

VILLAGE OF CHATHAM, ILLINOIS

ORDINANCE NO. 69

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

ADOPTED BY THE PRESIDENT AND BOARD OF TRUSTEES
OF THE VILLAGE OF CHATHAM, ILLINOIS
THIS 13 DAY OF NOVEMBER, 2001

Published in pamphlet form by the authority of the President and
Board of Trustees of the Village of Chatham, Sangamon County,
Illinois, this 13 day of NOVEMBER, 2001.

STATE OF ILLINOIS)
) ss.
COUNTY OF SANGAMON)

CERTIFICATE

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

I further certify that on 11-13, 2001, the corporate authorities of such Village passed and approved Ordinance No. 01-69 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. 01-69 including the Ordinance and a cover sheet thereof, was prepared, and a copy of such Ordinance was posted in the Village Hall, commencing on 11-14-, 2001, 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 Chatham, Illinois, this 13 day of NOVEMBER, 2001.

(SEAL)



Village Clerk

Ordinance No. 01- 69

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

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

SECTION 1: Chapter 98 is hereby added to the Village of Chatham Code
of Ordinances, to state as follows:

Chapter 98

Inoperable and Abandoned Vehicles

98.001 DEFINITIONS

As used in this Chapter, the following terms have the following meanings:

ABANDONED VEHICLE: As defined in Section 1-101.5 of the Illinois Vehicle Code, 625 ILCS 5/1-101.5, an "abandoned vehicle" is any vehicle in a state of disrepair rendering the vehicle incapable of being driven in its condition or any 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 to any 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.

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 Chatham 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.

**98.002 PROHIBITION OF INOPERABLE VEHICLES;
DECLARATION AS A NUISANCE:**

Inoperable motor vehicles which are in view of the general public, whether on public or private property, are unlawful within the corporate limits of the Village and are hereby declared to be a nuisance.

**98.003: REMOVAL AND ABATEMENT OF INOPERABLE VEHICLES;
PENALTIES**

A. Any violation of Section 98.002 of this Chapter shall be abated within eleven

(11) days after mailing of the notice of violation by Certified U.S. Mail, return-receipt-requested or within seven (7) days after personal delivery of a notice of ordinance violation. The owner or titleholder of record of any real property is ultimately responsible for an inoperable vehicle on his or her property. Notice by certified or regular 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".

B. In the event that a violation of 98.002 of this Chapter is not corrected within eleven (11) days after the date of mailing of the ordinance violation notice or seven (7) days after personal delivery of the ordinance violation notice, the President and Board of Trustees, may proceed to abate and remedy the condition or remove the inoperable vehicle(s) by filing a lawsuit in the Circuit Court of Sangamon County, seeking any or all remedies available in the Illinois Municipal Code, including but not limited to the following:

(1) An order authorizing action to be taken by the Village with respect to the inoperable vehicle(s), to have the inoperable vehicle(s) removed at the expense of the owner or titleholder of record upon the property which the inoperable vehicle(s) is (are) located; and,

(2) An order authorizing the Village, in the event that the Village corrects the violation itself and removes from public or private property the inoperable motor vehicle(s) or parts thereof, to file a lien for the amount of time and expense involved in correcting the violation, to be filed against the property where the violation occurred unless the owner or occupant of that land reimburses the Village's expenses, within ten (10) days request in

writing, with said lien to be recorded with the Sangamon County Recorder of Deeds within sixty (60) days after the work is performed by the Village; or,

(3) An order requiring the owner or owners of record to remove the inoperable motor vehicle(s) from the real property; and,

(4) A fine as set forth in section 95.006; and,

(5) A judgment against the owner or other person causing the violation of 98.002 of this Chapter for reimbursement of the Village's costs and reasonable attorneys' fees in connection with the Village's enforcement of this Chapter.

98.004: ABANDONED VEHICLES PROHIBITED; DECLARATION OF NUISANCE:

Abandoned motor vehicles, whether on public or private property, are unlawful within the corporate limits of the Village and are hereby declared to be a nuisance.

98.005: REMOVAL AND ABATEMENT OF ABANDONED VEHICLES; IMPOUNDING, SALE AND DISPOSAL; PENALTIES;

The Chief of Police or any member of the Police Department designated by him is hereby authorized to remove or have removed, and to tow or have towed, and to impound and dispose of an "abandoned vehicle" as defined herein, in accordance with the standards and procedures set forth in Article II of Chapter 4 of the Illinois Vehicle Code (625 ILCS 5/4-201 through 5/4-215.)

98.006: 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.

98.007: PENALTIES AND REMEDIES

A. Any person who violates or aids and abets in the violation of Section 98.002 or 98.004 of this Chapter 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 98.006 shall be fined the sum of \$25.00 for each violation. Each day a violation occurs shall constitute a separate offense..

SECTION 2: 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.

PASSED this 13 day of NOVEMBER, 2001.

Thomas D Gray
Village President

ATTEST:

Patschard
Village Clerk

AYES: 6

NAYS: 0

PASSED: 11-13-01

APPROVED: 11-13-01

ABSENT: 0



ORDINANCE CERTIFICATE

STATE OF ILLINOIS)
) SS.
COUNTY OF Sangamon)

I, the undersigned, do hereby certify that I am the duly qualified and acting Village Clerk of the Village of Chatham, Sangamon County, Illinois.

I do further certify that the ordinance attached hereto is a full, true, and exact copy of Ordinance No. 01-69 adopted by the President and Board of Trustees of said Village on the 13 day of NOVEMBER, 2001, said Ordinance being entitled:

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

I do further certify that prior to the making of this certificate, the said Ordinance was spread at length upon the permanent records of said Village, where it now appears and remains.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of said Village this 13 day of NOVEMBER, 2001.



Village Clerk