

Chapter 90: Abandoned and Inoperable Vehicles

CHAPTER 90: ABANDONED AND INOPERABLE VEHICLES

Section

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§ 90.01 ABANDONMENT OF VEHICLES PROHIBITED.

(A) The abandonment of a vehicle as described in division (B) of this section or in § 90.03, or any part thereof, on any highway in this village is unlawful.

(B) The abandonment of a vehicle or any part thereof on private or public property, other than a highway, in view of the general public, anywhere in this village is unlawful except on property of the owner or bailee of the abandoned vehicle. A vehicle or any part thereof so abandoned on private property shall be authorized for removal by the Police Department, Building Inspector, or other Village Official after a waiting period of seven days or more.

(ILCS Ch. 625, Act 5, § 4-201) Penalty, see § 90.99

§ 90.02 AUTHORITY TO IMPOUND; PROCEDURE.

(A) When a vehicle is abandoned or left unattended on that part of a toll highway, interstate highway, or expressway within the village for two hours or more, its removal by a towing service may be authorized by the Police department, Building Inspector, or other Village Official.

(B) When a vehicle is abandoned on a highway in an urban district for ten hours or more, its removal by a towing service may be authorized by the Police Department, Building Inspector, or other Village Official.

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(C) When a vehicle is abandoned or left unattended on a highway other than a toll highway, interstate highway, or expressway, outside of an urban district for 24 hours or more, its removal by a towing service may be authorized by the Police Department, Building Inspector, or other Village Official.

(D) When an abandoned, unattended, wrecked, burned, or partially dismantled 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 or private property adjacent to the highway by a towing service may be authorized by the Police Department, Building Inspector, or other Village Official.

(E) Except as provided in ILCS Ch. 625, Act 5, §§ 18a-100 et seq., the owner or lessor of privately owned real property within this village, or any person authorized by such owner or lessor, or the police department in the case of publicly owned real property may cause any motor vehicle abandoned or left unattended upon such property without permission to be removed by a towing service without liability for the costs of removal, transportation, or storage or damage caused by such removal, transportation, or storage. The towing or removal of any vehicle from private property without the consent of the registered owner or other legally authorized person in control of the vehicle is subject to compliance with the following conditions and restrictions:

(1) Any towed or removed vehicle must be stored at the site of the towing service's place of business. The site must be open during business hours, and for the purpose of redemption of vehicles, during the time that the person or firm towing such vehicle is open for towing purposes.

(2) The towing service shall within 30 minutes of completion of such towing or removal, notify the police department of such towing or removal, and the make, model, color, and license plate number of the vehicle, and shall obtain and record the name of the person at the police department.

(3) If the registered owner or legally authorized person entitled to possession of the vehicle shall arrive at the scene prior to actual removal or towing of the vehicle, the vehicle shall be disconnected from the tow truck and that person shall be allowed to remove the vehicle without interference, upon the payment of a reasonable service fee of not more than one-half the posted rate of the towing service as provided in division (6) below, for which a receipt shall be given.

(4) The rebate or payment of money or any other valuable consideration from the towing service or its owners, managers, or employees to the owners or operators of the premises from which the vehicles are towed or removed, for the privilege of removing or towing those vehicles, is prohibited.

(5) Except for property appurtenant to and obviously a part of a single-family residence, and except for instances where notice is personally given to the owner or other legally authorized person in control of the vehicle that the area in which that vehicle is parked is reserved or otherwise unavailable to unauthorized vehicles and they are subject to

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being removed at the owner or operator's expense, any property owner or lessor, prior to towing or removing any vehicle from private property without the consent of the owner or other legally authorized person in control of that vehicle, must post a notice meeting the following requirements:

(a) The notice must be prominently placed at each driveway access or curb cut allowing vehicular access to the property within five feet from the public right-of-way line. If there are no curbs or access barriers, the sign must be posted not less than one sign each 100 feet of lot frontage.

(b) The notice must indicate clearly, in not less than two-inch high light-reflective letters on a contrasting background, that unauthorized vehicles will be towed away at the owner's expense.

(c) The notice must also provide the name and current telephone number of the towing service towing or removing the vehicle.

(d) The sign structure containing the required notices must be permanently installed with the bottom of the sign not less than four feet above ground level, and must be continuously maintained on the property for not less than 24 hours prior to the towing or removing of any vehicle.

(6) Any towing service that tows or removes vehicles and proposes to require the owner, operator, or person in control of the vehicle to pay the costs of towing and storage prior to redemption of the vehicle must file and keep on record with the police department a complete copy of the current rates to be charged for such services, and post at the storage site an identical rate schedule and any written contracts with property owners, lessors, or persons in control of property which authorize them to remove vehicles as provided in this section.

(7) No person shall engage in the removal of vehicles from private property as described in this section without filing a notice of intent in the village, and such notice shall be filed at least seven days before commencing such towing.

(8) No removal of a vehicle from private property shall be done except upon express written instructions of the owners or persons in charge of the private property upon which the vehicle is said to be trespassing.

(9) Vehicle entry for the purpose of removal shall be allowed with reasonable care on the part of the person or firm towing the vehicle. Such person or firm shall be liable for any damages occasioned to the vehicle if such entry is not in accordance with the standards of reasonable care.

(10) When a vehicle has been towed or removed pursuant to this section, it must be released to its owner or custodian within one-half hour after requested, if such request is made during business hours. Any vehicle owner or custodian or agent shall have the right to inspect the vehicle before accepting its return, and no release or waiver of any kind which

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would release the towing service from liability for damages incurred during the towing and storage may be required from any vehicle owner or other legally authorized person as a condition of release of the vehicle. A detailed, signed receipt showing the legal name of the towing service must be given to the person paying towing or storage charges at the time of payment, whether requested or not.

(a) This section shall not apply to law enforcement, firefighting, rescue, ambulance, or other emergency vehicles which are marked as such or to property owned by any governmental entity.

(b) When an authorized person improperly causes a vehicle to be removed, the person shall be liable to the owner or lessee of the vehicle for the cost of removal, transportation, and storage, damages resulting from the removal, transportation, storage fees, attorney's fee, and court costs.

(c) Any towing or storage charges accrued shall be payable by the use of any major credit card, in addition to being payable in cash.

(11) Towing companies shall also provide insurance coverage for areas where vehicles towed under the provisions of this chapter will be impounded or otherwise stored, and shall adequately cover loss by fire, theft, or other risks. Any person or company who violates this requirement shall be fined not less than \$100 nor more than \$500.

(F) When a vehicle is determined to be a hazardous dilapidated motor vehicle pursuant to ILCS Ch. 65, Act 5, § 11-40-3.1, its removal and impoundment by a towing service may be authorized by the police department.

(G) When a vehicle is removed as set forth herein, the owner of the vehicle shall be responsible for all towing and storage charges. Vehicles may become subject to a lien as set forth in ILCS Ch. 625, Act 5, § 4-203(g) for unpaid charges.

(ILCS Ch. 625, Act 5, § 4-203)

(H) When an abandoned, lost, stolen, or unclaimed vehicle comes into the temporary possession or custody of a person in this village not the owner of the vehicle, that person shall immediately notify the police department. Upon receipt of such notification, the police will authorize a towing service to remove and take possession of the abandoned, lost, stolen, or unclaimed vehicle. The towing service will safely keep the towed vehicle and its contents, and maintain a record of the tow as set forth in division (I) below until the vehicle is claimed by the owner or other person legally entitled to possession thereof or until it is disposed of as provided in this chapter. (ILCS Ch. 625, Act 5, § 4-202)

(I) When a 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, license plate year and number, and registration sticker year and number displayed on the vehicle. The record shall also

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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. (ILCS Ch. 625, Act 5, § 4-204)

Statutory reference:

Impoundment of vehicle driven by person arrested for driving under the influence of alcohol, drugs or the like, see ILCS Ch. 625, Act 5, § 4-203(e)

§ 90.03 NOTICE TO BE GIVEN TO REGISTERED OWNER, STATE POLICE.

(A) When the police department authorizing the impounding of a vehicle does not know the identity of the registered owner, lienholder, or other legally-entitled person, it will cause the vehicle registration records of the state to be searched by the Secretary of State for the purpose of obtaining the required ownership information.

(1) The police department will cause the stolen motor vehicle files of the state police to be searched by a directed communication to the state police for stolen or wanted information on the vehicle. When the state police files are searched with negative results, the information contained in the National Crime Information Center (NCIC) files will be searched by the state police. The information determined from these record searches will be returned to the police department for use in sending notice by certified mail to the registered owner, lienholder, or other legally-entitled person advising where the vehicle is held, requesting a disposition be made, and setting forth public sale information.

(2) Notification shall be sent no later than ten days after the date the police department impounds or authorizes the impounding of a vehicle, provided that if the police department is unable to determine the identity of the registered owner, lienholder, or other person legally-entitled to ownership of the impounded vehicle within a ten-day period after impoundment, then notification shall be sent no later than two days after the date the identity of the registered owner, lienholder, or other person legally entitled to ownership of the impounded vehicle is determined. Exceptions to a notification by certified mail to the registered owner, lienholder, or other legally-entitled persons are as set forth in § 90.05(B).

(ILCS Ch. 625, Act 5, § 4-205)

(B) When the registered owner, lienholder, or other person legally entitled to the possession of a vehicle cannot be identified from the registration files of this state or other state, if applicable, the police department shall notify the state police for the purpose of identifying the vehicle owner or other person legally entitled to the possession of the vehicle. The information obtained by the state police will be immediately forwarded to the police department for notification purposes as set forth in division (A) above. (ILCS Ch. 625, Act 5, § 4-206)

§ 90.04 RECLAIMING OF VEHICLE BY OWNER.

Any time before a vehicle is sold at public sale or disposed of as provided in § 90.05(A), the owner, lienholder, 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

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vehicle. No vehicle shall be released to the owner, lienholder, or other person under this section until all towing and storage charges have been paid. (ILCS Ch. 625, Act 5, § 4-207)

§ 90.05 DISPOSAL OF UNCLAIMED VEHICLE.

(A) *Disposal of unclaimed vehicles with notice.*

(1) When an abandoned, lost, stolen, or unclaimed vehicle seven years of age or newer remains unclaimed by the registered owner, lienholder, or other person legally entitled to its possession for a period of 30 days after notice has been given as required by § 90.03, the police department or towing service having possession of the vehicle shall cause it to be sold at public auction to a person licensed as an automotive parts recycler, rebuilder, or scrap processor under state law. Notice of the time and place of the sale shall be posted in a conspicuous place for at least ten days prior to the sale on the premises where the vehicle has been impounded. At least ten days prior to the sale, the police department where the vehicle is impounded, or the towing service where the vehicle is impounded, shall cause a notice of the time and place of the sale to be sent by certified mail to the registered owner, lienholder, and other persons 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.

(2) In those instances where the certified notification specified in § 90.03 has been returned by the postal authorities to the police department or towing service 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.

(ILCS Ch. 625, Act 5, § 4-208)

(B) *Disposal of unclaimed vehicles without notice.*

(1) When the identity of the registered owner, lienholder, 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 means provided for in this chapter, the vehicle may be sold as provided in § 90.05(A) without notice to any person whose identity cannot be determined.

(2) When an abandoned 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 ten days for the purpose of determining the identity of the registered owner and lienholder; contacting the registered owner and lienholder by the U.S. Mail, public service, or in person for a determination of disposition; and for an examination of the state police stolen 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 or the lienholder, the Police Department, Building Inspector, or other Village Official will authorize the disposal of the vehicle as junk.

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(3) An exception to the above is provided for if in the opinion of the police officer processing the vehicle, it has value of \$200 or more and can be restored to safe operating condition. In this event, the police department may authorize its purchase as salvage and the Secretary of State may issue a salvage certificate.

(4) A vehicle classified as an antique vehicle may, however, be sold to a person desiring to restore it.

(ILCS Ch. 625, Act 5, § 4-209)

(C) Titling vehicles after public sale; removal of liens. When an applicant for a certificate of title under this chapter presents to the Secretary of State proof that he has purchased or acquired a vehicle at a public sale as authorized by this chapter and such fact is certified to by the police department of this village, the Secretary of State shall issue a certificate of title for the vehicle upon receipt of the statutory fee and a properly executed application for a certificate of title. The title issued by the Secretary of State under this division shall be free of any lien that existed against the vehicle prior to the time the vehicle was acquired by the applicant under this chapter. (ILCS Ch. 625, Act 5, § 4-212)

§ 90.06 POLICE DEPARTMENT TO KEEP RECORDS OF RECLAMATION OR DISPOSAL OF VEHICLE.

When a vehicle in the custody of the police department is reclaimed by the registered owner, lienholder, 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 the sale or disposal. (ILCS Ch. 625, Act 5, § 4-210)

§ 90.07 DISPOSITION OF PROCEEDS OF SALE.

When a vehicle located within the village is authorized to be towed away by the police department 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 Treasury of the village. (ILCS Ch. 625, Act 5, § 4-211)

§ 90.08 LIABILITY.

A police officer or the police department, or the 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; lienholder; or any other person legally entitled to the possession of a vehicle when the vehicle was processed and sold or disposed of as provided by this chapter. (ILCS Ch. 625, Act 5, § 4-213)

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§ 90.09 VEHICLE ABANDONED IN PUBLIC GARAGE OR PARKING AREA; OPERATOR TO NOTIFY POLICE.

An operator of a place of business for garaging, repairing, parking, or storing vehicles for the public in which a vehicle remains unclaimed after being left for the purpose of garaging, repairing, parking, or storage for a period of 15 days shall, within five days after the expiration of that period, report the vehicle as unclaimed to the village police department. This section does not apply to any vehicle removed to a place of storage by the village police department in accordance with §§ 90.01 and 90.02. Failure to comply with this section will result in the forfeiture of storage fees for that vehicle involved. (ILCS Ch. 625, Act 5, § 4-107(c))

§ 90.10 INOPERABLE VEHICLES A NUISANCE.

The storage or parking of inoperable motor vehicles on public or private property is hereby declared to be a nuisance and unlawful. For the purpose of this Chapter, an “inoperable motor vehicle” shall mean any motor vehicle from which, for a period of at least sixty (60) 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. The term “inoperable motor vehicle” shall not include a motor vehicle which has been rendered temporarily incapable of being driven under its own motor power while it is undergoing ordinary service or repair operations, nor shall it include any motor vehicle which is kept within a building when not in use.

(Ord. passed 7-15-96)

§ 90.11 REMOVAL, DISPOSITION OF VEHICLE.

The owner of an inoperative motor vehicle shall remove and dispose of said vehicle within seven (7) days of receiving notice from the Village of Deer Park which states that such person is to dispose of any inoperable motor vehicle under his control. The failure to dispose of said vehicle within the prescribed time, after notice having been given, is hereby declared to be unlawful and in violation of this Chapter.

Any person who violates any of the terms or provisions of this Section 90.11 shall, upon conviction, be fined a sum not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00), and a separate offense shall be deemed to have occurred for each day during, or upon which a violation commences or continues.

(Ord. passed 7-15-96)

§ 90.99 PENALTY.

Any person who violates or aids and abets in the violation of § 90.01 shall be fined not less than \$25 or more than \$100, and shall be required by the court to make a disposition on the abandoned, unclaimed, or inoperable vehicle. (ILCS Ch. 625, Act 5, § 4-214)