

VILLAGE OF MT. AUBURN

ORDINANCE NO. 54

AN ORDINANCE ADDING ARTICLE VII TO CHAPTER 9
TO THE MT. AUBURN VILLAGE CODE

ADOPTED BY THE
BOARD OF TRUSTEES
OF THE
VILLAGE OF MT. AUBURN
THIS 1ST DAY OF JULY, 1996.

PUBLISHED IN PAMPHLET FORM BY AUTHORITY
OF THE BOARD OF TRUSTEES OF THE VILLAGE OF
MT. AUBURN, CHRISTIAN COUNTY, ILLINOIS,
THIS 2ND DAY OF JULY, 1996.

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ORDINANCE NO. 54

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TO THE MT. AUBURN VILLAGE CODE

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

Section 1: A new Article VII is hereby enacted and added to
Chapter 9 to the Mt. Auburn Village Code and shall read as
follows:

CHAPTER 9
MOTOR VEHICLE CODE

ARTICLE VII

STRIPPED, JUNKED, INOPERABLE,
OR UNLICENSED MOTOR VEHICLES

9-7-1 DEFINITIONS: The following definitions shall apply in
the interpretation and enforcement of this Chapter:

a). **Inoperable Motor Vehicle**: Any motor vehicle which
the engine, wheels 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
power in order to perform ordinary service or repair
operation and which is kept within a building when not
in use, to historic vehicles over twenty-five (25)
years of age or to a motor vehicle on the premises of a
place of business engaged in wrecking or junking of
motor vehicles and such premises are properly zoned for
such place of business.

b). **Motor Vehicle**: A machine propelled by power,
other than human power, designed to travel along the
ground by use of wheels, treads, runners or slides and
transport persons or property or pull machinery and
shall include, without limitation, automobile, truck,
trailer, motorcycle, tractor, buggy and wagon.

c). **Person**: Any person, firm, partnership,
association, corporation, company, organization or

entity of any kind.

d). **Real Property:** Any real property within the Village of Mt. Auburn, Illinois.

e). **Unlicensed Automobile or Motor Vehicle:** Any automobile or motor vehicle which does not have a current Illinois license and registration sticker affixed to same.

9-7-2 **STORAGE DECLARED NUISANCE:**

A). No person shall maintain or permit the storage on any real property of any stripped or junked or inoperable automobile or motor vehicle, within the Village. Such storage is hereby declared a nuisance unless such storage is within a completely enclosed building or in a licensed junk yard or on premises which are properly zoned to permit, and which is regularly and customarily engaged in a commercial business involving the commercial repair of automobiles and motor vehicles. In addition thereto, all tires for such automobiles and motor vehicles must be inflated and properly attached to the wheels of such automobiles and motor vehicles.

B). No person shall maintain or permit the storage on any real property of any unlicensed automobile or motor vehicle, unless such storage is within a completely enclosed building or in a licensed junk yard, or is completely hidden and covered by an automobile or motor vehicle cover commercially manufactured for such covering purpose; provided, however, no more than a total of two (2) of such automobiles or motor vehicles may be covered and stored at any one location unless same is within a completely enclosed building or in a licensed junk yard. In addition thereto, all tires for such automobiles and motor vehicles must be properly inflated and properly attached to the wheels of such automobiles and motor vehicles. This subparagraph 9-7-2(B) shall not apply and subparagraph 9-7-2(A) shall apply, if such unlicensed automobile or motor vehicle is also stripped or junked or inoperable.

9-7-3 **OWNERS REQUIRED TO ABATE NUISANCE:**

Following a seven (7) day prior notice to do so, each owner, lessee, or occupant of any real estate within the Village upon which such illegal storage is made and each owner, lessee, bailee or possessor of any said automobile or motor vehicle which is illegally stored (all of whom are hereinafter referred to collectively as "owner" or "owners") shall, within seven (7) days after such notice is mailed, jointly and severally abate said nuisance by transferring said automobile or motor vehicle into a completely enclosed building authorized to be used for such storage purposes, or otherwise to permanently remove said automobile or motor vehicle to a location outside the Village.

9-7-4 FAILURE TO ABATE:

In the event any owner fails to abate said nuisance by transferring or removing said automobile or motor vehicle in the manner as set forth in Section 9-7-3 of this Chapter, then the Village may remove, or cause to be removed the said automobile or motor vehicle to a location of its selection and may further dispose of or store the automobile or motor vehicle and all costs and expenses therefor shall be recoverable from the owners, jointly and severally, in a suit at law.

9-7-5 SALE OF AUTOMOBILE OR MOTOR VEHICLE:

In the event said automobile or motor vehicle is removed and placed in storage by the Village, then said automobile or motor vehicle may be sold by the Village at any time thereafter at public or private sale as the Village shall determine in its sole discretion. If the sale proceeds are insufficient to pay the costs of sale, removal and storage expenses, then the owners shall be jointly and severally liable to the Village for the balance of such costs and expenses and to be recoverable in a suit at law. If the sale proceeds are sufficient to pay said costs of sale, removal and storage expenses, then the balance shall be paid to any one or more of the owners as the Village shall determine.

9-7-6 PENALTIES:

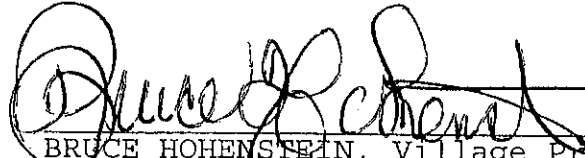
Any person violating any of the provisions of this Chapter shall, upon conviction, be fined as provided in Section 1-1-20 of this Code for each separate offense, and a separate offense shall be deemed to occur on each day on or during which a violation is deemed to exist or continues.

Section 2: That 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 this Ordinance which is not, in or of itself, invalid or unconstitutional.

Section 3: This Ordinance shall be effective upon its passage, approval and publication in pamphlet form as provided by law.

ON MOTION DULY MADE AND SECONDED and pursuant to roll call

vote, this Ordinance was passed, approved and adopted this 1st day of July, 1996.


BRUCE HOHENSTEIN, Village President
Village of Mt. Auburn, Illinois

ATTEST:


TAMMY HAMELL Village Clerk

AYES: T. Butcher, Copenbarger, Hanfland, F. Vincent, S. Vincent

NAYS: _____

ABSENT: C. Butcher

FILED IN THE OFFICE OF THE VILLAGE CLERK,
VILLAGE OF MT. AUBURN, ON THE 1ST DAY OF JULY, 1996.

PUBLISHED IN PAMPHLET FORM ON JULY 2, 1996.

CERTIFICATE

STATE OF ILLINOIS)
) SS.
COUNTY OF CHRISTIAN)

I, TAMMY HAMELL, certify that I am the duly elected and acting Village Clerk of the Village of Mt. Auburn, Christian County, Illinois.

I further certify that on July 1, 1996, the Board of Trustees of said Village passed and approved Ordinance No. 54 entitled "AN ORDINANCE ADDING ARTICLE VII TO CHAPTER 9 TO THE MT. AUBURN VILLAGE CODE".

The pamphlet form of Ordinance No. 54 including the Ordinance and a cover sheet thereof was prepared, and a copy of such Ordinance was posted in the Village Hall, commencing on July 2, 1996, 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 Village Clerk.

DATED at Mt. Auburn, Illinois, this 15th day of July, 1996.



TAMMY HAMELL, Village Clerk

(MUNICIPAL SEAL)