



## **Ordinance No. A-7-3-07A**

### **An ordinance declaring inoperable motor vehicles as a nuisance and providing for the orderly removal and disposition of said motor vehicles, in the City of Orient, Franklin County, Illinois**

Whereas, the City is empowered by the Illinois Legislature with the power to prohibit conduct that is inimical to the health and safety of citizens, and Whereas, the City finds Inoperable Motor Vehicles pose a public health threat to the citizens of the City and are public nuisance and must be regulated, Now, Therefore, be it ordained by the City Council of the City of Orient, Franklin County, Illinois, as follows:

#### **Section 1. Nuisance Declared.**

All inoperable motor vehicles, whether on public or private property and in view of the general public, are hereby declared to be a nuisance.

#### **Section 2. Inoperable Motor Vehicle Defined.**

“Inoperable Motor Vehicle” means any motor vehicle as defined under the Illinois Traffic Code, from which, for a period of at least seven days, 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. However, “inoperable Motor Vehicle” shall not include a motor vehicle on the premises of a place of business engaged in the wrecking or junking of motor vehicles. **All vehicles considered to be an “Inoperable Motor Vehicle” shall be deemed so by a majority of the City Council.**

#### **Section 3. Maintaining Nuisance Prohibited- Notice—Fine.**

Any person who shall permit an inoperable motor vehicle under his control or possession to remain on public property or on private property and in view of the general public, shall be guilty of maintaining a nuisance and shall be subject to a fine as provided herein if such person fails, within thirty days, to obey a notice received from the City which states that such is to dispose of any inoperable motor vehicle under his control or possession. Any person found to be guilty of maintaining a nuisance under this ordinance shall be subject to a fine not to exceed Five Hundred Dollars, for each day that the nuisance is maintained or permitted to remain.

#### **Section 4. City MAY REMOVED VEHICLE.**

If the inoperable motor vehicle is not disposed of within thirty days of receipt of notice from the City as provided above, the city may remove the inoperable motor vehicle or parts thereof.

**Section 5. Removal Procedure.**

When removal is authorized by this Ordinance; the following procedures shall be followed:

- A. The removal by a towing service shall be authorized by a qualified member of City Council.
- B. The City Clerk shall keep and maintain a record of the vehicle towed, listing the color, year of manufacture, manufacture's trade name and series, body style, vehicle identification number, and any license plate year and number displayed. The record shall also include the date and time of tow, location towed from and location towed to, and reason for towing.
- C. Notice shall be sent by certified mail to the person disclosed by the record of Illinois Secretary of State as registered owner and the owner/possessor of the property from which the inoperable motor vehicle was towed.
- D. Any vehicle not reclaimed by the owner or owners described above, shall at the expiration of thirty days be sold at public sale to the highest bidder. No person seeking to reclaim the vehicle may do so until all towing and storage charges have been paid. Prior to the sale, the City Clerk, will cause to be mailed to the location from which the vehicle was removed and a notice describing the time and location of the sale.
- E. Record of disposition of removed inoperable motor vehicle(s) shall be maintained by the City Clerk for a period of one year from the date of sale or disposal.
- F. The proceeds of the public sale or disposition after the deduction of towing, storage and processing charges shall be deposited in the municipal treasury.

**Section 6. Liability.**

Any qualified member of City Council, police officer, towing service owner, operator or employee shall not be held to answer or be liable for damages in any action brought by the registered owner or any other person legally entitled to the possession of a motor vehicle or other vehicle when the said vehicle was possessed and sold or otherwise disposed of as provided by this Ordinance.

**Section 7. Violation Penalty.**

Any person violating any provision of this Ordinance shall be deemed guilty of a petty offense and upon conviction thereof, shall be fined in an amount not to exceed Five Hundred Dollars. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable hereunder as such.

This Ordinance shall be effective upon its passage by the City Council as provided by law.

Adopted, Ordained and Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2016

\_\_\_\_\_  
Pete Witkewiz, City of Orient Mayor

ATTEST:

\_\_\_\_\_  
Carolyn Williford, City Clerk

**CERTIFICATION**

I Carolyn Williford, City Clerk of the City of Orient, Franklin County, Illinois do hereby certify the foregoing Ordinance #\_\_\_\_\_ Is true and correct original ordinance passed and approved by the Orient City Council at the regular meeting duly convened on

\_\_\_\_\_.

\_\_\_\_\_  
Carolyn Williford, Orient City Clerk