

CHAPTER 1

ABANDONED OR DERELICT VEHICLES

SECTION:

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6-1-1: DEFINITIONS: The following definitions shall apply in the interpretation and enforcement of this Chapter:

- (A) "Person" shall mean any person, firm, partnership, association, corporation, company or organization of any kind.
- (B) "Vehicle" shall mean a machine propelled by power other than human power designated 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, automobiles, trucks, trailers, motorcycles, tractors, buggies and wagons.
- (C) "Street or Highway" shall mean 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.
- (D) "Property" shall mean any real property within the Village which is not a street or highway.
- (E) "Abandoned Vehicle" shall mean 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 (7) consecutive days or more and is apparently deserted.
- (F) "Derelict Vehicle" shall mean any inoperable, unregistered, discarded motor vehicle, regardless of title, having lost its character as a substantial property and left unattended without justification on

the owner's land contrary to the public policy expressed in Section 6-1-2 of this Chapter.

- (G) "Inoperable Motor Vehicle" means any motor vehicle from which, for a period of at least seven (7) days or any greater period fixed by ordinance, 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 a motor vehicle which has been rendered temporarily incapable of being driven under its own motor power in order to perform ordinary service or repair operations.

6-1-2: VILLAGE POLICY: The Village of Arthur finds that abandoned, derelict or inoperable motor vehicles constitute a safety hazard and a public nuisance; are detrimental to the health and safety and welfare of the general public by harboring disease, providing breeding places for vermin, inviting plundering, creating fire hazards, and presenting physical dangers to children and others; produce scenic blights which degrade the environment and adversely affect land values and the proper maintenance and continuing development of the Village of Arthur; represent a resource out of place and an energy loss to the Illinois economy, and require state and local governmental attention, in order to assure the expeditious removal and recycling of these abandoned and derelict vehicles.

The Village of Arthur declares therefore, that it is the policy of the Village of Arthur, to:

- (A) Prohibit the abandonment of vehicles and the retention of derelicts or inoperable motor vehicles, and to enforce such prohibition by law while reminding vehicle owners of their own individual responsibility to dispose of such vehicles.
- (B) Encourage the development of procedures and techniques to facilitate the expeditious removal of abandoned, derelict or inoperable motor vehicles from public or private premises.

6-1-3: ABANDONMENT OF VEHICLES:

- (A) No person shall abandon any vehicle within the Village and no person shall leave any derelict vehicle at any place within the Village for such time and under such circumstances as to cause such vehicle reasonably to appear to have been abandoned.
- (B) The Abandonment of a vehicle or any part thereof on any street or highway in this Village is unlawful and subject to penalties as set forth under Penalty Section 6-1-8 of this Chapter.
- (C) 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 hereby determined to be a nuisance pursuant to the policy expressed in Section 6-1-2 of this Chapter. A vehicle or any part thereof so abandoned on private property shall be authorized for removal by a law enforcement agency having jurisdiction after a waiting period of seven (7) days or more. A violation of this Section is subject to penalties as set forth under Section 6-1-8 of this Chapter.

6-1-4: LEAVING OF WRECKED, INOPERABLE VEHICLE ON STREET: No person shall leave any partially dismantled, inoperable, wrecked, derelict or junked vehicle on any street or highway within the Village

6-1-5: DISPOSITION OF VEHICLES IN VIOLATION:

- (A) No person in charge or control of any property within the Village, whether as owner, tenant, occupant, lessee, or otherwise shall allow any partially dismantled, inoperable, wrecked, junked, abandoned, derelict or discarded vehicle to remain on such property longer than seven (7) days; except that this Chapter shall not apply with regard to a vehicle in an enclosed building.
- (B) When an abandoned, unattended, wrecked, derelict, burned, inoperable 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 is hereby authorized by a law enforcement agency having jurisdiction.

- (C) When a vehicle removal from either public or private property is authorized by a law enforcement agency, the owner of the vehicle will be responsible for all towing costs.
- (D) Seven (7) days prior to removing a vehicle described herein, the Village authorities shall issue a notice advising the last registered owner, lienholder or other legally entitled person of its intent to remove the vehicle.

6-1-6: TOWING FROM PRIVATE PROPERTY: When a vehicle on private property is alleged to be in violation of this Chapter, the Village President or anyone designated by him shall:

- (A) Notify the owner or landowner that the vehicle is in violation and that the recipient of the notice must, within seven (7) days of the issuance of the notice, remove any inoperable motor vehicle or parts thereof, or other vehicle in violation of this Chapter.
- (B) Failure to comply with the notice shall be a violation of this Chapter and subject the recipient to the penalties defined herein.

6-1-7: IMPOUNDING: The President and the Board of Trustees, or anyone designated by them, is hereby authorized to remove or have removed any vehicle left at any place within the Village which reasonably appears to be in violation of this Chapter, or lost, stolen or unclaimed. Such vehicle shall be impounded until lawfully claimed or disposed of in accordance with Chapter 95 ½, Illinois Revised Statutes, 1991, paragraph 4-201 et seq.

6-1-8: PENALTIES: Any person violating any of the provisions of this Chapter shall be deemed guilty of a Class C misdemeanor and upon conviction thereof, shall be fined in an amount not exceeding five hundred dollars (\$500.00). Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punished as such hereunder.