

CITY OF LAKE FOREST

ORDINANCE NO. - 11-05

AN ORDINANCE AMENDING  
THE CITY OF LAKE FOREST CODE  
REGARDING ABANDONED WATERCRAFT

**WHEREAS**, The City of Lake Forest (the "**City**") is a special charter, home rule municipal corporation under the Illinois Constitution; and

**WHEREAS**, 625 ILCS 45/3C-1, *et seq.*, authorizes law enforcement agencies to impound and sell lost and abandoned watercraft; and

**WHEREAS**, pursuant to 625 ILCS 45/3C-3(c), the City also has authority to impose liens for unpaid charges relating to the storage of watercraft; and

**WHEREAS**, the City desires an effective means to respond to watercraft that have failed to pay storage charges and that have otherwise been abandoned in the City's boat launching and storage area and boat launching basin as identified in Section 27-50 of the City Code; and

**WHEREAS**, the Mayor and City Council of the City have determined that it is in the best interest of the City and its residents to amend the Lake Forest City Code as set forth in this Ordinance;

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and City Council of the City of Lake Forest, County of Lake, State of Illinois, as follows:

**SECTION ONE: Recitals.** The foregoing recitals are by this reference incorporated into and made a part of this Ordinance as if fully set forth.

**SECTION TWO: Amendment to Section 27-54 of the City Code.** Section 27-

54 of Article V, entitled "Forest Park," of Chapter 27, entitled "Parks and Playgrounds," of the Lake Forest City Code shall be and is hereby amended in its entirety, so that said Section 27-54 shall hereafter be and read as follows:

Sec. 27-54. **Watercraft Registration; Abandoned Watercraft---** All watercraft located or operating within the City shall be subject to subject to the following provisions:

- (1) **Registration of Watercraft ---** Any watercraft located on City property, including the boat launching and storage area, shall be required to register with The City of Lake Forest Department of Parks and Recreation, regardless of whether registration with the state is required under 625 ILCS 45/3-1. Registration stickers must be visibly posted on all watercraft when located on City property.
- (2) **Violations---**
  - (A) Watercraft in violation of any registration or documentation requirements shall be cited and fined in an amount of \$50.00; provided that any violation that is not cured after 30 days shall constitute a separate violation for each day that it continues after notice from the City.
  - (B) Watercraft at least 30 days past-due on the payment of all applicable permit or storage fees shall be subject to a fine in an amount of \$50.00 per day and may be denied entrance to City property including the boat launching and storage area.
- (3) **Abandoned and Apparently Deserted Watercraft---**
  - (A) A watercraft shall be deemed abandoned if (a) left unattended for a period of 24 hours in the boat launching basin, or (b) is located in the boat launching and storage area and has not been moved or used for 7 consecutive days or more and is either (i) not properly registered with the City pursuant to Section 27-54(1), or (ii) is apparently deserted as provided in Section 27-54(3)(B).
  - (B) Any boat or watercraft located on City property, including the boat launching and storage area, as described in Section 27-50 above, is deemed to be apparently deserted when the owner of which is at least 30 days past-due on the payment of all applicable permit or storage fees. Until all past-due fines, storage, permit, and

administrative fees and charges have been paid in-full, the boat or watercraft shall remain classified as apparently deserted.

(C) All abandoned watercraft are hereby declared a public nuisance and are subject to all applicable provisions of the City Code in addition to those in this Section 27-54.

(4) **Impoundment and Sale of Abandoned Watercraft---** Abandoned watercraft shall be subject to impoundment by the City pursuant to 625 ILCS 45/3C-1, *et. seq.* (the "**Act**"). Failure to pay all outstanding fines, storage, permit, administrative, and impoundment fees and charges will result in disposal of said watercraft pursuant to the Act. No watercraft shall be released from impoundment to the owner, lienholder or other person legally entitled to the watercraft until all outstanding fines, storage, permit, administrative, and impoundment fees and charges have been paid. Notwithstanding the terms of the Act, the owner, lien holder, or other party legally entitled to the watercraft may request an administrative hearing prior to disposition of the watercraft.

(5) **Administrative Hearing---** Prior to the disposition of any watercraft, an administrative hearing, under Chapter 53 of the City Code, shall be available to any owner, lienholder, or other person legally entitled to the watercraft regarding the watercraft's abandonment and the amount of outstanding fines, storage, permit, administrative, and impoundment fees and charges.

(6) **Storage Lien ---** The provisions of this Section shall be in addition to, and not a limitation upon, the rights that the City may have to file a storage lien against any watercraft that has failed to pay all outstanding fines, storage, permit, administrative, and impoundment fees and charges as may be authorized by law.

**SECTION THREE: Implementation Grace Period.** From the date this Ordinance is passed, approved, and published in pamphlet form in the manner provided by law until June 1, 2011, the City shall make every effort to ascertain and contact owners of watercraft that would be deemed abandoned under this Section 27-54. If an owner of a watercraft that would be deemed abandoned under this Section 27-54 pays any and all outstanding storage, permit, and administrative fees and charges, and otherwise comes into full compliance with this Ordinance by March 31, 2011, fines

applicable under Section 27-54(1) will be waived. Beginning on April 1, 2011, fines as identified in Section 27-54(1) will begin to accrue. Beginning on June 1, 2011, the City will begin to implement the impoundment and sale procedures under this Section 27-54.

**SECTION FOUR: Effective Date.** This Ordinance shall be in full force and effect after its passage, approval, and publication in pamphlet form in the manner provided by law.

PASSED this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

AYES:

NAYS:

ABSENT:

APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

**Should a signed copy be needed, please contact City Hall.**