

VILLAGE OF BRADFORD
ORDINANCE NO. 15/16-28

**AN ORDINANCE OF ABANDONED, LOST, STOLEN OR UNCLAIMED
VEHICLES**

ADOPTED BY THE VILLAGE BOARD
OF THE
VILLAGE OF BRADFORD

Published in pamphlet form by authority of the Village Board in the Village of Bradford,
Stark County, Illinois, this 13th day of MAY 2016.

[NOTE: When an ordinance is published in pamphlet form, the following certificate should be filled out by the Municipal Clerk.]

STATE OF ILLINOIS)
) SS
County of STARK)

CERTIFICATE

I, Diana Cobb, certify that I am the duly appointed and acting
Municipal Clerk of the Village of Bradford, Stark
County, Illinois.

I further certify that on May 9, 2016, the Corporate Authorities of
such municipality passed and approved Ordinance No. 15/16-28, entitled

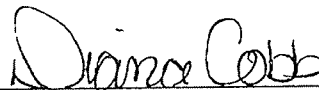
An Ordinance Of Abandoned, Lost, Stolen or Unclaimed Vehicles

which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. #15/16-28, including the Ordinance and a
cover sheet thereof, was prepared, and a copy of such Ordinance was posted in the municipal
building, commencing on 5/13/2016, 2016 and continuing for at least ten days
thereafter. Copies of such Ordinance were also available for public inspection upon request in the
office of the Municipal Clerk.

DATED at Bradford, Illinois, this 13th day of May,
2016.

(SEAL)



Municipal Clerk

"This ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law."

ORDINANCE NO. 15-16-28

Village of Bradford

Stark County, Illinois

ABANDONED, LOST, STOLEN, OR UNCLAIMED VEHICLES

Whereas, the Village of Bradford has determined that vehicle operation should be regulated for the public safety.

Therefore, be it ordained, by the Board of Trustees of the Village of Bradford, Stark County, Illinois, As Follows:

SECTION ONE.

(A) Definitions.

For the purpose of this chapter, the following words shall have the meanings ascribed to them as follows:

- (1) "Abandoned vehicle" means 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 or used for seven consecutive days or more and is apparently deserted.
- (2) "Antique vehicle" means any motor vehicle or other vehicle twenty-five (25) years of age or older.
- (3) "Highway" means any street, alley or public way within the city. (Prior code § 7-6-1)

(B) Abandonment.

- (1) The abandonment of a motor vehicle or other vehicle or any part thereof on any highway in the municipality is unlawful and subject to penalties under 4-214. 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 this municipality is unlawful except on property of the owner or bailee of such abandoned vehicle. A motor vehicle or other vehicle or any part thereof so abandoned on private property may be authorized for removal by or upon the order of the chief of the police department of the municipality, after a waiting period of seven days or more has expired.

(C) Police department-Notification.

- (1) When an abandoned, lost, stolen or unclaimed motor vehicle or other vehicle comes into the temporary possession or custody of a person in this state, not the owner of the vehicle, such person shall immediately notify the municipal police department when the vehicle is within the corporate limits of the municipality. Upon receipt of such notification, the chief of the police department shall authorize a towing service to

remove and take possession of the abandoned, 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 chapter.

(D) Removal-Towing costs.

- (1) When a motor vehicle or other vehicle is abandoned on a highway in the village ten (10) hours or more, its removal by a towing service may be authorized by order of the chief of the police department of the municipality.
- (2) 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 is causing the impeding of traffic, its immediate removal from the highway by a towing service may be authorized by order of the chief of the police department of the municipality.
- (3) When a vehicle removed from either public or private property is authorized by order of the chief of the police department of the city, the owner of the vehicle will be responsible for all towing costs.

(E) Record of vehicles towed.

- (1) When a motor vehicle or other vehicle is authorized to be towed away, the police 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 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.

(F) State record search.

- (1) When the municipal police department does not know the identity of the registered owner or other legally entitled person, they will cause the motor vehicle registration records of the state of Illinois to be searched by a directed communication to the Secretary of State for the purpose of obtaining the required ownership information.
- (2) The police department will cause the stolen motor vehicle files of the Illinois State Police to be searched by a directed communication to the Illinois State Police for stolen or wanted information on the vehicle. When the Illinois State Police files are searched with negative results, the information contained in the National Crime Information Center (NCIC) files will be searched by the Illinois State Police. The information determined from these record searches will be used by the 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.

(G) Owner identification.

- (1) When the registered owner or other person legally entitled to the possession of a motor vehicle or other vehicle cannot be identified from the registration files of the state or from the registration files of a foreign state, if applicable, the police department shall notify the Illinois 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 Illinois State Police will be immediately forwarded to the law enforcement agency having custody of the vehicle for notification of owner.

(H) Proof of ownership.

- (1) 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 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.

(I) Unclaimed vehicles-Disposition.

- (1) Whenever an abandoned, lost, stolen or unclaimed motor vehicle or other vehicle seven years of age or newer remains unclaimed by the registered owner 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 having possession of 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.
- (2) 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.

(J) Sale-Exemption.

- (1) When the identity of the registered owner or other person legally entitled to the possession of an abandoned, lost or unclaimed vehicle of seven 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 or disposed of in the manner authorized by this chapter without notice to the registered owner or other person legally entitled to the possession of the vehicle.

- (2) When an abandoned vehicle of more than seven 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 ownership, the contacting of the registered owner by the U.S. mail, public service or in person for a determination of disposition; and an examination of the Illinois State Police stolen motor 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, the chief of police will authorize the disposal of the vehicle as junk only.
- (3) A motor vehicle or other vehicle classified as an antique vehicle is excluded from this chapter.

(K) Report of vehicle disposal.

- (1) When a motor vehicle or other vehicle in the custody of the police department is reclaimed by the registered owner 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 police department for a period of one year from the date of the sale or disposal.

(L) Proceeds.

- (1) When a vehicle located within the corporate limits of the city is authorized to be towed away by the 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 municipal treasury. (Prior code § 7-6-12)

(M) Liability for damage.

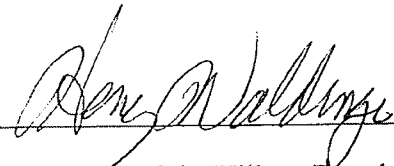
- (1) Any police officer, towing service, owner, operator or employee shall not be held to answer or be liable for damages in any action brought by the registered owner, former registered owner or his or her legal representative, or any other person legally entitled to the possession of a motor vehicle or other vehicle when the vehicle was processed and sold or disposed of as provided by this chapter.

SECTION TWO. All ordinances or parts of Ordinances in conflict herewith are hereby repealed.

SECTION THREE. Severability. If any section, subsection, sentence, clause, phrase, or word of this ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The council hereby declares that it would have passed this ordinance and each sections, subsections, sentences, clauses, phrases, or words thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or words have been declared invalid or unconstitutional, and if for any reason this ordinance should be declared invalid or unconstitutional, then the remaining ordinance provisions will be in full force and effect.

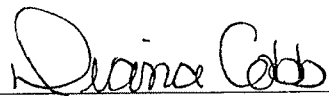
SECTION FOUR This ordinance shall be in full force and effect on September 1st, 2016.

Presented, passed and approved on a roll call vote this 9th day of May,
2016.



President of the Village Board

ATTEST:



Village Clerk