

8/19/2016  
11/2/2016

**109-O-16**

**AN ORDINANCE**

**Amending City Code Section 10-6-1, Revising the Definition of  
Abandoned Vehicle**

**SECTION 1:** City Code Section 10-6-1 of the Evanston City Code of 2012, as amended (the "City Code"), is hereby further amended to read as follows:

**10-6-1. - DEFINITIONS.**

<i>ABANDONED VEHICLE.</i>	A vehicle parked or otherwise located on the public way; and
	(A) In such a state of disrepair that it is incapable of being driven; or
	(B) That has been unmoved for a period of seven (7) days; or
	(C) Has been left on the public way without valid state registration plates or a valid temporary state registration placard for two (2) or more days.
<i>ACCIDENT INVOLVED VEHICLES.</i>	A vehicle which is inoperable due to an accident and which is located so as to constitute an obstruction to the normal flow of traffic.
<i>DERELICT MOTOR VEHICLE.</i>	A vehicle which lacks wheels, motor, transmission, battery or any other component part such that it is inoperable and constitutes a hazard to the public.
<i>HAZARDOUS VEHICLE.</i>	A vehicle on any public way which by its condition or location constitutes a clear and present danger to the safety of the public or an obstruction to the normal flow of traffic. This shall also include vehicles obstruction fire hydrants.
<i>NONMOTORIZED OBSTRUCTION VEHICLE.</i>	A vehicle without motive power in operation, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that no part of its weight rests upon the towing vehicle and located on a public way at a time or in such a manner as to be in violation of Section 10-4-3 of this Title.

<i>OWNER.</i>	The registered or legal owner or person who is otherwise entitled to possession of the motor vehicle.
<i>POLICE IMMOBILIZED VEHICLE (WHEEL LOCK).</i>	A vehicle located on a public way which has been rendered immobile by the Police Department.
<i>RESERVED RESIDENTIAL WHEELCHAIR BOUND SPACE OBSTRUCTION VEHICLE.</i>	A vehicle located on a public way at a time or in such a manner as to be in violation of Subsection 10-4-11(B) of this Title.
<i>SNOW EMERGENCY OBSTRUCTION VEHICLE.</i>	A vehicle located on a public way in such a manner as to be in violation of Section 10-4-13 of this Title.
<i>STREET CLEANING OBSTRUCTION VEHICLE.</i>	A vehicle located on a public way at a time or in such a manner as to be in violation of Subsection 10-4-1(C)2 of this Title.
<i>STREET OR SEWER MAINTENANCE OBSTRUCTION VEHICLE.</i>	A vehicle located on a public way at a time or in such a manner as to be in violation of Subsection 10-4-1(C)2 of this Title.
<i>TOW AWAY ZONE OBSTRUCTION VEHICLE:</i>	A vehicle located on a public way at a time or in such a manner as to be in violation of Subsection 10-4-1(C)2 of this Title.
<i>TREE CUTTING OBSTRUCTION VEHICLE.</i>	A vehicle located on a public way at a time or in such a manner as to be in violation of Subsection 10-4-1(C)2 of this Title.
<i>VEHICLE PARKED ON PUBLIC AND/OR PRIVATE PROPERTY WITHOUT CONSENT.</i>	(A) A vehicle parked in a public parking lot or in a private parking lot without the consent of the lot owner, proprietor or agent of the property, which person has requested that, at the expense of the vehicle owner, the vehicle be towed; or
	(B) A vehicle located on private property when the property owner, proprietor or agent is unknown, and the vehicle owner cannot be determined or contacted.

**SECTION 2:** All ordinances or parts of ordinances in conflict herewith are hereby repealed.

**SECTION 3:** If any provision of this Ordinance 109-O-16 or application thereof to any person or circumstance is held unconstitutional or otherwise invalid, such invalidity does not affect other provisions or applications of this Ordinance that can be given effect without the invalid application or provision, and each invalid application of

this Ordinance is severable.

**SECTION 4:** The findings and recitals contained herein are declared to be prima facie evidence of the law of the City and will be received in evidence as provided by the Illinois Compiled Statutes and the courts of the State of Illinois.

**SECTION 5:** This Ordinance 109-O-16 is in full force and effect from and after its passage, approval, and publication in the manner provided by law.

Introduced: November 28, 2016

Approved:

Adopted: December 12, 2016

December 12, 2016

Elizabeth B. Tisdahl  
Elizabeth B. Tisdahl, Mayor

Attest:

Approved as to form:

Rodney Greene  
Rodney Greene, City Clerk

W. Grant Farrar  
W. Grant Farrar, Corporation Counsel