

Ordinance # 120

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CHAPTER 9

ABANDONED AND INOPERABLE VEHICLES

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9-6-1 : **DEFINITIONS:** As used in this chapter, the following terms have the following meanings:

**ABANDONED
VEHICLE:**

As defined in section 1-101.05 of the Illinois Vehicle Code, 625 Illinois Compiled Statutes 5/1-101.05, an "abandoned vehicle" is any 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 and is apparently deserted.

**INOPERABLE MOTOR
VEHICLE:**

As defined in section 11-40-3 of the Illinois Municipal Code, 65 Illinois Compiled Statutes 5/11-40-3, an "inoperable motor vehicle" is any motor vehicle from which, for a period of at least 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 motor power. "Inoperable motor vehicle" shall not include a motor vehicle which has been rendered temporarily incapable of being driven under its own motor 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 an operable historic vehicle over twenty five (25) years of age, nor a motor vehicle on the premises lawfully engaged in the wrecking and junking of motor vehicles.

MOTOR VEHICLE: As defined in section 1-146 of the Illinois vehicle code, a "motor vehicle" means every vehicle which is self-propelled, except for vehicles moved solely by human power and motorized wheelchairs.

PERSON: Any human being, firm, partnership, association, corporation, company, or organization of any kind.

PROPERTY: Any real property, public or private, within the corporate limits within the village of Mt. Auburn that is not a street or highway.

STREET OR HIGHWAY: The entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

9-6-2: **INOPERABLE OR ABANDONED MOTOR VEHICLES ON PUBLIC PROPERTY:** Inoperable motor vehicles which are on public property, a street or a highway, are hereby declared a nuisance. They shall be towed or otherwise dealt with by the police department in accordance with procedures set forth in Chapter 4, Article II of Illinois Motor Vehicle Code, 625 Illinois Compiled Statutes 5/4-201 et seq., which is herein incorporated by reference, together with all future amendments thereto.

9-6-3: **INOPERABLE MOTOR VEHICLES ON PRIVATE PROPERTY:**

A. Inoperable motor vehicles on private property are hereby declared a nuisance. No tarp or coverings will be tolerated.

- B. Whenever a police officer discovers an inoperable motor vehicle on the property, and if the vehicle has a license plate, the owner of the vehicle. The officer shall attempt to determine the identity of persons occupying the property if different from the owner of record. The officer shall cause a notice in substantially the following form to be mailed, by certified U.S. mail, return receipt requested, or by personal delivery to the owner of record of the property, and to all persons known to the officer, after reasonable investigation, to occupy such property, and also to the owner of the motor vehicle, if the owner is known:

NOTICE TO REMOVE OR REPAIR INOPERABLE MOTOR VEHICLE

PLEASE TAKE NOTICE that the Police Department of the Village of Mt. Auburn, Illinois, has determined that there exists an inoperable motor vehicle, generally described as follows and hereinafter referred to as "The Vehicle":

Make: _____

Model: _____

Model Year, if known: _____

Color: _____

License No., if known: _____ State: _____

Other identifying characteristics: _____

The Vehicle is currently located on the following property:

Address: _____

The Vehicle is in violation of Article 6, Chapter 9 of the Village of Mt. Auburn Code of Ordinances, which prohibits inoperable motor vehicles on private property within the corporate limits of the Village.

You are hereby ordered to remove or repair such inoperable vehicle within 7 calendar days from the date of service of this Notice, if it has been hand-delivered, or within 11 calendar days from the date of mailing of this notice, if it was mailed by certified mail.

The Mt. Auburn Code of Ordinances provides that any person violating its provisions is subject to a fine of not less than \$250.00 nor more than \$750.00 for each day a violation is allowed to continue. If the Village must prosecute you for having an inoperable motor vehicle, it may seek fines beginning from the date of this Notice.

If you fail to remove or repair the inoperable motor vehicle by the date set forth in this notice, the Village may remove the inoperable vehicle, or may hire someone to do so. Any person ordered to repair or remove an inoperable vehicle may have a hearing with the Chief of Police. A request for a hearing must be made in writing and delivered to the Municipal Clerk no later than seven days after the date of service of this notice, if served personally; or eleven days after the date of mailing of this notice, if it was mailed. If no hearing is requested, or if the Chief determines after the hearing that the vehicle is indeed inoperable, the vehicle may be towed without further notice.

Definitions: As used in this notice, "inoperable motor vehicle" means any motor vehicle from which, for a period of at least seven 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 motor power. "Inoperable motor vehicle " shall not include a motor vehicle which has been rendered temporarily incapable of being driven under its own motor 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 to any operable historic vehicles over twenty five (25) years of age, nor to a motor vehicle on the premises lawfully engaged in the wrecking and junking of motor vehicles.

"Repair" means to take such action as is required to make an inoperable motor vehicle capable of being driven under its own power.

This Notice is dated this _ day of , 200_ .

Signature

- C. Notice by certified mail pursuant to this section shall be accomplished if the village receives a return receipt from the addressee or if the certified or regular mailing is returned "unclaimed" or "refused".
- D. In the event that a violation of section 9-6-2 of this chapter or this section is not corrected within the time specified in the notice, or if there is a hearing, within five (5) days after the hearing, the police department may proceed to tow and dispose of the inoperable motor vehicle in accordance with the procedures set forth in chapter 4, article II of Illinois Motor Vehicle Code, 625 Illinois Compiled Statutes 5/4-201 et seq., which is herein incorporated by reference.

9-6-4: **ABANDONED BUT NOT INOPERABLE MOTOR VEHICLES ON PRIVATE PROPERTY:** Vehicles which are not inoperable, but which are abandoned in the sense of not having been moved for seven (7) consecutive days or more and being apparently deserted, may be removed by the police department and otherwise dealt with in accordance with article 1/of section 4 of the Illinois Vehicle Code, but only if:

- A: The owner of the property on which the vehicle was abandoned is different from the owner of the vehicle; or
- B. The owner of the property on which the vehicle was abandoned requests the police department to take action; and
- C. If approved by the chief of police in his sole discretion.

9-6-5: **OTHER REMEDIES:** In addition to any other remedies, the corporate authorities may at any time instruct the village attorney to file a lawsuit in the circuit court of Christian County, seeking any or all remedies available in the Illinois municipal code respecting abatement of nuisances. The corporate authorities may seek penalties in accordance with section 9-6-7 of this chapter.

9-6-6: **PARKING OF VEHICLES WITH EXPIRED REGISTRATION STICKERS:** No person may stop, park, or leave standing upon a public street, highway, or roadway a vehicle upon which is displayed an Illinois registration plate or plates or registration sticker after the termination of the registration period for which the registration plate or sticker was issued or after the expiration date set by section 3-314 or 3-314.1 of the Illinois Vehicle Code.

9-6-7: **PENALTIES AND REMEDIES:**

- A. Any person who violates or aids and abets in the violation of section 9-6-2, 9-6-3 or 9-6-4 of this chapter shall be fined not less than two hundred fifty dollars (\$250.00) and no more than seven hundred fifty dollars (\$750.00), plus the cost to the village of its attorney fees and shall be required by the court to make a disposition on the abandoned, unclaimed, or inoperable vehicle. Each day a violation occurs shall constitute a separate offense.
- B. In addition to the remedies set forth in this chapter and in Article II of Chapter 4 of the Illinois Motor Vehicle Code, the village may bring a common law nuisance action against a person who is responsible for a nuisance as defined in this chapter, and in connection therewith, may seek all remedies available in law or equity in connection with such an action, and shall be entitled as part of the action to an award of its attorney fees

and costs.

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- C. A person who violates section 9-6-6 of this chapter shall be fined the sum of twenty five dollars (\$25.00) for each violation. Each day a violation occurs shall constitute a separate offense.

Village of Mt. Auburn

September 2009