

ORDINANCE NO. 8687-87


AN ORDINANCE  
AMENDING THE URBANA LOCAL TRAFFIC ORDINANCE, AS AMENDED

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

That the Urbana Local Traffic Ordinance, as amended, be and the same is hereby further amended by repealing the present Article XVIII, entitled "Inoperable Vehicles", and Sections 19-1, 19-2, 19-3 and 19-4 of Article XIX, entitled "Towing", and in their place adopting a new Article XVIII, entitled "Abandonment of Vehicles and Inoperable Vehicles" and Sections 19-1, 19-2, 19-3 and 19-4 of Article XIX, entitled "Towing", the provisions of which said Articles are attached hereto and hereby incorporated by reference.

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 regular meeting of said Council.

PASSED by the City Council this 4th day of May, 1987.


  
Ruth S. Brookens  
Ruth S. Brookens, City Clerk

APPROVED by the Mayor this 11<sup>th</sup> day of May, 1987.

Jeffrey T. Markland  
Jeffrey T. Markland, Mayor

CERTIFICATION OF PUBLICATION

I, RUTH S. BROOKENS, City Clerk, 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 15th day of May, 1987.

  
Ruth S. Brookens  
Ruth S. Brookens, City Clerk  
Sharon K. Menger  
Sharon K. Menger, Deputy Clerk

THIS IS THE ATTACHMENT WHICH IS REFERRED TO IN  
ORDINANCE NO. 8687-87 AND IS INCORPORATED  
THEREIN BY REFERENCE.

Ruth S. B.  
Ruth S. Brookens, City Clerk

May 5, 1987  
Date



ARTICLE XVIII  
ABANDONMENT OF VEHICLES AND INOPERABLE VEHICLES

§18-1. For the purposes of this article, the following words shall have the meaning ascribed to them as follows:

"Abandoned Vehicle" means a motor vehicle or other vehicle located on private or public property other than a highway or other municipal property that has not been moved or used for seventy-two (72) consecutive hours or more and is apparently deserted or any motor vehicle or other vehicle located on a highway or other municipal property that has not been moved or used for more than seventy-two (72) consecutive hours.

"Inoperable Vehicle" shall mean any motor vehicle or other vehicle incapable of, or prohibited from being driven due to the removal of the engine, wheels or other parts or the damage, disrepair or disuse of such vehicle; also, any motor vehicle not displaying valid registration plates or proper evidence of application therefor shall be an Inoperable Vehicle under this Ordinance.

§18-2. It shall be unlawful for any person to knowingly or intentionally abandon any motor vehicle, or to otherwise allow, permit or cause such vehicle to be or remain an Abandoned Vehicle under this Article, on any highway or other municipal property in this City after the date provided in the notice from the City that such vehicle is subject to immediate towing.

§18-3. It shall be unlawful for any person to allow an Inoperable Vehicle to remain on any highway or other municipal property in this City for more than seventy-two (72) consecutive hours, it being declared and determined that such Inoperable vehicles are a nuisance and hazardous to the public safety because of such condition.

§18-4. It shall be unlawful for any person to knowingly or intentionally abandon any motor vehicle, or to otherwise allow, permit or cause such vehicle to be or remain an Abandoned Vehicle under this Article, on private or public property, other than a highway or other municipal property, in this City except on property under the control of the owner or bailee of such vehicle or with the permission of a person in control of such property, after the date provided in the notice from the City that such vehicle is subject to immediate towing.

§18-5. (a) It shall be unlawful for any person in control of any property, whether as owner, lessee, occupant or otherwise, to allow or to suffer to remain on such property any Inoperable Vehicle outside of any enclosed building for more than fifteen (15) consecutive days, or any extension thereof granted as herein provided by subsection (c) of this section, after being provided with notice from the City to remove or

dispose of such vehicle. This §18-5 shall not apply to any Inoperable Vehicle located upon the property of any person lawfully engaged in the business of selling, repairing, wrecking or junking such Inoperable Vehicle upon such property, or with regard to any Inoperable Vehicle in an appropriate storage place or depository maintained in a lawful place by the City or any other public agency or entity.

(b) Such notice by the City shall be in substantially the form set forth below and shall be sent by U.S. Mail, first class postage prepaid, to the person in control of the property on which an Inoperable Vehicle is located.

NOTICE TO REMOVE INOPERABLE VEHICLE

TO: NAME \_\_\_\_\_ DATE OF NOTICE \_\_\_\_\_  
ADDRESS \_\_\_\_\_  
CITY \_\_\_\_\_

An Inoperable Vehicle described as:

MAKE \_\_\_\_\_  
YEAR \_\_\_\_\_  
COLOR \_\_\_\_\_

has been left on your property located at \_\_\_\_\_  
outside of an enclosed building.

You are hereby notified that such vehicle must be removed, disposed of, or placed in an enclosed building within fifteen (15) days of the date of this notice as indicated above.

You may apply to the Hearing Officer of the City of Urbana, as designated in §18-5(c) of the Urbana Local Traffic Ordinance, as amended, for an extension period upon proper application received by the City, addressed as set forth below, within ten (10) days of the date of this notice. The Hearing Officer shall, upon good cause being shown, grant an extension of not more than thirty (30) days if the owner, lessee or occupant of the property upon which such vehicle is stored submits to the Hearing Officer an affidavit that the owner of the Inoperable Vehicle is a bona fide resident of the property upon which the said vehicle is stored and that said vehicle is being held for sale or expeditious repair as defined by the said §18-5. To apply for such extension, write to the Chief Administrative Officer, 400 South Vine Street, Urbana, Illinois 61801.

If you fail to remove, dispose of or place the Inoperable Vehicle in an enclosed building within the specified period, or within any extension granted by the Chief Administrative Officer or designee thereof, such vehicle is subject to being towed and impounded and you may be charged with a violation of the Ordinance and subject to a fine of up to Two Hundred Dollars (\$200.00) for each day that such violation continues.

(c) Any such person in control of real property may apply for an extension of time by making a written request for such extension to the Hearing Officer. As used in this Article, "Hearing Officer" shall mean the Chief Administrative Officer of the City of Urbana or the designee thereof. Upon receipt of any such application for an extension of time, the Hearing Officer shall, upon good cause being shown, grant an extension of not more than thirty (30) days, if such person in control of such real property upon which such vehicle is stored submits to the Hearing Officer an affidavit that the owner of the Inoperable Vehicle is a bona fide resident of the property upon which the said vehicle is stored and that said vehicle is being held for sale or expeditious repair. As used in this Section, "expeditious repair" shall mean: (i) that the necessary parts for repair have been ordered but are not available for installation in the Inoperable Vehicle for reasons not within the control of the owner of said vehicle; or (ii) that the Inoperable Vehicle is scheduled to be repaired by a person whose regular course of business includes the repair of vehicles and the scheduled repair date is within thirty (30) days, or (iii) that the Inoperable Vehicle is in such condition of being inoperable as a result of a vehicular accident, and the owner of such Inoperable Vehicle or any third party to whom or from whom a claim for damages sustained in such accident is anticipated is investigating or preparing a claim for such damages but in no event shall such period exceed thirty (30) days.

§18-6. (a) Any person violating the provisions of §§18-2 and 18-3 of this Article may within seventy-two (72) hours of the time when the Citation required in Section 16.4 of this Ordinance was attached to the vehicle settle as the penalty therefor and in full satisfaction therefor the sum of Ten Dollars (\$10.00), or after seventy-two (72) hours, in like manner the sum of Fifteen Dollars (\$15.00). If settlement is not made within seven (7) days after the date on which the Citation required in Section 16.4 of this Ordinance was attached to the vehicle, any person violating the provisions of §§18-2 and 18-3 of this Article shall be subject to the penalties set forth in Section 16.1 of this Ordinance.

(b) Any person violating the provisions of §§18-4 and 18-5 of this Article shall be punished by a fine not to exceed Two Hundred Dollars (\$200.00).

(c) Each day that a violation is allowed to continue under this Article may be considered as a separate offense.

#### ARTICLE XIX TOWING

§19-1. Definitions. For the purpose of this Ordinance, the following words shall have the meaning ascribed to them as follows:

(a) "Abandoned Vehicle" shall have the meaning ascribed to it in §18-1 of this ordinance.

(b) "Antique Vehicle" means a motor vehicle or other vehicle which is more than twenty-five (25) years old or is a bona fide replica thereof.

(c) "Hearing Officer" means the Chief Administrative Officer of the City of Urbana or the designee thereof.

(d) "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.

(e) "Inoperable Vehicle" shall have the meaning ascribed in §18-1 of this ordinance.

(f) "Posting Authority" means the City Engineer, Director of Public Works or the Public Safety Director 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.

(g) "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.

(h) "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.

§19-2. Abandoned and Inoperable Vehicles on Highways or Other Municipal Property.

Any (i) Abandoned Vehicle, or (ii) Inoperable Vehicle which is found left on any highway or other municipal property in the City of Urbana for more than seventy-two (72) consecutive hours, may be towed according to the following procedures.

If the Abandoned Vehicle or Inoperable Vehicle does not display any current license or registration plates or decals from which the last known owner may be determined in a reasonably expeditious manner, notice as set forth below shall be conspicuously posted on the windshield of such vehicle prior to the authorization of towing such vehicle. If the Abandoned Vehicle or the Inoperable Vehicle displays any current license or registration plates or decals from which the last known owner may be determined in a reasonably expeditious manner, notice as set forth below shall be conspicuously posted on the windshield of such vehicle and, in addition, such notice shall also be sent by U.S. mail, first class postage prepaid, to the last known registered owner of such vehicle prior to the authorization of towing such vehicle.

NOTICE

TO: NAME \_\_\_\_\_ DATE OF NOTICE \_\_\_\_\_  
ADDRESS \_\_\_\_\_  
CITY \_\_\_\_\_

A vehicle described as:

MAKE \_\_\_\_\_  
YEAR \_\_\_\_\_  
COLOR \_\_\_\_\_

with registration plates number \_\_\_\_\_ is registered in your name with the State of \_\_\_\_\_. This vehicle has been located at \_\_\_\_\_ and is deemed to be an [Abandoned/Inoperable] Vehicle under Article XVIII of the Urbana Local Traffic Ordinance, as amended. This violation subjects your vehicle to being towed and impounded and you may be charged with a violation of the Ordinance and subject to such fine as may be provided in the Citation therefor, which, if not paid as therein provided, may be in an amount of up to Two Hundred Dollars (\$200.00) for each day that such violation continues. In addition, the costs of towing and storage will be assessed against you.

If you wish to have a hearing on the matter of whether the above described vehicle is subject to being towed under this Ordinance, you must submit a written request for such a hearing to the Chief Administrative Officer, 400 South Vine Street, Urbana, Illinois 61801, within six (6) days of the date 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 Chief Administrative Officer within six (6) days of the date of this notice, or if you do not move or remove the above described vehicle before such date, then your vehicle is subject to immediate towing as of such date.

§19-3. Abandoned and Inoperable Vehicles on Property Other than Highways.

(a) When an Abandoned Vehicle, located within the corporate limits of the City of Urbana, comes into the temporary possession of a person who is not the owner of said vehicle, such person shall immediately notify the City of Urbana Police Department. Upon the receipt of such notification, the Chief of Police, or the designee thereof, may authorize a towing service to remove and take possession of the Abandoned Vehicle, provided such vehicle is not otherwise subject to being removed pursuant to §21-3 of this Ordinance. The officer authorizing the towing of such Abandoned Vehicle shall cause notice in substantially the form set forth below to be sent by certified mail to the registered owner, lienholder or other person legally entitled to such Abandoned Vehicle within twenty-four (24) hours of ascertaining the last known address of the registered owner, lienholder, or other person legally entitled to the vehicle as

determined by the Illinois Secretary of State's Office or the office of another state maintaining vehicle registration records:

NOTICE

TO: NAME \_\_\_\_\_ DATE OF NOTICE \_\_\_\_\_  
ADDRESS \_\_\_\_\_  
CITY \_\_\_\_\_

You are hereby notified that an automobile described as follows:

MAKE \_\_\_\_\_  
MODEL \_\_\_\_\_  
YEAR \_\_\_\_\_  
COLOR \_\_\_\_\_  
LICENSE PLATES (STATE AND YEAR) \_\_\_\_\_

was towed from \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_ (a.m./p.m.) at the request of the owner of the property or the agent or employee of the owner or person lawfully in possession or control of such property. If you wish to have a hearing on the question of whether your automobile was lawfully towed and impounded, you may do so by submitting a written request for such hearing within six (6) days of the date of this notice to the Chief Administrative Officer, 400 South Vine Street, Urbana, Illinois 61801. You will be accorded a prompt hearing after receipt of your request for hearing.

If the hearing officer determines that said automobile was not properly towed pursuant to this Ordinance, the relocation service will be instructed to release said automobile without towing or impoundment charges.

In the event the hearing officer does determine that the automobile was properly towed under this Ordinance, then the relocation service shall maintain its lien on said automobile.

You are advised that if you do not promptly claim this vehicle, it will be disposed of in accordance with §20-4 of the Urbana Local Traffic Ordinance, as amended. The above described vehicle may be reclaimed at \_\_\_\_\_ and will be released upon payment of all towing and storage charges.

(b) When the owner, lessee or occupant of any real property is found to have left or suffered to remain an Inoperable Vehicle on said person's property in violation of §18-5, such vehicle may be towed according to the procedures provided below.

(i) Inoperable Vehicles, or any parts thereof, not displaying any current license or registration plates or decals from which the last known owner may be determined in a reasonably expeditious manner, not removed within fifteen (15)



days of the mailing of notice as provided in §18-5, to the owner, lessee or occupant of property upon which said vehicle is located, or any extension thereof granted by the Hearing Officer, may be removed by a towing service upon the order of the Chief of Police of the City, or the designee thereof.

(ii) If the Inoperable Vehicle displays current license or registration plates or decals from which the last known owner may be determined in a reasonably expeditious manner, notice as set forth in §19-2 shall be sent by U.S. mail, first class postage prepaid, to the last registered owner of such vehicle, provided that such registered owner differs from the recipient of notice sent pursuant to §18-5 of this ordinance, prior to authorization by the Chief of Police of the City of Urbana, or the designee thereof, for the towing of such vehicle. No additional notice need be sent to the registered owner of an Inoperable Vehicle if such registered owner is the person in control of the property on which the Inoperable Vehicle is located and has been sent notice to remove such vehicle pursuant to §18-5 of this ordinance.

#### §19-4. Traffic Hazards - Parking.

(a) Section 19-2 of this Ordinance, as amended, notwithstanding, any vehicle which is causing an impedece of traffic because of such vehicle's position in relation to the highway or physical appearance shall be considered a traffic hazard and may be immediately removed or ordered to be removed by a towing service by the Urbana Police Department at the expense of the registered owner.

(b) Any vehicle parked in violation of any of the provisions of §§12-1, 12-2, 12-8, or 14-7 (1-13) of this Ordinance, as amended, shall be presumed to be creating a traffic hazard and may be ordered to be towed away and impounded at the expense of the registered owner, regardless of whether tow away signs are erected. Nothing in §19-2 of this Ordinance pertaining to Inoperable or Abandoned Vehicles shall be applicable to vehicles parked in violation of the above said sections.

(c) Any vehicle parked in violation of §14-11, entitled "Tow Away Zones", of this Ordinance, as amended, may be immediately removed by or upon the order of the Urbana Police Department at the expense of the registered owner and nothing in §19-2 of this Ordinance pertaining to Inoperable or Abandoned Vehicles shall be applicable to vehicles found parked in violation of §14-11. Nothing in the said §19-2 pertaining to Abandoned or Inoperable Vehicles shall likewise be applicable to the removal of vehicles under the authority of Section 11-1302 of the Illinois Motor Vehicle Code.

# CERTIFICATE OF PUBLICATION IN The News-Gazette

ORDINANCE NO. 8687-87

AN ORDINANCE  
AMENDING THE URBANA LOCAL  
TRAFFIC ORDINANCE, AS  
AMENDED

BE IT ORDAINED BY THE CITY  
COUNCIL OF THE CITY OF UR-  
BANA, ILLINOIS, as follows:

That the Urbana Local Traffic Ordinance, as amended, be and the same is hereby further amended by repealing the present Article XVIII, entitled "Inoperable Vehicles", and Section 19-1, 19-2, 19-3 and 19-4 of Article XIX, entitled "Towing", and in their place adopting a new Article XVIII, entitled "Abandonment of Vehicles and Inoperable Vehicles" and Sections 19-1, 19-2, 19-3 and 19-4 of Article XIX, entitled "Towing", the provisions of which said articles are attached hereto and hereby incorporated by reference.

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 regular meeting of said Council.

PASSED by the City Council this  
4th day of May, 1987.  
Ruth S. Brookens, City Clerk

APPROVED by the Mayor this  
11th day of May, 1987.  
Jeffrey T. Markland, Mayor

#10516-May 15, 1987

*pd 5/22/87  
PO #28596*

CITY OF URBANA, ILL.  
RECEIVED  
MAY 19 1987  
CITY CLERK'S OFFICE

The undersigned, THE CHAMPAIGN NEWS-GAZETTE, INCORPORATED, by *M.S. O'Neil*, its controller, does hereby

certify that said Corporation is the publisher of The News-Gazette and that the same is a daily secular newspaper of general circulation published in Champaign, Champaign County, Illinois, and which said newspaper had been regularly published for more than six months prior to the first publication of the annexed notice; said publisher further certifies that the annexed notice was published once each week for \_\_\_\_\_ consecutive weeks in said newspaper, namely on the following dates:

\_\_\_\_\_ , A. D. 19 87  
May 15  
 \_\_\_\_\_ , A. D. 19  
 \_\_\_\_\_ , A. D. 19  
 \_\_\_\_\_ , A. D. 19  
 \_\_\_\_\_ , A. D. 19

Said publisher further certifies that the date of the first paper containing the said notice was on the first 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

By *[Signature]* Controller  
 PUBLISHER OF THE NEWS-GAZETTE

Publisher's fee \$ 18.06

OF URBANA, ILL.  
RECEIVED