

VILLAGE OF MT. AUBURN

ORDINANCE NO. 204

**2023 COMPREHENSIVE ABANDONED, INOPERABLE
OR UNLICENSED VEHICLE ORDINANCE**

(An Ordinance Amending, Replacing and Consolidating:
CHAPTER 9 ARTICLE VI,
Ordinance, 54
Ordinance 74,
Ordinance 93
Ordinance 120

NOW, THEREFORE BE IT ORDAINED BY THE VILLAGE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF MT. AUBURN, CHRISTIAN COUNTY, ILLINOIS, AS FOLLOWS:

WHEREAS the Village Code Chapter 9 Article VI as well as ordinances 54, 74, 93 and 120 deal with the same or similar subject matter.

WHEREAS the Board believes it best to consolidate each of the respective codes and ordinances into one comprehensive ordinance as follows:

SECTION 1: DEFINITIONS:

(A) **Motor Vehicle for Purposes of this Ordinance:** Means any motor vehicle which was designed to carry person or persons on public roadways.

(B) **Abandoned Vehicle:** Is any motor vehicle in a state of disrepair rendering the vehicle incapable of being driven in its condition or any motor vehicle that has not been moved or used for seven (7) consecutive days or more which is located on public property or roadway.

(C) **Inoperable Motor Vehicle:** Is any motor vehicle from which, for a period of seven (7) days, the engine, wheels, tires or other parts have been removed or on which the engine wheels or other parts have been altered damaged or otherwise so treated that the vehicle is incapable of being driven under its own power.

This provision shall not include a motor vehicle which has been rendered temporarily incapable of being driven under its own power in order to perform ordinary service or repair operations, nor to any motor vehicle that is kept within a building when not in use, nor a motor vehicle on the premises lawfully engaged in the wrecking and junking of motor vehicles.

SECTION 2: Inoperable or Abandoned Motor Vehicle on Public Property:

A. Abandonment of Vehicle On Public Roadway Prohibited: The abandonment of a vehicle or any part thereof on any public roadway within the Village is unlawful and subject to penalties set forth under section 2(F),(G) (H) and (I) below as well as .

B. Abandonment on Private or Public Property Prohibited: The abandonment of a vehicle or any part thereof on private or public property, other than a roadway, except on property of the owner or bailee of such vehicle.

C. Towing: The Village Board or its agents are authorized to have the vehicle towed at the owner's expense.

D. Entrance to Said Vehicle: Once a vehicle has been deemed abandon by the Village and/or its agent, The Village is authorized to enter said vehicle for the sole purpose of determining the ownership of said vehicle or to contact the Secretary of State to determine ownership based upon any license plate that may be affixed to the vehicle. Nothing in this Ordinance is meant to transfer the responsibility of inventorying or protecting any items within the vehicle.

E. Notice: If the Village or its agent determines who owns said vehicle, a notice shall be mailed to the last known address in substantially the following form:

NOTICE OF ABANDONMENT OF VEHICLE

PLEASE TAKE NOTICE that the Village has determined that there exists an abandoned vehicle which is prohibited by Ordinance which has been towed.

OWNER: (If known) _____

OWNER'S ADDRESS (If known): _____

MAKE: _____

MODEL: _____

YEAR: (if known) _____

COLOR: _____

LICENSE PLATE (if known) _____

LOCATION VEHICLE IS CURRENTLY LOCATED: _____

FINE: \$ _____

(Pay the above fine to the Village within 30 days of the date of receipt of this notice. If not paid within the thirty (30) days, the fine shall increase to \$750.00 and the Village shall proceed with an Ordinance violation by filing with the Christian County Circuit Clerk.

Notice/forfeiture and sale: Notice shall be served at the address listed herein, if service fails by this method, Notice shall also be given by publication in the Breeze Courier (or other local newspaper). If the fines, fees and costs are not paid in a timely manner, the Village may commence forfeiture and sale of said vehicle.

NOTE: All costs associated with the towing of said vehicle is at the Owner's expense. The Village is not responsible for any damage or theft to the property or vehicle that has been deemed abandoned.

DATED: _____

Village Board or Agent

F. Towing Fees and Costs: The Towing company is authorized to pursue any legal means consistent with Illinois laws (State, County or Village) to collect any fees or costs from the owner of said vehicle.

G. Fine: In addition to the towing fees and costs outlined in paragraph F above, the owner of the vehicle is subject to a fine not to exceed \$250.00 if paid within thirty (30) days of receipt of this Notice. If not paid within thirty (30) days, the fine shall not exceed \$750.00.

H. Notice: If all attempts at notifying the owner has failed personally, upon written affidavit, the Village is authorized to place a notice in the paper for any court proceedings after obtaining permission from the Court for publication. Said notice shall include the date, time and case specific information in order to give the owner of said vehicle adequate notice of the proceedings as well as the ability to enter a conviction ex-parte, assess all reasonable fines and costs as well as forfeiture to cover said costs.

I. Forfeiture and Sale: The Village, if authorized by a Court of competent jurisdiction, may seize under a forfeiture action and sale of said vehicle to cover

the cost of the fines, penalties, towing and storage fees related to said vehicle. The Village shall give notice as outlined in Section 2 (H) above.

SECTION 3: Parking of Vehicles with Expired Registration Stickers :

A. **Public Property:** No person may stop, park, or leave standing upon a public highway or property a vehicle upon which is displayed an Illinois registration plate or plates or a registration sticker that has been expired more than 30 days.

B. **Penalties and Remedies:** Any person who violates this provision is subject to a fine not to exceed \$250.00 if paid within thirty (30) days of receipt of this Notice. If not paid within thirty (30) days, the fine shall not exceed \$750.00.

C. **Notice:** If all attempts at notifying the owner has failed personally, upon written affidavit, the Village is authorized to place a notice in the paper for any court proceedings after obtaining permission from the Court for publication. Said notice shall include the date, time and case specific information in order to give the owner of said vehicle adequate notice of the proceedings as well as the ability to enter a conviction ex-parte, assess all reasonable fines and costs as well as forfeiture to cover said costs.

D. **Forfeiture and Sale:** The Village, if authorized by a Court of competent jurisdiction, may seize under a forfeiture action and sale of said vehicle to cover the cost of the fines, penalties, towing and storage fees related to said vehicle. The Village shall give notice as outlined in Section 2 (H) above.

SECTION 4: Inoperable Vehicles

A. **Storage:** Any inoperable vehicle defined in Section 1(C), shall be stored in an enclosed building.

B. **Nuisance:** Whenever a member of the Village Board or its agent determines that a vehicle is inoperable as defined in Section 1(C) and not properly stored in an enclosed building, said vehicle shall be deemed a nuisance.

C. **Remedial Actions:** Any owner found to be in non-compliance with this Section shall, within a 10 day written notice, take remedial actions to come into compliance. This can be done by storing said vehicle in an enclosed building or removing from the Village of Mt. Auburn.

D. **Penalties and Remedies:** Any person who violates this provision is subject to a fine not to exceed \$250.00 if paid within thirty (30) days of receipt of this Notice. If not paid within thirty (30) days, the fine shall not exceed \$750.00.

E. **Notice:** If all attempts at notifying the owner has failed personally, upon written affidavit, the Village is authorized to place a notice in the paper for any court proceedings after obtaining permission from the Court for publication. Said notice shall include the date, time and case specific information in order to give the owner of said vehicle adequate notice of the proceedings as well as the ability to enter a conviction ex-parte, assess all reasonable fines and costs as well as forfeiture to cover said costs.

F. **Forfeiture and Sale:** The Village, if authorized by a Court of competent jurisdiction, may seize under a forfeiture action and sale of said vehicle to cover the cost of the fines, penalties, towing and storage fees related to said vehicle. The Village shall give notice as outlined in Section 2 (H) above.

SECTION 5: No Liability:

A. When a vehicle is towed under any provision of this Ordinance, The Village, the Village President, the Board of Trustees, their agents or employees shall not be liable for any damage to any vehicle or subject to any cause of action brought by an owner, former owner, their agents, lien holders, or other persons who have a property interest in said vehicle or its contents.

SECTION 6: Individual Clauses:

A. If any section, clause, provision or portion of this Ordinance shall be held to be invalid or unconstitutional by any Court of competent jurisdiction, such holding shall not affect or otherwise impair any other section, clause, provision or portion of the ordinance which is not, in or of itself, invalid or unconstitutional

SECTION 7: EFFECT DATE: _____

This ordinance shall be in full force and effect on July 1, 2023.

ADOPTED this 7TH day of MARCH, 2023 pursuant to roll call vote as follows:

AYES: SANDY GOODER, RICK CLAYTON, DON HENDERSON
MIKE WHITEHEAD

NAYS: _____

ABSENT BRENDA PATTON, DEE DEECAREY, SCOTT VINCENT



MIKE WHITEHEAD, Village Mayor

ATTEST:



TAMMY HAMEL

FILED IN THE OFFICE OF THE VILLAGE CLERK

VILLAGE OF MT. AUBURN, ILLINOIS

ON THE 7th DAY OF March, 2023.

CERTIFICATE

STATE OF ILLINOIS)
)
COUNTY OF CHRISTIAN)

I, Tammy Hamell certify that I am the Village Clerk of the Village of Mt. Auburn, Christian County, Illinois.

I further certify that on March 7, 2023, the Board of Trustees of said Village passed and approved Ordinance No. _____, entitled **2023 COMPREHENSIVE ABANDONED, INOPERABLE OR UNLCIENSED VEHICLE ORDINANCE**

The pamphlet form of Ordinance No. 204 including the Ordinance and the cover sheet thereof was prepared, and a copy of such Ordinance was posted in the Village Hall, Commencing on March 7, 2013, and continuing for at least ten day thereafter. Copies of such Ordinance were also available for public inspection upon request in the Office of the Village Clerk.

DATED at Mt. Auburn, Illinois this 7 day of March, 2013.

Tammy Hamell
Tammy Hamel, Village Clerk

(SEAL)

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ADOPTED BY THE BOARD OF TRUSTEES

OF THE

VILLAGE OF MT. AUBURN

THIS 7TH DAY OF MARCH, 2023