Chief of Police, or any of their designees commanding the moving or proper disposal of the abandoned vehicle.
- B. Notice: Notice shall be given in substantially the same manner as described in subsection 6-5B of this Section.
- C. Hearing: A hearing shall be held in substantially the same manner as described in subsection 6-5C of this Chapter.

6-7: DISPOSAL OF UNLICENSED VEHICLES:

- A. Time Limit: Any owner or bailee of an unlicensed vehicle must move or otherwise dispose of such vehicle within ten (10) days of having received notice from the Village President, the Chief of Police, or any of their designees commanding the moving or proper disposal of the unlicensed vehicle.
- B. Notice: Notice shall be given in substantially the same manner as described in subsection 6-5B of this Chapter.
- C. Hearing: A hearing shall be held in substantially the same manner as described in subsection 6-5C of this Chapter.

6-8: RECORDKEEPING:

Whenever a vehicle is authorized to be towed away pursuant to this Chapter, the Chief of

Police or his designee shall keep and maintain a record of the vehicle towed, listing its color, year of manufacture, make, model, body style, vehicle identification number (VIN), if any, license plate year and number. The record shall also include the date and hour of tow, the location towed from, location towed to, and reason for towing.

6-9: EMERGENCY DISPOSAL:

A. Notice Required; Contents: Where an abandoned, unlicensed, or inoperable motor vehicle creates an imminent hazard to traffic or to the health, safety, or welfare of the Village, the Village may tow the vehicle without giving prior notice and providing a hearing prior to the vehicle being towed. However, the Village President or the Chief of Police must notify the owner or bailee of the vehicle within three (3) days of the tow by sending a written notice to the owner or bailee by certified or registered mail, restricted delivery, return receipt requested. Notice must contain the following:

1. A statement that the vehicle has been towed with the reasons for towing;
2. The location to which the vehicle was towed;
3. The name, address, and phone number of the Village President;
4. The opportunity to schedule a hearing within seven (7) days after having received notice.

B. Owner Or Bailee Not Liable: The owner or bailee shall not be liable for payment of towing and storage fees unless there is just cause to believe the vehicle is abandoned or inoperable or the owner or bailee fails to schedule a hearing within the requisite time period set out in subsection A4 of this Section.

6-10: PENALTY:

Any person who violates any provision of this Chapter shall be fined in an amount of one hundred and fifty dollars (\$150.00). Each day such violation is committed or allowed to continue shall constitute a separate offense.

6-11: REPEAL OF OTHER ORDINANCES AND PROVISIONS:

All ordinances and parts of ordinances in conflict herewith are expressly repealed and are of no other force and effect.

6-12: SEPARABILITY:

It is the intention of the President and Board of Trustees of the Village of Crainville that this ordinance and every provision thereof shall be considered separable, and the invalidity of any section, clause, or provision of this ordinance shall not affect the validity of any other portion of this ordinance.

6-13: EFFECTIVE DATE:

This ordinance shall be known as Ordinance No. 2012-10-01 of the Village of Crainville, Illinois, and shall be in full force and effect from and after its passage, approval, recording, and publication in accordance with the law.

Ron Mitchell
APPROVED: Ron Mitchell
President

Jacquelyn A. Chapman
ATTEST: Jacquelyn Chapman
Village Clerk

FOR: 6
AGAINST: 0
PASSED: 10/9/2012
APPROVED:
RECORDED:
PUBLISHED:

