

**VILLAGE OF LODA
IROQUOIS COUNTY, ILLINOIS**

ORDINANCE 2021-02

**AN ORDINANCE PERTAINING TO ABANDONED AND INOPERABLE MOTOR
VEHICLES AND AMENDING CHAPTER 3-2 ET SEQ. OF THE VILLAGE CODE OF
THE VILLAGE OF LODA**

WHEREAS, the Village of Loda finds it is in the best interest of the Village to update and amend its Ordinances controlling abandoned and inoperable motor vehicles.

WHEREAS, a proposed amended Chapter 3-2 et seq. of the Village Code of the Village of Loda is attached hereto marked Exhibit A and made a part hereof.

WHEREAS, the Village Board and the Village President of the Village of Loda find it in the best interest of the Village that said proposed amendment be adopted.

NOW THEREFORE, be it is HEREBY ORDAINED by the President and the Village Board of the Village of Loda as follows:

1. That the revision of Chapter 3-2 et seq. of the Village Code of the Village of Loda pertaining to abandoned and inoperable motor vehicles which is attached hereto and marked as Exhibit A and made a part hereof. It is hereby approved and enacted as part of the Village Code and Village Ordinances of the Village of Loda.
2. That all other Ordinances of the Village of Loda are hereby amended and modified to reflect the above said changes but otherwise to remain in full force and effect.
3. This ordinance shall become effective upon its passage, adoption, and publication/posting as provided by law.

PASSED AND ADOPTED on the _____ day of _____ 2021

APPROVED: *Carol Arseneau*
Carol Arseneau, Village President

[SEAL]

ATTEST:

Regina Ptacek
Regina Ptacek, Village Clerk
Village of Loda
Iroquois County, Illinois

ABANDONED AND INOPERABLE MOTOR VEHICLES

SECTION:

- 3-2- 1: Definitions
- 3-2- 2: Abandonment of Vehicles
- 3-2- 3: Offense of Abandonment
- 3-2- 4: Towing
- 3-2- 5: Inoperable Motor Vehicles
- 3-2- 6: Notification of Owner of Towed Vehicle; State and National Records Searched
- 3-2- 7: Reclamation of Vehicle by Owner
- 3-2- 8: Sale and Disposal of Vehicle
- 3-2- 9: Nonliability of Village and Towing Service
- 3-2- 10: Penalties

3-2-1: **DEFINITIONS:** For the purpose of this Chapter, the following words shall have the meanings ascribed to them as follows:

ABANDONED VEHICLE: The term abandoned vehicle shall be defined as and include:

1. Any vehicle parked, standing or located on any highway or other public way within the village that has not been moved or used for a period of seventy-two (72) hours and is apparently deserted or abandoned shall be deemed to be an abandoned vehicle.
2. Any vehicle standing or parked upon any public or private way with evidence of disrepair as to be incapable of being driven in its present condition.
3. Any vehicle standing or parked on a highway or other public way that would violate any local or state law if it were driven including but not limited to vehicles without proper license or registration stickers.
4. Any vehicle on private property that has not been claimed, moved or used for a period of seventy-two (72) hours and said where the vehicle is not owned or claimed by the owner of the said private property.

ANTIQUÉ VEHICLE A motor vehicle, a car or other vehicle of more than twenty-five

(25) years of age and duly registered as an antique vehicle and displaying antique plates as issued by the Illinois Secretary of State.

HIGHWAY

Any street, alley or public way within the Village. (ord. 265, 12-11-73)

INOPERABLE MOTOR VEHICLES

A motor vehicle shall be deemed inoperable if it is within any of the following described circumstances or conditions:

- A. The engine, wheels or other parts have been removed, or the engine, wheels or other parts have been altered, damaged or otherwise treated so that the vehicle is incapable of being driven under its own power for a period of at least seven (7) days.
- B. Any vehicle that has been in a stationary position which has not been moved or operated or has not been moved within a period of fourteen (14) days shall be deemed to be inoperable.
- C. Any vehicle that does not have the proper plates, tags or registration to be operated on the public streets and ways of the State of Illinois for a period of more than fourteen (14) days shall be deemed to be an inoperable vehicle.

PERSON

Any person, firm, partnership, association, corporation, company, organization or any legal entity of any kind or nature.

PROPERTY

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

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, wagon, all-terrain vehicle, golf cart or any other vehicle of whatever nature.

3-2-2:

ABANDONMENT OF VEHICLES:

- A. The abandonment of a motor vehicle or any vehicle as that term is herein above

described or any part thereof on any highway, street or public way within this Municipality is unlawful and subject to the penalties as herein below set forth. It

B. It shall be unlawful to abandon any vehicle on private property owned by another without the consent of the owner, occupant or manager of such property.

C. Abandoned vehicles as herein above described are hereby declared to be a public nuisance.

3-2-3: **OFFENSE OF ABANDONMENT:** Any person abandoning a vehicle or any part thereof on any street, highway or other public way within the Village of Loda or upon the property of another shall be deemed in violation of this Ordinance and subject to the penalties herein contained.

3-2-4: **TOWING:** The Mayor of the Village of Loda may order the immediate towing and removal of any abandoned, inoperable or unregistered vehicle from public property without prior notice to the vehicle owner. The Mayor may also order immediate towing for abandoned vehicles on private property at the request of the owner of such property.

3-2-5: **INOPERABLE MOTOR VEHICLES:**

A. Inoperable motor vehicles, as defined herein, are declared to be a public nuisance and any person maintaining such a nuisance whether as the owner of the property on which such inoperable vehicle is located or as the owner of such inoperable vehicle, having an interest in either the vehicle or the property, or having possession or control of either such vehicle or such property shall be deemed to be in violation of this Ordinance and subject to the penalties that prescribed by said Ordinance.

B. Any and all such persons here and above defined and described as having any right, title or interest or control of either the property on which the inoperable motor vehicle is located or any right, title or interest in the motor vehicle or possession thereof shall be required to dispose of any such inoperable vehicle within seven (7) days after written notice from the corporate authorities commanding such disposal of such inoperable vehicle.

3-2-6: **NOTIFICATION OF OWNER OF TOWED VEHICLE; STATE AND NATIONAL RECORDS SEARCHED.**

A. When the Village 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.

- B. The Village will cause the stolen motor vehicle files of the Illinois State Police to be searched by 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 Village in sending a notification by certified mail to the owner or legally entitled person advising where the vehicle is held, requesting a disposition to be made and setting forth public sale information.

1. 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 of age or newer cannot be determined by any means provided for in 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.
2. 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 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 ten (10) day period, without the benefit of disposition information being received from the registered owner, the Village will authorize the disposal of the vehicle as junk only.

- C. Record of Sale or Disposal: When a motor vehicle or other vehicle in the custody of the Village 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 Village for a period of one (1) year from the date of the sale or disposal.

- D. Proceeds of Sale: When a vehicle located within the corporate limits of this Municipality is authorized to be towed away by the Village 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. (ord. 265, 12-11-73; 1991 Code)

3-2-7: **RECLAMATION OF VEHICLE BY OWNER:** 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 Village 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. (Ord. 265, 12-11-73; 1991 Code)

3-2-8: **SALE AND DISPOSAL OF VEHICLE:**

- A. **Owner Notified, Public Sale:** 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 Village 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 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 Village 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 Village 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. **Owner Unknown, Vehicle Sold or Junked:**
1. 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 of age or newer cannot be determined by any means provided for in 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.
 2. 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 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 ten (10) day period, without the benefit of disposition information being received from the registered owner, the Village will authorize the disposal of the vehicle as junk only.

- C. Record of Sale or Disposal: When a motor vehicle or other vehicle in the custody of the Village 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 Village for a period of one (1) year from the date of the sale or disposal.
- D. Proceeds of Sale: When a vehicle located within the corporate limits of this Municipality is authorized to be towed away by the Village 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. (Ord. 265, 12-11-73; 1991 Code)

3-2-9: **NONLIABILITY OF VILLAGE AND TOWING SERVICE:** 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 Chapter. (Ord. 25, 12-11-73)

3-2-10: **PENALTIES:** Any person violating any provision of this Chapter shall be deemed guilty of a Misdemeanor and upon conviction shall be fined an amount of not less than \$100.00 and not exceeding the sum of \$500.00. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable hereunder as such in addition thereto. Any such person violating any provision of this Chapter or Ordinance shall be subject to the injunction of the appropriate court of the State of Illinois to remove such nuisance as defined herein.