

CHAPTER 95: ABANDONED VESSELS AND VEHICLES

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ABANDONED VESSELS

§ 95.01 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning. All other definitions stated in § 95.31 shall apply in this subchapter as if herein set forth verbatim.

ABANDONED BOAT TRAILER. Any boat trailer or wheeled construction which at point was used as a boat trailer that by its condition and/or location appears deserted or forsaken and has not been moved for a period of seven months.

ABANDONED VESSEL. Any vessel that by its condition and/or location appears deserted or forsaken and has not been moved for a period of seven months.

INOPERABLE VESSEL.

- (1) Any vessel from which, for a period of at least 30 days, the engine or other parts have been removed, or on which the engine or other parts have been altered, damaged, or otherwise so treated that the vessel is incapable of being driven under its own motor power.
- (2) This definition does not include a vessel which has been rendered temporarily incapable of being driven under its own motor power in order to perform ordinary service or repair operations.
- (3) This definition shall also pertain to non-motor driven vessels, which by their very condition are not seaworthy, and are in the condition for a period of at least 30 days.

UNLICENSED.

- (1) Vessels not bearing current state and/or federal and waterway registration, as required by state and federal statutes.
- (2) Boat trailers or related carriages used for the purpose of transporting vessels or other watercraft which do not bear current license plates and registration.
- (3) This definition supplements, but does not supersede, the definition of ***UNLICENSED*** contained in § 95.31.

VESSELS. Every description of watercraft used, or capable of being used, as a means of transportation on water, except a:

- (1) Seaplane on the water;
- (2) Innertube, air mattress, or similar device; and
- (3) Boats used for concession rides in artificial bodies of water designed and exclusively used for those concessions.

WATERWAY. The Fox River and any and all channels running from the Fox River.

(Ord. 7-3-A, passed 9-19-1990)

§ 95.02 NUISANCE.

It is hereby declared and found that:

- (A) Inoperable, abandoned, dismantled, junked, discarded, and/or unlicensed vessels and related craft, including, but not limited to, boat trailers, in and upon property within the Village are a matter affecting the public interest;
- (B) They constitute a nuisance, in that health, fire, and safety hazards are created; and
- (C) Consequently, this matter is subject to supervision and control for the purposes of safeguarding the public health, safety, and general welfare of the people of the Village.

(Ord. 7-3-A, passed 9-19-1990)

§ 95.03 PROHIBITION.

- (A) It shall be unlawful for any person, firm, or corporation, either as owner, lessee, occupant, or otherwise, to store or deposit, or cause or permit to be stored or deposited, an inoperable, abandoned, dismantled, junked, discarded, and/or unlicensed vessel on any lot or land, enclosed or otherwise, within the Village.
- (B) Nothing in this subchapter shall be construed to prohibit the storing of any such vessel in a private garage or in a legally constructed structure.
- (C) It shall be an affirmative defense that an unlicensed vessel as set forth in this Section is either an antique vessel or a vessel that falls within that class of vessels commonly collected by boat owners because of the economic value attached to the class of vessels as established by trade magazines and journals.
- (D) This affirmative defense applies only to the offense of maintaining an unlicensed vessel on land within the Village as set forth in this section.

(Ord. 7-3-A, passed 9-19-1990)

§ 95.04 REMOVAL AUTHORIZED; RESPONSIBILITY FOR COSTS.

- (A) *Abandonment on waterway.* When a vessel is abandoned on any waterway for 24 hours or more, its removal by a towing service may be authorized by:
 - (1) Any member of the police department serving the Village; or
 - (2) Any Village officer or employee.
- (B) *Waterway hazards.* When an abandoned, unattended, wrecked, burned, or partially dismantled vessel is creating a traffic or navigational hazard because of its position in relation to the waterway, or because its physical appearance is impeding traffic or navigation, its immediate removal from the waterway by a towing service may be authorized by:

- (1) Any member of the police department serving the Village; or
- (2) Any Village officer or employee.

(C) *Responsibility for costs.*

- (1) When a vessel removal from either public or private property is authorized by the police department serving the Village or by any Village officer or employee, the owner of the watercraft will be responsible for all towing costs.
- (2) Vessels removed from public or private property and stored by a commercial relocater shall not be released to the owner until all towing and storage costs are paid.
- (3) Additionally, the tow company or storage company shall be entitled to all lien actions allowable by the laws of the state.

(Ord. 7-3-A, passed 9-19-1990)

§ 95.05 NOTIFICATION OF LAW ENFORCEMENT.

- (A) When an abandoned, lost, stolen, or unclaimed vessel comes into the temporary possession or the custody of a person in the Village not the owner of the watercraft, that person shall immediately notify the Village and the police department serving the Village, or any Village officer or employee when the vessel is within the corporate limits of the Village.
- (B) Upon receipt of the notification, the police department serving the Village, or any Village officer or employee, will authorize a towing service to remove and take possession of the abandoned, lost, stolen, or unclaimed vessel.
- (C) The towing service will safely store the towed vessel and its contents, and maintain a record of the tow as set forth in the applicable Illinois statutes until:
 - (1) The vessel is claimed by the owner or any other person legally entitled to possession thereof; or
 - (2) It is disposed of as provided by Illinois statutes.

(Ord. 7-3-A, passed 9-19-1990)

§ 95.06 NOTICE TO REMOVE.

- (A) Whenever it comes to the attention of the police department serving the Village or Village officer or employee authorized to enforce the provisions of this Chapter that a nuisance as defined herein exists in the Village, a notice in writing shall be served upon the owner of the vessel, or the occupant of the land where the nuisance exists, or the owner of the property, pier, or his or her agent.
- (B) In the event the last known address of the person cannot be ascertained, notice shall be served upon the taxpayer of record of the subject property.
- (C) A copy of the notice shall also be placed on the subject vessel.

(Ord. 7-3-A, passed 9-19-1990)

§ 95.07 SERVICE OF NOTICE.

- (A) The notice shall be made by personal service or sent by certified mail, return receipt requested, with the proper postage prepaid.
- (B) The notice shall state the existence of the nuisance and request its removal within ten (10) days of the date of mailing.
- (C) The owner of the vessel, occupant of the land, or owner of the land shall be responsible for removal of the vessel, at said person's sole cost and expense.

(Ord. 7-3-A, passed 9-19-1990)

§ 95.08 LOCATING OWNERS.

(A) *Record searches.*

- (1) Whenever the police Department serving the Village, or any Village officer or employee, cannot determine the identity of the registered owner, lien holder, or legally entitled person, it will cause the watercraft registration records of the state to be searched by the Department of Conservation for the purpose of obtaining the required ownership information.
- (2) The police Department serving the Village, or any Village officer or employee, will further cause the stolen watercraft files of the State Police to be searched by a directed communication to the State Police for stolen or wanted information on the vessel.
- (3) The information determined from this record search will be used by the police department serving the Village, or any Village officer or employee, in sending a notification by certified mail, return receipt requested, to the owner or legally entitled person advising:
 - (a) Where the vessel is held;
 - (b) Requesting that disposition be made; and
 - (c) Setting forth information concerning the future sale of the vessel.

(B) *Notification of State Police.*

- (1) When the registered owner or other person legally entitled to possession of a motor vessel or other vessel cannot be identified from the aforesaid registration files of the State of Illinois, or from the registration files of a foreign state, if applicable, the police department serving the Village, or any Village officer or employee, shall notify the respective State Police for the purpose of identifying the vessel's owner or other person legally entitled to possession of the vessel.
- (2) The information obtained shall be used in sending notification by certified mail, return receipt requested, to the vessel's owner or to the person legally entitled to possession thereof advising him or her:

- (a) Where the vessel is held;
- (b) Requesting that disposition be made; and
- (c) Setting forth the public sale information.

(Ord. 7-3-A, passed 9-19-1990)

§ 95.09 ABATEMENT OF NUISANCE BY VILLAGE.

(A) In the event a vessel is not removed or repaired within ten (10) days of the mailing of notice as specified in § 95.07, the police department serving the Village, or any Village officer or employee, shall, as authorized by and in accordance with ILCS Ch. 625, Act 5, §§ 4-201 *et seq.*, abate the nuisance by causing the vessel to be towed or transported to a designated storage place or depository as determined by the Village, and the costs of the towing, transportation, and storage shall be charged to:

- (1) The owner of the vessel; or
- (2) In the absence of any known or ascertainable owner, to the owner of the property upon which the vessel was stored.

(B) The remedy shall be in addition to any other penalty provisions provided for in this Chapter.

(Ord. 7-3-A, passed 9-19-1990)

§ 95.10 NOTICE OF REMOVAL.

(A) Within 48 hours of removal of the vessel, the police department serving the Village shall give written notice to:

- (1) The registered owner of the vessel, if known; and
- (2) The owner or occupant of the private property from which the vessel was removed, if known.

(B) The notice shall be served by personal service or by certified mail, return receipt requested, and shall state that the vessel or vessels have been impounded and stored for violation of this Chapter and give the location where the vessel or vessels are stored, and the costs incurred by the Village for the removal.

(Ord. 7-3-A, passed 9-19-1990)

§ 95.11 REDEMPTION OF IMPOUNDED VESSELS.

The owner of any vessel seized under the provisions of this Chapter may redeem the vessel at any time after its removal but prior to the sale or destruction thereof upon:

- (A) Proof of ownership; and
- (B) Payment to the Village Clerk of the actual and reasonable expenses of removal of the vessel(s), as well as any other costs incurred by the Village relative thereto, and any preliminary sale advertising expenses.

(Ord. 7-3-A, passed 9-19-1990)

§ 95.12 DISPOSAL OF UNCLAIMED WATERCRAFT WITHOUT NOTICE.

- (A) When the identity of the registered owner, lien holder, or other person legally entitled to the possession of an abandoned, lost, or unclaimed watercraft of seven years of age or newer cannot be determined by any means provided for in this Chapter or in ILCS Ch. 625, Act 45, §§ 3C-1 *et seq.*, the vessel may be sold as provided herein without notice to any person whose identity cannot be determined.
- (B) (1) When an abandoned watercraft of more than seven years of age is impounded as specified herein, the police department serving the Village, or any Village officer or employee, shall store said watercraft for a minimum of ten (10) days for the purpose of:
 - (a) Determining the identity of the registered owner and lien holder;
 - (b) Contacting the registered owner and lien holder for a determination of disposition; and
 - (c) Examining the State Police stolen watercraft files for any theft and wanted information.
- (2) At the expiration of the ten (10) day period, if disposition information has not been received from the registered owner or lien holder of the watercraft, the police department serving the Village, or any Village officer or employee, will authorize the disposal of the watercraft as junk.
- (3) If, in the opinion of an authorized member of the police department serving the Village, or any Village officer or employee, the vessel has a value of \$200 or more and can be restored to safe operating condition, the police department serving the Village, or any Village officer or employee, may authorize its purchase for salvage and apply for a Department of Conservation certificate of title.
- (4) A watercraft classified as an historical watercraft may be sold to any person desiring to restore it.

(Ord. 7-3-A, passed 9-19-1990)

§ 95.13 DISPOSITION OF VESSELS.

- (A) In the event that the police department serving the Village, or any Village officer or employee, is not contacted by a registered owner, lien holder, or person legally entitled to possession of the vessel, the Village shall, after fifteen (15) days from service of the notice, cause the vessel to be appraised.
- (B) When an abandoned, lost, stolen, or unclaimed vessel seven years of age or newer remains unclaimed by registered owner, lien holder, or other person legally entitled to its possession, for a period of thirty (30) days after notice has been given as provided herein, the police department serving the Village, or any Village officer or employee, shall cause the vessel to be sold at public sale to the highest bidder.
- (C) If the abandoned, lost, stolen, or unclaimed vessel is more than seven years of age, the police department serving the Village, or any Village officer or employee, may, in its discretion, based upon the apparent inability of the vessel to be made seaworthy, authorize the disposal of the vessel as junk.

(Ord. 7-3-A, passed 9-19-1990)

§ 95.14 PUBLIC SALE NOTICE.

- (A) The Village shall cause the posting of a notice of sale of any abandoned or unclaimed vessel, which notice shall state:
 - (1) The sale is of abandoned property in the possession of the Village;
 - (2) A description of the vessel, including make, model, license number, and any other information which will accurately identify the vessel;
 - (3) The terms of the sale; and
 - (4) The date, time, and place of the sale.
- (B)
 - (1) Notice of said sale shall be given by posting it in a prominent place at the Village Hall, and/or by posting said notice on the Village's website, for at least ten (10) days prior to the sale.
 - (2) Notice shall be posted for at least ten (10) days prior to the sale on the premises where the vessel has been impounded.
 - (3) No other notice shall be required.

(Ord. 7-3-A, passed 9-19-1990)

§ 95.15 PUBLIC SALE.

- (A) The vessel shall be sold to the highest and best bidder.
- (B) At the time of payment of the purchase price, the Village President, the Village Treasurer, or his or her respective designee, shall execute a certificate of sale in duplicate, the original of which to be given to the purchaser, and the copy thereof to be filed with the Village Clerk.
- (C) Should the sale for any reason be invalid, the Village's liability shall be limited to the return of the purchase price.

(Ord. 7-3-A, passed 9-19-1990)

§ 95.16 LIABILITY OF PARTIES INVOLVED.

- (A) *Liability of the owner of the vessel.* If the sale or disposition of the vessel(s) as hereinabove specified does not produce sufficient funds to pay the expenses incurred by the Village in the removal and sale thereof, the owner of the vessel shall be liable for reimbursing the Village for any unrecovered expenses incurred by the Village relative to the vessel.
- (B) *Liability of owner or occupant of the property.*
 - (1) The owner and/or occupant of any property from which the vessel was removed by the Village in accordance with this Chapter shall be liable to reimburse the Village for any unrecovered expenses incurred by the Village in connection with the removal of said vessel, and recovery of the expenses incurred by the Village relative thereto may be enforced against the individuals or by the placing of a lien upon the property in the amount of the expenses.

(2) The notice and service requirement for foreclosing the lien shall be the same as those in foreclosure of mortgages.

(C) *Liability of party towing vessels.* No police officer, towing service owner, operator, or employee shall be held to answer or be liable for damages in any action brought by the registered owner, former registered owner, or his or her legal representative, or any person legally entitled to possession of the vessel or other vessel when the vessel was processed and sold or disposed of as authorized by this Chapter and ILCS Ch. 625, Act 45, § 3C-8.

(Ord. 7-3-A, passed 9-19-1990)

§ 95.17 REPORTS ON TOWED VESSELS.

(A) When a watercraft or other vessel is authorized to be towed away, the police department serving the Village shall keep and maintain a record of the vessel towed, including, if available, the:

- (1) Color;
- (2) Year;
- (3) Manufacturer;
- (4) Manufacturer's trade name;
- (5) Manufacturer's series name;
- (6) Body style;
- (7) Vehicle identification number; and
- (8) License plate year and number displayed on the vessel.

(B) The records shall also include the date and hour of tow, location towed to, reason for towing, and the name of the officer in charge, as designated by an authorized representative of the police department serving the Village, or any Village officer or employee.

(C) The records shall be maintained for a period of one year from the date of sale or disposal.

(Ord. 7-3-A, passed 9-19-1990)

§ 95.18 PRIMA FACIE PRESUMPTION.

The registered owner of a vessel found in violation of any section of this Chapter shall be held prima facie responsible for the violation.

(Ord. 7-3-A, passed 9-19-1990)

§ 95.19 COMPLIANCE WITH REMOVAL ORDER REQUIRED.

When the registered owner or the person entitled to possession of the vessel can be ascertained, and the person shall fail to remove the vessel within ten (10) days after being requested in writing to do so by the police department serving the Village, or any Village officer or employee, under the notice provisions of this Chapter, the penalty provided in § 10.99 shall be in addition to the provisions for removal and reclamation of the vessel provided herein.

(Ord. 7-3-A, passed 9-19-1990)

ABANDONED VEHICLES

§ 95.30 PURPOSE.

- (A) The purpose of this Chapter is hereby set forth.
- (B) Inoperable, abandoned, dismantled, junked, discarded, or unlicensed vehicles upon privately owned or public property in the Village are detrimental to the safety, the health, and the public welfare. They constitute an attractive nuisance and are a peril to the public safety.
- (C) They are a source of vexation and annoyance.
- (D) They depreciate the value of neighboring properties.
- (E) They are a fire hazard and source of fire and explosions.
- (F) The preservation of public health and protection of property and the elimination of public peril compels the Village Board to regulate this matter.

(Ord. 7-3-A, passed 2-21-1990)

§ 95.31 DEFINITIONS.

For the purpose of this Chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ABANDONED VEHICLE. Any vehicle that by its condition and/or location appears deserted or forsaken and has not been moved for a period of seven days.

ANTIQUUE VEHICLE.

- (1) A motor vehicle that is more than 25 years of age or older or a bona fide replica thereof and which is capable for being driven on the highways or is used for demonstrating or exhibiting.
- (2) The vehicles are exempted from the provisions of §§ 95.32 and 95.33.

DISCARDED. Presently useless, thrown away, or unclaimed.

DISMANTLED. Vehicles which are stripped or have parts removed.

HIGHWAY. Any street, alley, or public dedication way within this municipality.

INOPERABLE VEHICLE.

- (1) Any vehicle from which, for a period of at least seven 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.

- (2) The definition does not include a vehicle which has been rendered temporarily incapable of being driven under its own motor power in order to perform ordinary service or repair operations.

JUNKED. Of little use or value.

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

PRIVATE PROPERTY. Any real property within the Village which is privately owned and which is not public property as defined in this section.

PUBLIC PROPERTY. Any street or highway which shall include the entire width between the boundary lines of every way publicly maintained for the purposes of vehicular travel, and shall also mean any other publicly-owned property or facility.

UNLICENSED. Vehicles not bearing current license plates and registration.

VEHICLE. A machine propelled by power, other than human power, designed to travel on the ground or upon the roads by the use of wheels, treads, runners, or sliders, to transport persons or property, or to pull machinery, and includes, but is not limited to, all automobiles, trucks, trailers, motorcycles, tractors and all trailers, wagons or other machinery designed to be pulled by the vehicle.

VILLAGE. The Village of Port Barrington, Illinois.

(Ord. 7-3-A, passed 2-21-1990)

§ 95.32 NUISANCE.

It is hereby declared and found that inoperable, abandoned, dismantled, junked, discarded, and/or unlicensed vehicles in and upon property within the Village are a matter affecting the public interest, that they constitute a nuisance, in that health, fire, and safety hazards are created, and that consequently this matter is subject to supervision and control for the purposes of safeguarding the public health, safety, and general welfare of the people of the Village.

(Ord. 7-3-A, passed 2-21-1990)

§ 95.33 PROHIBITION.

- (A) It shall be unlawful for any person, firm, or corporation, either as owner, lessee, occupant, or otherwise, to store or deposit, or cause or permit to be stored or deposited, an inoperable, abandoned, dismantled, junked, discarded, and/or unlicensed vehicle on any lot or land, enclosed or otherwise, within the Village.
- (B) Nothing in this Chapter shall be construed to prohibit the storing of any such vehicle in a private garage or in a legally constructed structure.

- (C) It shall be an affirmative defense that an unlicensed vehicle as set forth in this section is either an antique vehicle or a vehicle that falls within that class of vehicles commonly collected by car owners because of the economic value attached to the class of vehicles as established by trade magazines and journals.
- (D) This affirmative defense applies only to the offense of maintaining an unlicensed vehicle on land within the Village as set forth in this section.

(Ord. 7-3-A, passed 2-21-1990)

§ 95.34 REMOVAL AUTHORIZED; RESPONSIBILITY FOR COSTS.

- (A) *Abandoned on highways.* When a motor vehicle or other vehicle is left on the highway in the Village for ten (10) hours or more, its removal by a towing service may be authorized by the police department serving the Village, or any Village officer or employee.
- (B) *Traffic hazards.* When an abandoned, unattended, wrecked, burned, or partially dismantled motor vehicle or other vehicle is creating a traffic hazard because of its position in relation to the highway, or its physical appearance has caused the impeding of traffic, its immediate removal from the highway by a towing service may be authorized by order of the police department serving the Village, or any Village officer or employee.
- (C) *Responsibility for costs.* When a vehicle is removed from either public or private property pursuant to this section, the owner of the vehicle shall be responsible for all towing and storage costs, and shall pay the same before the vehicle is released to his or her custody or possession.

(Ord. 7-3-A, passed 2-21-1990)

§ 95.35 NOTIFICATION OF LAW ENFORCEMENT.

- (A) When an inoperable, abandoned, lost, stolen, or unclaimed motor vehicle comes into the temporary possession or the custody of a person in the Village not the owner of the vehicle, the person shall immediately notify the Village and the police department serving the Village, or any Village officer or employee.
- (B) Upon receipt of the notification, the police department serving the Village, or any Village officer or employee, shall authorize a towing service to remove and take possession of the abandoned, lost, stolen, or unclaimed motor vehicle or other vehicle.
- (C) The towing service shall tow the vehicle and its contents, and maintain a record of the tow until the vehicle is claimed by the owner or any other person legally entitled to possession thereof, or until it is disposed of as provided in this Chapter.

(Ord. 7-3-A, passed 2-21-1990)

§ 95.36 NOTICE TO REMOVE.

- (A) Whenever it comes to the attention of the police department serving the Village or any Village officer or employee authorized to enforce provisions of this Chapter that a nuisance as defined herein exists in the Village, a notice in writing shall be served upon the owner of the vehicle, or the occupant of the land where the nuisance exists, or the owner of the property or his or her agent.
- (B) In the event the last known address of the person cannot be ascertained, notice shall be served upon the taxpayer of record of the subject property upon which said vehicle is located.
- (C) A copy of the notice shall also be placed on the subject vehicle.

(Ord. 7-3-A, passed 2-21-1990)

§ 95.37 SERVICE OF NOTICE.

- (A) The notice shall be sent by certified mail, return receipt requested, with the proper postage prepaid.
- (B) The notice shall state the existence of the nuisance and request its removal within ten (10) days of the date of mailing.
- (C) The owner of the vehicle, occupant of the land or owner of the land upon which said vehicle is located shall be responsible for removal of the vehicle from the Village.

(Ord. 7-3-A, passed 2-21-1990)

§ 95.38 LOCATING OWNERS.

- (A) *Record searches.*
 - (1) Whenever the police department serving the Village, or any Village officer or employee, cannot determine the identity of the registered owner or per legally entitled to possession of the vehicle, it will cause the motor vehicle registration records of the respective State to be searched by a directed communication to the Secretary of State for the purpose of obtaining the required ownership information.
 - (2) It will further 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.
 - (3) The information determined from this record search will be used by the police department serving the Village, or any Village officer or employee, in sending a written notification by certified mail, return receipt requested, to the owner or per legally entitled to possession of said vehicle advising where the vehicle is held, requesting that disposition be made, and setting forth information concerning the future sale of the vehicle.

(B) *Notification of State Police.*

- (1) When the registered owner or other person legally entitled to possession of a motor vehicle or other vehicle cannot be identified from the registration files of the State of Illinois, or from the registration files of a foreign state, if applicable, the police department serving the Village, or any Village officer or employee, shall notify the respective State Police for the purpose of identifying the vehicle's owner or other person legally entitled to possession of the vehicle.
- (2) The information obtained shall be used in sending notification by certified mail, return receipt requested, to the owner or person legally entitled to possession of the vehicle advising him or her where the vehicle is held, requesting that disposition be made, and setting forth the public sale information.

(Ord. 7-3-A, passed 2-21-1990)

§ 95.39 ABATEMENT OF NUISANCE BY VILLAGE.

- (A) In the event a vehicle is not removed or repaired within ten (10) days of the mailing of notice as specified in § 95.36, the police department serving the Village or any Village officer or employee, shall, as authorized by and in accordance with ILCS Ch. 625, Act 5, §§ 4-201 *et seq.*, abate the nuisance by causing the vehicle to be towed or transported to a designated storage place or depository as determined by the Village, and the costs of the towing, transportation, and storage shall be charged to the owner of the vehicle or in the absence of any known or ascertainable owner, to the owner of the property upon which the vehicle was stored.
- (B) The remedy shall be in addition to any other penalty provisions provided for in this Chapter.

(Ord. 7-3-A, passed 2-21-1990)

§ 95.40 NOTICE OF REMOVAL.

- (A) Within 48 hours of removal of the vehicle, the police department serving the Village, or any Village officer or employee, shall give written notice to the registered owner of the vehicle, if known, and also the owner or occupant or taxpayer of record of the private property from which the vehicle was removed, if known.
- (B) The notice shall state that the vehicle or vehicles have been impounded and stored for violation of this Chapter and give the location where the vehicle or vehicles are stored, and the costs incurred by the Village for the removal.

(Ord. 7-3-A, passed 2-21-1990)

§ 95.41 REDEMPTION OF IMPOUNDED VEHICLES.

The owner of any vehicle seized under the provisions of this Chapter may redeem the vehicle at any time after its removal but prior to the sale or destruction thereof upon proof of ownership and payment to the

Village Clerk of the actual and reasonable expenses of removal, and any other costs incurred by the Village relative thereto, and any preliminary sale advertising expenses.

(Ord. 7-3-A, passed 2-21-1990)

§ 95.42 DISPOSITION OF VEHICLES.

- (A) Upon removing the vehicles as provided for in this Chapter, the Village shall, after ten (10) days, cause the vehicle to be appraised.
- (B)
 - (1) If the vehicle is appraised at \$75 or less, the Village President, Village Treasurer, or his or her respective designee, shall execute an affidavit so attesting and describing the vehicle, including license plates, if any, and stating the location and appraised value of the vehicle.
 - (2) The Village President, Village Treasurer, or his or her respective designee, or the police department serving the Village, after complying with the above, may summarily dispose of the vehicle and execute a certificate of sale therefor.
- (C) If the vehicle is appraised over \$75, the Village President, Village Treasurer, or his or her respective designee, shall give notice of a public sale not less than ten (10) days before the date of the proposed sale.

(Ord. 7-3-A, passed 2-21-1990)

§ 95.43 PUBLIC SALE NOTICE.

- (A) The Village shall cause the posting of a notice of sale of any such abandoned vehicle, which notice shall state:
 - (1) The sale is of abandoned property in the possession of the Village;
 - (2) A description of the vehicle, including make, model, license number, and any other information which will accurately identify the vehicle;
 - (3) The terms of the sale; and
 - (4) The date, time, and place of the sale.
- (B)
 - (1) Notice of said sale shall be given by posting it in a prominent place at the Village Hall visible to members of the public, and/or by posting said notice on the Village's website at least ten (10) days in advance of the proposed sale.
 - (2) No other notice shall be required.

(Ord. 7-3-A, passed 2-21-1990)

§ 95.44 PUBLIC SALE.

- (A) The vehicle shall be sold to the highest and best bidder.
- (B) At the time of payment of the purchase price, the Village President, Village Treasurer, or his or her respective designee, shall execute a certificate of sale in duplicate, the original of which to be given to the purchaser, and the copy thereof to be filed with the Village Clerk.
- (C) Should the sale for any reason be invalid, the Village's liability shall be limited to the return of the purchase price.

(Ord. 7-3-A, passed 2-21-1990)

§ 95.45 LIABILITY OF PARTIES INVOLVED.

- (A) *Liability of the owner of the vehicle.* If the sale or disposition of the vehicle(s) as hereinabove specified does not produce sufficient funds to pay the expenses incurred by the Village in the removal and sale thereof, the owner of the vehicle shall be liable for reimbursing the Village for any unrecovered expenses incurred by the Village relative to the vehicle.
- (B) *Liability of owner or occupant of the property.*
 - (1) The owner and/or occupant of any property from which the vehicle was removed by the Village in accordance with this Chapter, shall be liable to reimburse the Village for any unrecovered expenses incurred by the Village in connection with the removal of said vehicle and recovery of the expenses incurred by the Village relative thereto may be enforced against the individuals or by the placing of a lien upon the property in the amount of the expenses.
 - (2) The notice and service requirement for foreclosing the lien shall be the same as those in foreclosure of mortgages.
- (C) *Liability of party towing vehicles.* No police officer, towing service owner, operator, or employee shall be held to answer or be liable for damages in any action brought by the registered owner, former registered owner or his or her legal representative, or any person legally entitled to possession of the motor vehicle or other vehicle when the vehicle was processed and sold or disposed of as authorized by this Chapter and ILCS Ch. 625, Act 5, § 4-213.

(Ord. 7-3-A, passed 2-21-1990)

§ 95.46 REPORTS ON TOWED VEHICLES.

- (A) When a motor vehicle or other vehicle is authorized to be towed away, the police department serving the Village, or any Village officer or employee, shall keep and maintain a record of the vehicle towed, including, if available, the:
 - (1) Color;
 - (2) Year;
 - (3) Manufacturer;

- (4) Manufacturer's trade name;
- (5) Manufacturer's series name;
- (6) Body style;
- (7) Vehicle identification number; and
- (8) License plate year and number displayed on the vehicle.

(B) The records shall also include the date and hour of tow, location towed to, reason for towing, the name of the officer in charge, as designated by the police department serving the Village, or any Village officer or employee.

(Ord. 7-3-A, passed 2-21-1990)

§ 95.47 PRIMA FACIE PRESUMPTION.

The registered owner of a vehicle found in violation of any section of this Chapter shall be held prima facie responsible for the violation.

(Ord. 7-3-A, passed 2-21-1990)

§ 95.48 COMPLIANCE WITH REMOVAL ORDER REQUIRED.

When the registered owner or the person entitled to possession of the vehicle can be ascertained, and the person shall fail to remove the vehicle within ten (10) days after being requested in writing to do so by the police department serving the Village, or any Village officer or employee, under the notice provisions of this Chapter, the penalty provided in §10.99 shall be in addition to the provisions for removal and reclamation of the vehicle provided herein.

(Ord. 7-3-A, passed 2-21-1990)