

ORDINANCE NO. 8081-1

AN ORDINANCE
AMENDING SECTION 18-1
OF THE URBANA LOCAL TRAFFIC
ORDINANCE, AS AMENDED

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF URBANA, ILLINOIS, as follows:

1. That Section 18-1 of the Urbana Local Traffic Ordinances, As Amended, is hereby repealed in its entirety upon the taking effect of this Ordinance; and

2. That a new Section 18-1 of the Urbana Local Traffic Ordinance, As Amended, is hereby enacted as follows:

18-1. Storage of Inoperable Vehicles.

(1). For the purpose of this Ordinance, the following words shall have the meaning ascribed to them as follows:

"Highway" means the entire width between the boundary lines of every way publicly maintained when any part thereof is opened for the use of the public for purposes of vehicular traffic.

"Inoperable Vehicle" means any motor vehicle or other vehicle incapable of, or prohibited from being driven upon any highway due to disrepair, disuse, or not being legally registered. Any vehicle not displaying valid registration plates or proper evidence of application therefor will be presumed to be inoperable for purposes of this Ordinance.

(2) (a). It shall be unlawful for any person to leave an inoperable motor vehicle, or other vehicle, or any part thereof on any highway in this municipality for more than three (3) consecutive days. Provided, however, if such vehicle is creating a traffic hazard because of its position in relation to the highway or its physical appearance is causing an impedece in traffic, its immediate removal by a towing service may be authorized by order of the Chief of Police, City of Urbana. If such motor vehicle does not have displayed current valid registration plates, it may be removed immediately upon the order of the Chief of Police, City of Urbana, without first giving the notice of hearing as set forth in Section (3) below.

(b). No person shall leave any inoperable motor vehicle or parts thereof in any area which is not a highway in view of the public or outside of any building for more than

thirty (30) consecutive days after having received notice from the City of Urbana to remove such vehicle or parts thereof, provided, however, the thirty (30) day period may be extended for up to sixty (60) days by the Director of Public Works upon proper application for such extension by the owner of the property whereon such vehicle or parts thereof is stored. The Director of Public Works may grant repeated extensions of time up to sixty (60) days each upon proper application and showing of good cause. An inoperable motor vehicle or parts thereof found on any property other than a highway in view of the public or outside of any building, may be removed by a towing service upon the order of the Administrator of the Community Development Services Department, City of Urbana, if the motor vehicle, or any parts thereof, has not been removed within thirty (30) days, or any extension granted by the Director of Public Works, after notice to do so addressed to the owner of the property upon which the said inoperable vehicle or any parts thereof is located, provided, however, if such inoperable vehicle has displayed current valid registration plates, the notice as set forth in Section (3) below shall be sent to the owner of the vehicle prior to any authorization to tow such vehicle is given.

The initial notice shall advise the owner upon whose property such vehicle or parts thereof is stored of such owner's right to make application to the Director of Public Works for extensions of time as provided in this Ordinance.

(c). Upon receipt of an application for an extension of time as provided for in Section (2) (b) above, the Director of Public Works shall grant an extension up to sixty (60) days if the owner of the property upon which such vehicle or parts thereof is stored submits to him/her an affidavit that the owner of the inoperable vehicle or parts thereof is a bona fide resident of the property upon which the said vehicle or parts thereof are stored and the said vehicle or parts thereof are being held for sale.

(3). If a motor vehicle or other vehicle is properly registered and displays current registration plates and is subject

to subsections (2) (a) or (2) (b) herein, under which towing of such vehicle may be authorized, then notice and opportunity for hearing on the matter must be accorded to the registered owner before towing. The Director of Public Works shall preside at such hearing and shall decide whether the applicable municipal department has authority to tow the vehicle in question pursuant to a subsection herein. The notice of hearing shall be in substantially the following form:

NOTICE

NAME _____

ADDRESS _____

CITY _____

A vehicle described as:

MAKE _____

YEAR _____

COLOR _____

with registration plates number _____ is registered in your name with the Secretary of State of Illinois. This vehicle has been located at _____ (location) and is in violation of _____ (ordinance and description). This violation subjects your vehicle to towing and if you are found guilty of the offense described thereunder, you are subject to a fine. In addition, the costs of towing will be assessed against you.

If you wish to have a hearing on the matter of towing, you must notify the Director of Public Works within five (5) days of receipt of this notice. At that time a hearing date will be set. If you do not wish to have a hearing or fail to notify the Director of Public Works within five (5) days of receipt of this notice, then your vehicle is subject to immediate towing.

(4). When an inoperable, lost, stolen or unclaimed motor vehicle or other vehicle comes into the temporary possession or custody of a person who is not the owner of the vehicle, such person shall immediately notify the City of Urbana Police Department when the vehicle is within the corporate limits of the City of Urbana. Upon receipt of such notification, the Chief of Police or the Administrator of the Community Development Services Department shall authorize a towing service to remove and take possession of the inoperable, lost, stolen or unclaimed motor vehicle or other vehicle. The towing service will safely keep the towed vehicle and its contents, 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 Ordinance.

(5). When a vehicle's removal from either public or private property is authorized by order of the Chief of Police or the Administrator of the Community Development Services Department of the City of Urbana, the owner of the vehicle will be responsible for all towing charges. However, nothing in this Ordinance shall effect a possessory lien for services of the towing service, if there be any.

(6). When a motor vehicle or other vehicle is authorized to be towed away, the department which authorized the towing 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, and license plate 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. The department authorizing the towing shall cause those efforts set forth in Section 4-205 of the Illinois Vehicle Code to be undertaken.

(7). Any time before a motor vehicle or other vehicle is sold at public sale or disposed of as provided herein, the owner or other person legally entitled to its possession may reclaim the vehicle by presenting to the department that authorized the towing proof of ownership or proof of the right to possession of the vehicle.

(8). Whenever an inoperable, lost, stolen or unclaimed motor vehicle or other vehicle seven (7) years of age or newer remains unclaimed by the owner or other person legally entitled to its possession for a period of thirty (30) days after notice has been given as provided in the above subsection, the department having authority over the vehicle shall cause it to be sold at public sale to the highest bidder. 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 Police

Department shall cause a notice of the time and place of the sale to be sent by certified mail to the registered owner or other person known by the Police Department 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 those instances where the certified notification specified herein has been returned by the postal authorities to the police department 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 will not be required.

(9). When the identity of the owner or other person legally entitled to the possession of an inoperable, lost or unclaimed vehicle of seven (7) years of age or newer cannot be determined by any means provided for in this Ordinance, the vehicle may be sold as provided herein or disposed of in the manner authorized by law without notice to the registered owner or other person legally entitled to the possession of the vehicle.

(10). When an inoperable vehicle of more than seven (7) years of age, other than an antique vehicle, is impounded as specified by this Ordinance, it will be kept in custody for a minimum of ten (10) days for the purpose of determining ownership, the contacting of the owner by the U.S. Mail, or in person for a determination of disposition. At the expiration of the ten (10) day period, without the benefit of disposition information being received from the owner, the department which authorized the towing may authorize the disposition of said vehicle, as in Section (9) concerning the disposal of the vehicle, as junk only.

A motor vehicle or other vehicle classified as an antique vehicle shall be disposed of only as provided for in Sections (8) or (9) above. An antique vehicle is a motor vehicle that is more than twenty-five (25) years old or a bona fide replica thereof.

(11). When a motor vehicle or other vehicle in the custody of the Police Department is reclaimed by the owner or other legally entitled person, or when the vehicle is sold at public sale or otherwise disposed of as provided in this Ordinance, a report of the transaction will be maintained by the police department for a period of one (1) year from the date of the sale or disposal.

(12). When a vehicle located within the corporate limits of this municipality is authorized to be towed away by the applicable department and disposal^{ed} of as set forth in this Ordinance, the proceeds of the public sale or disposition after the deduction of towing, storage and processing charges shall be deposited in the municipal treasury (Motor Vehicle Parking Fund). Per.

(13). No authorized city employee, 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/her 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 Ordinance.

(14). Nothing in this Ordinance shall be construed to apply to violations of Chapter 95 1/2, Sec. 11-1301 or violations of Urbana Traffic Ordinances Sections 12-1, 12-2, 12-8, 14-7, 14-8 or the towing of vehicles found in violation of the abovesaid sections, nor shall anything in this Ordinance be construed to apply to any vehicle found parked in an area that is posted with a permanent sign indicating parking is prohibited at the time when the vehicle was found so parked, provided there are signs indicating that violators will be towed.

(15). Provisions Regarding Temporary No Parking Zones.

(a). Definitions.

"Temporary No Parking Area" means an area in which parking would be otherwise lawful, but which has been posted with Temporary No Parking Signs as provided for in this Ordinance.

"Temporary No Parking Sign" means a temporary sign which shall bear the following legend: "No Parking [from (date, hours) to (date, hours)] - Violators Will Be Towed at Owner's Expense."

"Posting Authority" means the City Engineer, Director of Public Works or Chief of Police of the City of Urbana, who by virtue of this Ordinance have authority to create a Temporary No Parking Area and post Temporary No Parking Signs under authority of this Ordinance.

(b). Posting.

No person shall park any vehicle in a Temporary No Parking Area if Temporary No Parking Signs are posted under the authority of the Posting Authority, at least twenty-four (24) hours prior to the onset of the prohibition of parking in such area; Temporary No Parking Signs shall be placed at least one for every one hundred feet (100') along the area where parking is so prohibited. The Posting Authority who caused the Temporary No Parking Area to be so posted or his/her designee shall certify in writing that he/she has inspected those areas where such signs are posted at the time such Temporary No Parking Signs were posted and that such signs were properly posted in accordance with this Ordinance. Further, the Posting Authority who caused the Temporary No Parking Area to be so posted shall certify that he/she or his/her designee has inspected those areas where Temporary No Parking Signs are posted at least once in each twenty-four (24) hour period following the initial posting and that all signs are still erect, visible and legible, or that he/she has caused a replacement of any signs which were not erect, visible and legible. The Posting Authority or his/her designee shall also identify by make, model and license number those vehicles which they found parked in the area when the Temporary No Parking Signs were first erected in such area.

(c). Towing Provision.

If any vehicle found in the Temporary No Parking Area is a vehicle that was parked in the Temporary No Parking Area before the signs were erected, such vehicle may be towed, but at the City's expense, and the owner shall be notified by telephone, if practical, and certified mail. Those vehicles found in the Temporary No Parking Area after the time that parking in such area became prohibited by virtue of the erection of the

Temporary No Parking Signs pursuant to this Ordinance may be towed and the owner of such vehicle, if found guilty of violating this Ordinance, shall be fined as provided for herein and shall be responsible for all towing costs and impoundment charges.

(16.) Any person found in violation of the provisions of this Article shall be fined not less than Twenty-five Dollars (\$25.00) nor more than Two Hundred Dollars (\$200.00) for each violation, and if the vehicle of the said violation had been towed away and impounded, the towing charges and impoundment charges shall be assessed against the owner.

3. Section 14.11 of the Urbana Traffic Ordinance, as amended, is repealed upon the taking effect of this Ordinance.

4. This Ordinance shall be in full force and effect from and after its passage and publication in accordance with the terms of Section 1-2-4 of the Illinois Municipal Code.

5. This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called, of a majority of the members of the Council of the City of Urbana, Illinois, at a special meeting of said Council on the 14th day of July, 1980.

PASSED by the City Council this 14th day of July, 1980.
Ruth S. Brookens
Ruth S. Brookens, City Clerk

APPROVED by the Mayor this 17th day of July, 1980.
Jeffrey T. Markland
Jeffrey T. Markland, Mayor

CERTIFICATE OF PUBLICATION

I, Ruth S. Brookens, City Clerk of the City of Urbana, Illinois, do herewith certify that I caused the above Ordinance to be duly published in the Champaign-Urbana News-Gazette on the 26th day of July, 1980, and a Certificate of Publication is attached hereto.

Ruth S. Brookens
Ruth S. Brookens, City Clerk

CERTIFICATE OF PUBLICATION IN

The News-Gazette

CITY OF URBANA, ILL.
RECEIVED

JUL 29 1980

CITY CLERK'S OFFICE

The undersigned, THE CHAMPAIGN NEWS-GAZETTE, INCORPORATED, by
M.S. Over, its controller, does hereby

certify that the undersigned is the publisher of The News-Gazette and that the same is a newspaper of general circulation published in Champaign, Champaign County, Illinois, which said newspaper had been regularly published for more than one year prior to the first publication of the annexed notice; said publisher certifies that the annexed notice was published once each week for _____ issues of said newspaper, namely on the following dates:

July 26

, A. D. 19 80

, A. D. 19

, A. D. 19

, A. D. 19

, A. D. 19

further certifies that the date of the first paper containing the said notice was on the last date hereinabove set forth, and that the date of the last paper containing the said notice was on the last date hereinabove set forth.

The Champaign News-Gazette, Incorporated

[Signature]

Controller

PUBLISHER OF THE NEWS-GAZETTE

Publisher's fee \$ 216.72

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The initial notice shall advise the owner upon whose property such vehicle or parts thereof is stored of such owner's right to make application to the Director of Public Works for extensions of time as provided in this Ordinance.

(c) Upon receipt of an application for an extension of time as provided for in this Ordinance, the Director of Public Works shall grant an extension up to