

TITLE IX: GENERAL REGULATIONS

Chapter

- 90. REMOVAL, SEIZURE AND IMPOUNDING OF VEHICLES**
- 91. ANIMALS**
- 92. EMERGENCY SERVICES AND DISASTER PROGRAM**
- 93. FIREWORKS; FIRE PREVENTION**
- 94. HEALTH AND SANITATION**
- 95. NOISE CONTROL**
- 96. NUISANCES**
- 97. STREETS AND SIDEWALKS**
- 98. UNSAFE AND DANGEROUS BUILDINGS**
- 99. SWIMMING POOLS**

CHAPTER 90: REMOVAL, SEIZURE AND IMPOUNDING OF VEHICLES

Section

General Provisions

90.01	Definitions
90.02	Vehicles as Nuisance
90.03	Leaving Abandoned Vehicle on Street Prohibited
90.04	Removal and Impoundment of Inoperable and Abandoned Motor Vehicles
90.05	Seizure of Certain Vehicles
90.06	Enforcement
90.07	Additional Penalties
90.08	Exceptions

GENERAL PROVISIONS

§ 90.01 DEFINITIONS

The following definitions shall apply in the interpretation and enforcement of this Chapter:

ABANDONED VEHICLE: All vehicles left unattended for the time periods indicated in Section 90.04 (B) 1, 2, and 3.

HIGHWAY: 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.

VEHICLE: A machine propelled by power other than human power designed 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 automobile, truck, trailer, motorcycle, tractor, buggy, and wagon.

INOPERABLE MOTOR VEHICLE: Any motor 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. "Inoperable motor vehicle" shall also include any vehicle that is unlicensed or has been under repair for longer than thirty (30) days.

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

PROPERTY: Shall mean any real property within the Village of Hanna City which is not a street or highway.

CONTROLLED SUBSTANCE: Any substance as defined by the Illinois Controlled Substance Act (720 ILCS 570/201 et. seq.), as amended from time to time, and cannabis as defined by the Cannabis Control Act (720 ILCS 550/1 et. seq.), as amended from time to time.

DRUG PARAPHERNALIA: Any equipment, product, and/ or materials as defined in Section 2 of the Drug Paraphernalia Act (720 ILCS 600/2), as amended from time to time.

DRIVING UNDER THE INFLUENCE: Any violation as defined by the Illinois Vehicle Code (625 ILCS 5/11-501), as amended from time to time.

DRIVING WHILE LICENSE, PERMIT OR PRIVILEGE TO OPERATE A MOTOR VEHICLE IS SUSPENDED OR REVOKED: Any violation as defined by the Illinois Vehicle Code (625 ILCS/ 6-303), as amended from time to time.

OPERATION OF A MOTOR VEHICLE WITHOUT A VALID DRIVER'S LICENSE: A violation of Section 6-101 and/or 6-303 of the Illinois Vehicle Code, as amended from time to time (625 ILCS 5/6-101 and 625 ILCS 5/6-303), where the driver's license or driving privileges have been suspended, revoked, cancelled, never obtained, or previously have been obtained and have expired for not less than 6 months.

OWNER OF RECORD: The record title holder of a motor vehicle.

UNLAWFUL USE OF WEAPONS: A violation of Section 24-1 of the Criminal Code of 1961 (720 ILCS 5/24-1 et seq.), as amended from time to time.

§ 90.02 VEHICLES AS NUISANCE

All inoperable motor vehicles, on public or private property and in view of the general public are hereby declared to be public nuisances and no person shall permit such a vehicle or parts thereof to remain on public or private property. However, this Chapter shall not apply to any motor vehicle that is kept within a building when not in use, to operable historic vehicles over twenty five (25) years of age, subject to the provisions of Section 90.08 herein, or to a motor vehicle on the premises of a place of business engaged full-time in the repairing, wrecking or junking of motor vehicles.

Also, any motor vehicle which is damaged or deteriorated or in need of repair for thirty (30) days or more and is located upon private property in the Village of Hanna City, outside of any enclosure which encloses the vehicle completely from lateral view on all sides constitutes a danger to persons, including children, or constitutes a blight upon the property or neighborhood in which it is located, is hereby declared to be a nuisance. The word "enclosure" shall not be construed to include a car cover and a car cover is hereby expressly deemed insufficient to exempt a vehicle that is not otherwise enclosed.

Any motor vehicle which otherwise meets the definition of “Inoperable Motor Vehicle” contained in this Chapter is declared a nuisance notwithstanding that it has not been in its current location seven (7) days if it has been the subject of a notice given under this Chapter within the preceding thirty (30) days.

§ 90.03 LEAVING ABANDONED VEHICLE ON STREET PROHIBITED

The abandonment of any vehicles on any part of any street in the Village is unlawful and subject to penalties as set forth in this Chapter.

§ 90.04 REMOVAL AND IMPOUNDMENT OF INOPERABLE AND ABANDONED MOTOR VEHICLES

The Village shall have the right to cause abandoned and inoperable vehicles to be removed as follows:

(A) Inoperable Vehicles: Inoperable vehicles may be removed by the Peoria County Sheriff’s Department or a towing service authorized by the Peoria County Sheriff’s Department seven (7) days after issuance of municipal notice to the owner of the vehicle and owner of the property. If the owner of the vehicle cannot be determined, notice shall be given in the form of a sticker placed upon the vehicle by the Peoria County Sheriff’s Department. The notice provided for herein shall include the right to a hearing and be substantially as follows:

NOTICE

Description of Vehicle: _____

Approximate Location of Vehicle: _____

Notice of Inoperable Motor Vehicle

You are hereby notified that the Village of Hanna City has determined that the above described motor vehicle, pursuant to the Hanna City Code, 90.01, et seq. is an inoperable motor vehicle. You have seven days from the date of this notice to remove the vehicle or it shall be subject to towing by authorization of the Village of Hanna or the Peoria County Sheriff’s Department. You may also be subject to a fine.

If you so desire, you are entitled to a hearing on this matter before the Village of Hanna City Board of Trustees. Your written request for a hearing must be delivered to the Village Clerk prior to seven days from the date of this notice.

By Order of the Peoria County Sheriff’s
Department or
Village of Hanna City

If a hearing is requested, the Village Board shall hold a hearing prior to towing the vehicle.

IMPOUNDED VEHICLE HEARING PROCEDURE

MOTION TO OPEN PUBLIC HEARING

SWEARING IN OF WITNESSES

PRESENTATION OF CHARGES OR BASIS OF TOWING/IMPOUNDMENT

TESTIMONY OF PEORIA COUNTY SHERIFF'S OFFICER TAKING REPORT /
PRESENTATION OF ANY SUPPORTING EVIDENCE

QUESTIONS ON OFFICER TESTIMONY

TESTIMONY OF VICTIM OR COMPLAINING PARTY / PRESENTATION OF ANY
SUPPORTING EVIDENCE

QUESTIONS ON VICTIM TESTIMONY

TESTIMONY OF ANY WITNESSES TO INCIDENT / PRESENTATION OF ANY
SUPPORTING EVIDENCE

QUESTIONS ON WITNESS TESTIMONY

TESTIMONY OF VEHICLE OWNER / PRESENTATION OF ANY SUPPORTING
EVIDENCE

QUESTIONS OF VEHICLE OWNER TESTIMONY

TESTIMONY OF WITNESSES ON BEHALF OF VEHICLE OWNER

QUESTIONS ON WITNESS TESTIMONY

READING ALOUD OF ACTUAL VILLAGE CODE AS IT RELATES TO CASE PRESENTED /
RECAP OF EVIDENCE AND TESTIMONY PRESENTED

MOTION TO CLOSE THE PUBLIC HEARING

DISCUSSION ON EVIDENCE PRESENTED AND VOTE BY THE BOARD OF TRUSTEES
AS TO THE ISSUES PRESENTED

(B) Abandoned Vehicles: Abandoned vehicles may be removed by the Peoria County Sheriff's Department or a towing service authorized by the Peoria County Sheriff's Department as follows:

1. When any abandoned vehicle is left on a highway in an urban district in the Village for ten (10) hours or more, or outside of an urban district for twenty four (24) hours or more, its removal by a towing service may be authorized by the Peoria County Sheriff's Department.

2. When any abandoned, unattended, wrecked, burned, or partially dismantled vehicle is creating a traffic hazard because of its position in relation to a 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 Peoria County Sheriff's Department.

3. An abandoned vehicle on private property, except on the property of the owner of the vehicle may be removed by the Peoria County Sheriff's Department or the Village seven (7) days after notice is issued to the owner of the vehicle.

(C) Process: Should a vehicle be towed without actual prior notice to the owner, the process for impounding vehicles under this Section shall be as follows:

1. When a vehicle is removed by authorization of the Peoria County Sheriff's Department as set forth above, the owner of the vehicle shall be responsible for all towing and storage charges.

2. When the Peoria County Sheriff's Department authorizes impounding of a vehicle and does not know the identity of the registered owner, lien holder or other legally entitled person, it will cause the vehicle registration records of the State of Illinois to be searched by the Secretary of State for the purpose of obtaining the required ownership information. The Peoria County Sheriff's Department will cause the stolen motor vehicle files of the State Police Department to be searched by a directed communication to the State Police Department for stolen or wanted information on the vehicle. The information determined from these record searches will be used in sending a notification by certified mail to the registered owner, lien holder, and other legally entitled persons 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) days after the date the Peoria County Sheriff's Department impounds or authorizes the impounding of a vehicle; provided, that if the law enforcement agency is unable to determine the identity of the registered owner, lien holder or other person legally entitled to ownership of the impounded vehicle within a ten (10) day period after impoundment, then notification shall be sent no later than two days after the date the identity of the registered owner, lien holder, or other person legally entitled to ownership of the impounded vehicle is determined.

3. When the registered owner, lien holder, or other person legally entitled to the possession of a vehicle cannot be identified from the registration files of this State or from the registration files of a foreign state, if applicable, the Peoria County Sheriff's Department shall notify the State Police Department, for the purpose of identifying the vehicle owner or other person legally entitled to the possession of the vehicle.

4. When a vehicle is authorized to be towed away as provided above, the Peoria County Sheriff's 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 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.

5. Any time before a vehicle is sold at public sale or disposed of as provided herein, the owner, lien holder, or other person legally entitled to its possession may reclaim the vehicle by presenting to the Peoria County Sheriff's Department proof of ownership or proof of the right to possession of the vehicle. No vehicle shall be released to the owner, lien holder, or other person under this Section until all towing and storage charges have been paid.

6. When an abandoned, lost, stolen, inoperable, or unclaimed vehicle seven (7) years of age or newer remains unclaimed by the registered owner, lien holder, or other person legally entitled to his possession for a period of thirty (30) days after notice has been given as provided herein, the Peoria County Sheriff's 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 or the towing operator who 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 on the premises where the vehicle has been impounded. At least ten (10) days prior to the sale, the Peoria County Sheriff's Department or the towing service where the vehicle is impounded, shall cause notice of the time and place of the sale to be sent by certified mail to the registered owner, lien holder, and other persons known by the law enforcement agency 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. In the instances where the certified notification specified above has been returned by the postal authorities to the Peoria County Sheriff's 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 shall not be required.

7. When the identity of the registered owner, lien holder, and other person legally entitled to the possession of an abandoned, lost, or unclaimed vehicle of seven (7) years of age or newer cannot be determined by any means provided for above, the vehicle may be sold as provided above without notice to any person whose identity cannot be determined. When an abandoned vehicle of more than seven (7) years of age is impounded as specified by this Chapter, it will be kept in custody for a minimum of ten (10) days for the purpose of determining the identity of the registered owner and lien holder

and contacting the registered owner and lien holder by the US mail, public service or in person for a determination of disposition; and, an examination of the State Police Department stolen vehicle files for theft and wanted information. At the expiration of the ten (10) day period, without the benefit of disposition information being received from the registered owner or the lien holder, the Peoria County Sheriff's Department will authorize the disposal of the vehicle as junk or salvage. A vehicle classified as an antique vehicle may however be sold to a person desiring to restore it.

8. When a vehicle in the custody of the Peoria County Sheriff's Department is reclaimed by the registered owner, lien holder, 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 Peoria County Sheriff's Department for a period of one year from the date of the sale or disposal.

9. When a vehicle located within the corporate limits of the Village is authorized to be towed away by the Peoria County Sheriff's 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.

10. No village officer or employee, law enforcement officer or agency, or employee, or a towing service owner, operator or employee shall be held to answer or be liable in any action brought by the registered owner, or his legal representative, lien holder 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.

§ 90.05 SEIZURE OF CERTAIN VEHICLES

(A) Vehicles subject to seizure and impounding: A vehicle shall be subject to seizure and impounding under this Chapter where such vehicle is used in any of the following:

- a. The possession or delivery of a controlled substance or drug paraphernalia.
- b. Driving under the influence.
- c. Driving while license, permit, or privilege to operate a motor vehicle is suspended or revoked.
- d. Operation of a motor vehicle without a valid driver's license.
- e. The unlawful use of weapons.
- f. Any other violation of the Illinois Criminal Code, Illinois Controlled Substances Act, the Cannabis Control Act, the Illinois Food, Drug and Cosmetic Act, or the Methamphetamine Control and Community Protection Act.

(B) Process: Whenever the Peoria County Sheriff's Department has probable cause to believe that a vehicle is subject to seizure and impoundment pursuant to this Chapter, it shall:

1. Cause the motor vehicle to be towed to a facility controlled by the Village or its agents. When the vehicle is towed, the Peoria County Sheriff's Department shall notify any person identifying himself or herself as the owner of the vehicle or any person who has been found to be in control of the vehicle at the time of the alleged violation, if there is such a person, of the fact and legal basis of the seizure and the vehicle owner's right to request a hearing as provided by applicable state law. A copy of said notice shall also be sent simultaneously to the Sheriff of the county of seizure.
2. Notify the Peoria County Sheriff, the Secretary of State and the State's Attorney of any seizure under this Section within 48 hours of such seizure and impoundment, or as otherwise provided under the Illinois Criminal Code (720 ILCS 5/36-1 et seq.) and the Illinois Drug Asset Forfeiture Act (725 ILCS 1501 et seq.). If so directed by the Sheriff, the seized vehicle shall be transported to the said Sheriff, and other directions of the Sheriff shall also be followed.

§ 90.06 ENFORCEMENT

It shall be the duty of the code enforcement officer of this Village to investigate and make report of apparent violations of this Ordinance to the Peoria County Sheriff who shall, thereupon, take the necessary steps to enforce this Ordinance. Nothing herein contained, however, shall be construed to prevent any other person from making complaint with the proper authorities for any alleged violation of this Ordinance.

§ 90.07 PENALTIES

Any person who violates or aids and abets in the violation of the above provisions is guilty of a petty offense, and:

- (A) Shall be fined not less than fifty dollars (\$50.00) nor more than one hundred dollars (\$100) for each offense, each day the violation is permitted or maintained constituting a separate offense, and each motor vehicle involved constituting the subject of a separate offense;
- (B) Shall be required by the Court to make a disposition of the seized, abandoned or unclaimed vehicle and pay all towing and storage charges.

§ 90.08 EXCEPTIONS

The following are allowable exceptions to the provisions of this Chapter:

(A) Vehicles which are twenty-five (25) years old or older and are being restored to an operable condition may be stored on private property outside an enclosed building. This is to be in the driveway of the residence at a point not to protrude past the front line of the residence or in the rear yard of the property, and subject to the following requirements:

1. No more than two (2) of these vehicles are allowed at one (1) location at the same time.
2. A permit application for each vehicle must be filed with the Village Clerk prior to approval for the storage of the vehicle.
3. A permit fee of seventy-five dollars (\$75.00) will be charged for each permit.
4. Permits will be valid for one (1) year. Limit of three (3) permits per year per residence.