

ORDINANCE NO. 2022- 05

**AN ORDINANCE REGULATING INOPERABLE MOTOR VEHICLES
AND ABANDONED MOTOR VEHICLES IN THE VILLAGE OF SECOR**

WHEREAS, the Village of Secor has previously adopted a nuisance ordinance dealing with inoperable motor vehicles pursuant to Ordinance No. 89-1, adopted on April 10, 1989; and

WHEREAS, the Village intends, through its ordinances, to promote a healthy and satisfying environment for its citizens, one free from nuisances, eyesores, and unhealthy or devaluing conditions; and

WHEREAS, to this end, this Ordinance seeks to regulate, identify, and provide a means to enforce the regulations to protect the health, safety, and welfare of the residents and property owners in relation to inoperable and abandoned motor vehicles located in the Village and to prevent nuisances created by such inoperable and abandoned motor vehicles; and

WHEREAS, the Village Board hereby finds that it is in the best interests of the Village and its citizens to update the Village's ordinance regulating public nuisances created by inoperable motor vehicles, while also declaring abandoned motor vehicles as public nuisances and regulating such nuisances as provided herein;

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF SECOR, WOODFORD COUNTY, ILLINOIS, THAT:

Section 1. The recitals set forth above are hereby found to be true, correct, and accurate and are hereby incorporated herein.

Section 2. Ordinance No. 89-1, an "Ordinance Providing for Inoperable Motor Vehicles", is hereby repealed in its entirety and replaced with the following:

Motor Vehicle Nuisances

1.0 Definitions. The following definitions shall apply in the interpretation and enforcement of this Ordinance:

- A. "Person" shall mean any person, firm, partnership, association, corporation, company, or organization of any kind.
- B. "Motor Vehicles" shall mean 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, all automobiles, trucks, trailers, motorcycles, tractors, buggies, and

wagons, and all other motor vehicles as otherwise defined under the Illinois Vehicle Code.

- C. "Street or Highway" shall mean 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.
- D. "Property" shall mean any real property within the Village which is not a street or highway.
- E. "Inoperable Motor Vehicle" means any Motor Vehicle from which, for a period of at least seven (7) days, any part, including but not limited to, 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) Any Motor Vehicle that is kept or stored within an enclosed building when not in use and is not in view of the general public when not in use;
- (b) An operable historical vehicle over 25 years of age, which is licensed pursuant to Sec. 3-804 of the Illinois Vehicle Code (625 ILCS 5/3-804);
- (c) A Motor Vehicle on the premises of a lawful place of business engaged in wrecking or junking of Motor Vehicles and such business is properly licensed by the State of Illinois;
- (d) A Motor Vehicle which has been rendered temporarily incapable of being driven under its own motor power, for a period not to exceed seven (7) days, in order to perform ordinary service or repair operations. A Motor Vehicle upon which repairs or services are not concluded within seven (7) days from the date of the notice as set forth in this Ordinance shall not be deemed to be "rendered temporarily incapable of being driven under its own motor power in order to perform ordinary service or repair operations" and shall be construed to be an Inoperable Motor Vehicle.

- F. "Abandoned Motor Vehicle" shall mean any Motor Vehicle which is left at any place for such time and under such circumstances as to cause such vehicle reasonably to appear to have been unused for

transportation or abandoned. The term "abandoned vehicle" shall include but not be limited to vehicles left or stored on Property for thirty (30) days or more without being significantly used for transportation, proper evidence of current registration and licensing in the State of Illinois as required by the Illinois Vehicle Code or in any other State, or moved for any purpose other than to avoid the appearance of abandonment under this Ordinance. "Abandoned Motor Vehicle" shall not include any Motor Vehicle that is kept or stored within an enclosed building and is not in view of the general public when not in use.

2.0 Declaration of Nuisance. All Inoperable Motor Vehicles and Abandoned Motor Vehicles located upon any Village Street or Highway or upon any Property within the Village, whether publicly or privately owned, are hereby declared to be and constitute a safety hazard and a public nuisance; are detrimental to the health, safety, and welfare of the general public by harboring disease, providing breeding places for vermin, inviting plundering, creating fire hazards, and presenting physical dangers to children and others; produce scenic blights which degrade the environment; and adversely affect land values and the proper maintenance and continuing development of the Village.

3.0 Violation. It shall be unlawful for any owner or other Person in control of any Property to permit or allow any Inoperable Motor Vehicle or Abandoned Motor Vehicle to be stored or parked upon said Property within the Village. It shall also be unlawful for any owner of any Inoperable Motor Vehicle to permit or allow said Motor Vehicle to be stored or parked in the open anywhere within the Village, including upon any Village Street or Highway or in the open upon any Property within the Village.

A Person shall fall within that class of persons who shall be deemed to cause, permit or allow such a nuisance to exist if such Person:

- A. Has an ownership interest in or is in control of the Inoperable Motor Vehicle or Abandoned Motor Vehicle;
- B. Causes the Inoperable Motor Vehicle or Abandoned Motor Vehicle to be deposited at the site in question;
- C. Has an ownership interest in the real estate upon which the Inoperable Motor Vehicle or Abandoned Motor Vehicle is located;
- D. Has an ownership interest in or operates a business which causes, permits or allows such a nuisance to exist on the real estate upon which the business is operated or on adjacent real estate which is under the control of the business owner or operator; or

- E. Has an ownership interest in real estate upon which a business is being operated and the operator or owner of said business causes, permits or allows such a nuisance to exist on the real estate upon which the business is being operated or on adjacent real estate which is under the control of the Person having an ownership interest in real estate upon which said business is being operated.

4.0 Removal of Inoperable and Abandoned Motor Vehicles. The Village President, or his designee, the Village Clerk, or a law enforcement officer shall first serve a written notice upon the owner or Person in possession or Person in control of any Property upon which any Inoperable Motor Vehicle or Abandoned Motor Vehicle is parked, left, or stored, advising such Person of the violation and requesting that the Inoperable Motor Vehicle or Abandoned Motor Vehicle be removed or relocated to an enclosure so that it is not in view of the general public within seven (7) days of receipt of the notice. The written notice shall be delivered by personal service or by certified mail and delivered to the last known address of the Person who owns or is in possession of such Motor Vehicle or of the Property on which the Motor Vehicle is located.

5.0 Abatement of Nuisance. Whenever any Person causes, permits, or allows such a nuisance created by the Inoperable Motor Vehicle or Abandoned Motor Vehicle to continue or exist after the expiration of ten (10) days from the service of the notice to abate as provided in this Ordinance, the Village may, at its option, cause the abatement of the nuisance as provided herein. The Village authorities are hereby authorized to remove or to take the necessary action to have removed any Motor Vehicle left at any place within the Village which reasonably appears to be in violation of this Ordinance, or which reasonably appears to be lost, stolen, or unclaimed. Such Motor Vehicle shall be impounded until lawfully claimed or disposed of in accordance with applicable law.

6.0 Penalties for Violations. Every Person violating any of the provisions of this Ordinance shall be fined in an amount not less than One Hundred Dollars (\$100.00) and not more than Seven Hundred Fifty Dollars (\$750.00), plus attorneys' fees and court costs. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.

7.0 Severability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions hereof.

Section 3. This Ordinance is hereby ordered to be published in pamphlet form by the Secor Village Clerk and said Clerk is ordered to keep at least three (3) copies hereof available for public inspection in the future and in accordance with the Illinois Municipal

Code.

Section 4. This Ordinance is in addition to all other ordinances on the subject and shall be construed therewith excepting as to that part in direct conflict with any other ordinance, and in the event of such conflict, the provisions hereof shall govern.

Section 5. This Ordinance shall be in full force and effect from and after its passage, approval and ten (10) day period of publication in the manner provided by law.

PASSED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF SECOR, WOODFORD COUNTY, ILLINOIS, IN REGULAR AND PUBLIC SESSION THIS 13th DAY OF June, 2022.

APPROVED:


Village President

ATTEST:


Village Clerk

CERTIFICATE OF PUBLICATION

I, LORI BAGBY and the undersigned, do hereby certify that I am the duly qualified and acting Clerk of the Village of Secor, a municipal corporation of and in the County of Woodford, Illinois, that the foregoing Ordinance is a true and accurate copy of the Ordinance passed by the Village Board and President of the Village of Secor on the meeting date set forth therein, and that the Ordinance was published by me in pamphlet form this 14th day of June, 2022, by making three (3) copies thereof available on that date for public inspection.


Village Clerk