

STATE OF ILLINOIS)
) ss.
COUNTY OF SANGAMON)

CERTIFICATE

I certify that I am the duly elected and acting Village Clerk of the Village of Grandview, Sangamon County, Illinois.

I further certify that on July 6, 2004, the corporate authorities of such Village passed and approved Ordinance No. 04-07 entitled:

**AN ORDINANCE RELATING TO CONTROL
OF INOPERABLE AND ABANDONED VEHICLES**

which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 04-07 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 6, 2004, to continue 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 Grandview, Illinois, this 6 day of July, 2004.

(SEAL)

Melie E. Gray Co
Village Clerk

VILLAGE OF GRANDVIEW, ILLINOIS

ORDINANCE NO. 04- 07

AN ORDINANCE RELATING TO CONTROL
OF INOPERABLE AND ABANDONED VEHICLES

ADOPTED BY THE PRESIDENT AND BOARD OF TRUSTEES
OF THE VILLAGE OF GRANDVIEW, ILLINOIS

THIS 6 DAY OF July, 2004

Published in pamphlet form by the authority of the President and
Board of Trustees of the Village of Grandview, Illinois
Illinois, this 6 day of July, 2004.

**AN ORDINANCE RELATING TO CONTROL
OF INOPERABLE AND ABANDONED VEHICLES**

*BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE
VILLAGE OF GRANDVIEW, SANGAMON COUNTY, ILLINOIS, AS FOLLOWS:*

SECTION 1: DEFINITIONS:

ABANDONED VEHICLE: As defined in Section 1-101.05 of the Illinois Vehicle Code, 625 ILCS 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 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 ILCS 5/11-40-3, an "inoperable motor vehicle" is 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 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.

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 Grandview 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.

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.

**SECTION 2: INOPERABLE OR ABANDONED MOTOR VEHICLES
ON PUBLIC PROPERTY**

Inoperable and abandoned 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 ILCS 4-201 *et seq.*, which is herein incorporated by reference, together with all future amendments thereto.

**SECTION 3: INOPERABLE MOTOR VEHICLES ON PRIVATE
PROPERTY**

A. Inoperable motor vehicles on private property are hereby declared a nuisance.

B. Whenever a police officer discovers an inoperable motor vehicle on private property, the officer shall determine the owner of record of 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 form attached hereto as Exhibit A, 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:

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 Sections 2 or 3 of this Ordinance is not corrected within the time specified in the notice, or if there is a hearing, within 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 ILCS 4-201 *et seq.*, which is herein incorporated by reference.

E. Hearings conducted by the Chief of Police shall be informal, and may include, in the case of an allegedly inoperable vehicle, an inspection of the vehicle and a

...nstration that the vehicle is not inoperable.

**SECTION 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 7 consecutive days or more and being apparently deserted, may be removed by the Police Department and otherwise dealt with in accordance with Article II 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; and
- 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.

SECTION 5: OTHER REMEDIES

In addition to any other remedies, the corporate authorities may at any time instruct the Village Attorney to filing a lawsuit in the Circuit Court of Sangamon 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 7 of this Ordinance.

**SECTION 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.

SECTION 7: PENALTIES AND REMEDIES

A. Any person who violates or aids and abets in the violation of Section 2, 3 or 4 of this Ordinance shall be fined not less than \$250.00 and no more than \$750.00, plus the cost to the Village of its attorney's 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 attorneys fees and costs.

C. A person who violates Section 6 of this Chapter shall be fined the sum of \$25.00 for each violation. Each day a violation occurs shall constitute a separate offense..

SECTION 8: EFFECTIVE DATE, REPEALER

This ordinance is effective upon its passage, approval and publication as required

by law. The Clerk shall publish this Ordinance in pamphlet form and shall see to its inclusion in the next update of the Village Code of Ordinances. All previous ordinances on the subject of inoperable and abandoned vehicles are repealed.

PASSED this 6 day of July, 2004.

David L. Wysocki
Village President

ATTEST:

Mela E. Graylon
Village Clerk

TRUSTEES

AYES: 5 - BARROW, BENTLEY, O'BRIEN, PETRELLI & SKELHAMMER

NAYS: - 0 -

PASSED: 5

APPROVED: 5

ABSENT: 1