

CITY OF OGLESBY

ORDINANCE NO. 1240-110623

AN ORDINANCE REPEALING AND REPLACING
CHAPTER 8.44 OF THE MUNICIPAL CODE OF THE CITY OF OGLESBY
REGARDING ABANDONED VEHICLES

ADOPTED BY THE CITY COUNCIL OF THE CITY OF OGLESBY
THIS 6TH DAY OF NOVEMBER, 2023.

Published in pamphlet form by authority of the City Council
of the City of Oglesby, LaSalle County, Illinois, this 7TH day of November, 2023.

STATE OF ILLINOIS)
) SS
COUNTY OF LASALLE)

I, REBECCA CLINARD, certify that I am the duly appointed and acting municipal clerk of the City of Oglesby, LaSalle County, Illinois.

I further certify that on the 6th day of October, 2023, the corporate authorities of the above municipality passed and approved Ordinance No. 1240-110623, entitled "An Ordinance Repealing and Replacing Chapter 8.44 of the Municipal Code of the City of Oglesby Regarding Abandoned Vehicles", which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 1240-100223 including the Ordinance and cover sheet thereof, was prepared and a copy of such Ordinance was posted in the municipal building, commencing on the 7th day of November, 2023, and continuing for at least ten days thereafter. Copies of the Ordinance were also available for public inspection upon request in the office of the municipal clerk.

Dated in Oglesby, Illinois, this 7th day of November, 2023.





REBECCA CLINARD, City Clerk

ORDINANCE NO. 1240-110623

**AN ORDINANCE REPEALING AND REPLACING
CHAPTER 8.44 OF THE MUNICIPAL CODE OF THE CITY OF OGLESBY
REGARDING ABANDONED VEHICLES**

WHEREAS, the corporate authorities of the City of Oglesby have previously enacted Ordinances codified in Chapter 8.44 of the Municipal Code of the City of Oglesby relating to abandoned vehicles within the City of Oglesby; and

WHEREAS, the Mayor and Commissioners of the City of Oglesby desire to repeal and replace said Chapter with a new Chapter 8.44 that will regulate abandoned vehicles within the City of Oglesby; and

WHEREAS, the Oglesby City Council deems the changes to be made by this Ordinance to be in the best interest of public health, safety and welfare of the residents of the City of Oglesby.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF OGLESBY, LASALLE COUNTY, ILLINOIS, AS FOLLOWS:

1. The recitals contained in the preamble to this Ordinance are incorporated by reference as if set out in full herein.
2. The existing Chapter 8.44 is hereby deleted in its entirety. The following new Chapter 8.44 shall replace it, and shall read as follows:

Chapter 8.44 – ABANDONED VEHICLES

8.44.010: DEFINITIONS:

ABANDONED VEHICLE: All motor vehicles or other vehicles in a state of disrepair rendering the vehicle incapable of being driven in its condition; or any motor vehicle or other vehicle that has not been moved for seven (7) consecutive days.

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

PROPERTY: Any real property within the City which is not a street, alley or highway.

VEHICLE: A machine propelled by power other than human power designed to travel along the ground by use of wheels, runners or slides and transport persons or property or pull machinery and includes, without limitation, an automobile, truck, trailer, motorcycle and tractor.

8.44.020: ABANDONMENT OF VEHICLES:

The abandonment of a motor vehicle or other vehicle or any part thereof on any street, alley or highway in the City is unlawful and subject to penalties as set forth in this Chapter. The abandonment of a motor vehicle or other vehicle or any part thereof on private or public property, other than a highway, in view of the general public, anywhere in the City is unlawful except on property which is zoned and used for the repair and/or storage of abandoned vehicles. Any vehicle that is unlicensed, without proper registration or license plates, or with registration that has expired, shall be deemed an abandoned vehicle. A motor vehicle or any part thereof so abandoned on private property may be authorized for removal by or upon the order of the Chief of Police, after a waiting period of seven (7) days or more has expired, or may be removed immediately if determined to be a hazardous dilapidated motor vehicle under 65 ILCS 5/11-40-3-1.

8.44.030: NUISANCE DECLARED:

Any person, firm, partnership, association, corporation, company or organization of any kind who either owns or is in possession or control of an abandoned motor vehicle as defined in this Chapter shall be deemed to be a public nuisance and shall be subject to fines as provided for in this Chapter.

8.44.040: WRECKED AND NON-OPERATING VEHICLES:

No person shall leave any partially dismantled, non-operating, wrecked or junked vehicle on any street, alley or highway within the City. No person in charge of any property within the City, whether as owner, tenant, occupant, lessee or otherwise, shall allow any partially dismantled, non-operating wrecked, junked or discarded vehicle to remain on such property longer than seven (7) days, unless said vehicle is in a completely enclosed garage or said vehicle is on property zoned and used for the repair and/or storage of partially dismantled, non-operating, wrecked or junked vehicles.

8.44.050: AUTHORIZATION TO TOW:

A motor vehicle or other vehicle is authorized to be towed away under this Chapter when:

(A) An authorization, any hold order and any release is put or confirmed in writing, with a copy given to the towing service.

(B) The City police department shall keep and maintain a record of the vehicle towed, listing the color, year of manufacturer, manufacturer's trade name, manufacturer's series name, body style, vehicle identification number and license plate year and number displayed on the vehicle. The record shall also include the date and hour of the tow, the location towed from, the location towed to, the reason for towing and the name of the officer authorizing the tow.

8.44.060: TERMINATION OF VEHICLE OWNERSHIP:

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

(B) The City 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 used by the City police department in sending a notification by certified mail to the owner or legally entitled person advising where the vehicle is held, requesting a disposition be made and setting forth public sale information. Notification shall be sent no later than ten (10) business days after the date the City police department impounds or authorizes the impounding of a vehicle, provided that if the City 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 (10) business day period after impoundment, notification shall be sent no later than two (2) 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 and other legally entitled persons are set forth in 65 ILCS 5/4-209.

(C) When the registered owner, lienholder or other person legally entitled to the possession of a motor vehicle or other vehicle cannot be identified from the registration files of this state or from the registration files of a foreign state, if applicable, the City police department shall notify the state police for the purpose of identifying the vehicle's 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 City police department for notification purposes as set forth in this section.

8.44.070: REDEMPTION BY VEHICLE OWNER:

Any time before a motor vehicle or other vehicle is sold at public sale or disposed of as provided in this chapter, the owner or other person legally entitled to its possession may reclaim the vehicle by presenting to the City police department 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.

**8.44.080: SALE OF VEHICLES SEVEN YEARS OF AGE OR NEWER;
DISPOSITION:**

(A) When an abandoned, lost, stolen or unclaimed vehicle seven (7) years of age or newer remains unclaimed by the registered owner, lienholder or other legally entitled persons for a period of thirty (30) days after notice has been given as provided in 625 ILCS 5/4-205 and 5/4-206, the City 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 625 ILCS 5/5-101 et seq., or the towing operator which towed the vehicle. 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. The City police department, 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, or other legally entitled persons. Notice as provided in 625 ILCS 5/4-205 and 5/4-206, and as provided in this subsection, shall state the time and place of sale and 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) If an abandoned, lost, stolen or unclaimed vehicle displays dealer plates, notice under this section and under 625 ILCS 5/4-209 shall be sent to both the dealer and the registered owner, lienholder or other legally entitled persons.

(C) When the certified notification specified in 625 ILCS 5/4-205 and 5/4-206 has been returned by the postal authorities to the City police

department or towing service, the sending of a second certified notice will not be required.

(D) When the identity of the registered owner, lienholder or other legally entitled persons 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 in this section without notice to any person whose identity cannot be determined.

(E) When an abandoned vehicle of more than seven (7) years of age is impounded as specified by this Chapter, or when any such vehicle is towed at the request of with the consent of the owner or operator and is subsequently abandoned, it will be kept in custody or storage for a minimum of ten (10) days for the purpose of determining the identity of the registered owner, lienholder or other legally entitled persons by the U.S. mail, public service or in person for a determination of disposition; and an examination of the state police stolen vehicles files for theft and wanted information. At the expiration of the (10) day period, and without the benefit of disposition information having been received about the registered owner, lienholder, or other legally entitled person, the vehicle may be disposed of in either of the following ways:

1. The City police department will authorize the disposal of the vehicle as junk or salvage; or.
2. The towing service may sell the vehicle in the manner provided in this Chapter, provided that this subsection shall not apply to vehicles towed by order or authorization of the City police department.

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

8.44.090: REPORT OF VEHICLE SALE OR DISPOSITION:

When a motor vehicle or other vehicle in the custody of the City 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 City police department for a period of one (1) year from the date of the sale or disposal.

8.44.100: USE OF PROCEEDS OF VEHICLE SALE OR DISPOSITION:

When a vehicle located within the corporate city limits is authorized to be towed away by the City chief of police 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 General Fund of the City.

8.44.110: LIABILITY DISCLAIMER:

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 owner's 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.

8.44.120: PENALTY:

Any person found guilty of violating any of the provisions of this chapter shall be fined not less than one hundred (\$100.00) dollars nor more than seven hundred fifty (\$750.00) dollars and each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable hereunder as a separate offense.

3. All Ordinances or parts of Ordinances or provisions of the Municipal Code or rules or regulations of the City of Oglesby which are inconsistent with this Ordinance are hereby stricken and repealed.

4. This Ordinance will be in full force and effect after its passage, approval, and publication in pamphlet form as provided by law.

PRESENTED, PASSED AND ADOPTED at a regular meeting of the City Council of the City of Oglesby, LaSalle County, Illinois, this 6th day of November, 2023.

TERRY M. EUTIS	___ AYE; ___ NAY; ___ ABSENT; ___ PASS
GREGORY MCDERMOTT	___ AYE; ___ NAY; ___ ABSENT; ___ PASS
ANTONIO STEFANELLI	___ AYE; ___ NAY; ___ ABSENT; ___ PASS
RICHARD BALDRIDGE	___ AYE; ___ NAY; ___ ABSENT; ___ PASS
JASON CURRAN	___ AYE; ___ NAY; ___ ABSENT; ___ PASS



JASON CURRAN, Mayor

ATTEST:



REBECCA CLINARD, City Clerk