

ORDINANCE NO. 203

ABANDONED VEHICLE ORDINANCE

(And appealing Ordinance No. 179 "Inoperable Motor Vehicles)

WHEREAS, the Board of Trustees of the Village of Gifford have determined that abandoned and derelict vehicles: constitute a safety hazard and a public nuisance; are detrimental to the health, safety, and welfare of the general public by harboring disease, providing a breeding place for vermin, inviting plundering, creating fire hazards, and presenting physical dangers to children and others; and produce a scenic blight which degrades the environment and adversely affects land values.

BE IT ORDAINED by the President and the Board of Trustees of the Village of Gifford, County of Champaign, State of Illinois as follows:

SECTION I

Definitions

- a. VEHICLE: Every device, in, upon or by which any person or property is or may be transported or drawn upon a street or highway, whether subject to or exempt from registration, excepting however bicycles, snowmobiles and devices used exclusively upon stationary rails or tracks.
- b. OWNER: A person who holds legal title of a vehicle or in the event a vehicle is the subject of an agreement for conditional sale or lease thereof with the right of purchase upon the performance of the conditions stated in the agreement and with the immediate right of possession vested in the conditional vendee or lessee, or in the event a mortgagor of such vehicle is

entitled to possession, then such conditional vendee or lessee or mortgagor shall be deemed the owner for the purposes of this ordinance.

- c. ABANDONED VEHICLE: All vehicles in a state of disrepair rendering the vehicle incapable of being driven in its condition.
- d. DERELICT VEHICLE: Any operable, unregistered, discarded motor vehicle, regardless of title, having lost its character as a substantial property and left unattended without justification on the owners land.

## SECTION II

### Abandonment of Vehicles Prohibited

- a. The abandonment of a motor vehicle or other vehicle or any part thereof on any roadway in this Village is unlawful and subject to penalties as provided for in this Ordinance.
- b. The abandonment of a motor vehicle or other vehicle or any part thereof on public or private property, other than a roadway, in view of the general public anywhere in the Village is unlawful. A motor vehicle or other vehicle or any part thereof so abandoned on private property may be authorized for removal, by the Village Police, after a waiting period of seven (7) days or more has expired.

### SECTION III

#### Notice to Remove

Whenever it comes to the attention of the Police authorities that any abandonment of vehicles as prohibited in Section II of this Ordinance exists in the Village of Gifford a notice in writing shall be served upon the occupant of the land where the nuisance exists, or in case there is no such occupant, then upon the owner of the property or his agent, notifying them of the existence of the nuisance and requesting its removal in the time specified in this Ordinance.

### SECTION IV

#### Responsibility for Removal

Upon proper notice and opportunity to be heard, the owner of the abandoned, wrecked, dismantled or inoperative vehicle and the owner or occupant of the private property on which the same is located, either or all of them, shall be responsible for its removal. In the event of removal and disposition by the Village, the owner or occupant of the private property where same is located shall be liable for the expenses incurred.

### SECTION V

#### Notice Procedure

The Police authorities of the Village shall give notice of removal to the owner or occupant of the private property where it is located at least seven (7) days before the time of compliance. It shall constitute sufficient notice when a copy of same is posted in a conspicuous place upon the private property on which the vehicle is located, and duplicate copies are sent by

registered mail to the owner or occupant of the private property at his last known address.

#### SECTION VI

##### Content of Notice

The notice shall contain the request for removal within the time specified in this Ordinance, and the notice shall advise that upon failure to comply with the notice to remove, the City or its designee shall undertake such removal with the cost of removal to be levied against the owner or occupant of the property.

#### SECTION VII

##### Removal of Motor Vehicles or Other Vehicles

The Village Police will authorize a towing service to remove and take possession of the abandoned, derelict, lost, stolen or unclaimed motor vehicle or other vehicle. The towing service will safely keep that towed vehicle and its contents, maintain a record of tow for law enforcement agencies, until the vehicle is claimed by the owner or other person legally entitled to possession thereof or until disposed of. Ill. Rev. Stat. 95 ½, Sec. 4-208 & 4-209 IVC.

#### SECTION VIII

##### Notice of Removal

Within forty-eight (48) hours of the removal of such vehicle, the Chief of Police shall give notice to the registered owner of the vehicle, if known, and also to the owner or occupant of the private property from which the vehicle was removed that said vehicle, or vehicles, has been impounded and

stored for violation of this Ordinance. The notice shall give the location of where the vehicle, or vehicles, is stored and the costs incurred by the Village for removal.

SECTION IX

Disposition of Vehicles

Removed vehicles shall be impounded until lawfully claimed or disposed of in accordance with Ill. Veh. Code, Section 4-208 or Section 4-209.

SECTION X

Any person who violates any Section of this Ordinance shall be fined not less than \$25.00 and not more than \$100.00.

SECTION XI

This Ordinance supercedes and replaces Ordinance No. 179 entitled "Inoperable Motor Vehicles." This Ordinance shall take effect and be in full force after its passage, approval and publication as provided by law.

Passed by the Mayor and Board of Trustees of the Village of Gifford, Illinois, this 6<sup>TH</sup> day of ~~October~~ <sup>November</sup>, 1986.

Approved by the Mayor this 6<sup>TH</sup> day of ~~October~~ <sup>November</sup>, 1986.

Loren R. Walters  
MAYOR

ATTEST:

Martin E. Olson  
VILLAGE CLERK

(SEAL)