

03-08  
Ordinance No. ~~02~~-\_\_\_\_\_

**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 99 of the Village of Chatham Code of Ordinances is amended to state as follows:

**Chapter 99**

**Inoperable and Abandoned Vehicles**

**99.001 DEFINITIONS**

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

**ABANDONED VEHICLE:** As defined in Section 1-101.05 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 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 to any operable historic vehicles over twenty five (25) years of age, nor to a motor vehicle on a 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.

**99.002            INOPERABLE OR ABANDONED MOTOR VEHICLES ON  
PUBLIC PROPERTY:**

Inoperable 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.

**99.003        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 following form 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:

***NOTICE TO REMOVE OR REPAIR INOPERABLE MOTOR VEHICLE***

*PLEASE TAKE NOTICE that the Police Department of the Village of Chatham,, Illinois, has determined that there exists an inoperable motor vehicle, generally described as follows and hereinafter referred to as "The Vehicle":*

*Make:* \_\_\_\_\_

*Model:* \_\_\_\_\_

*Model Year, if known:* \_\_\_\_\_

*Color:* \_\_\_\_\_

*License No., if known:* \_\_\_\_\_ *State:* \_\_\_\_\_

Other identifying characteristics: \_\_\_\_\_

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*The Vehicle is currently located on the following property:*

*Address:* \_\_\_\_\_

*The Vehicle is in violation of Chapter 99 of the Village of Chatham Code of Ordinances, which prohibits inoperable motor vehicles on private property within the corporate limits of the Village.*

***You are hereby ordered to remove or repair such inoperable vehicle within 7 calendar days from the date of service of this Notice, if it has been hand-delivered, or within 11 calendar days from the date of mailing of this notice, if it was mailed by certified mail.***

*The Chatham Code of Ordinances provides that any person violating its provisions is subject to a fine of not less than \$250.00 nor more than \$750.00 for each day a violation is allowed to continue. If the Village must prosecute you for having an inoperable motor vehicle, it may seek fines beginning from the date of this Notice.*

*If you fail to remove or repair the inoperable motor vehicle by the date set forth in this notice, the Village may remove the inoperable vehicle, or may hire someone to do so. Any person ordered to repair or remove an inoperable vehicle may have a hearing with the Chief of Police. A request for a hearing must be made in writing and delivered to the Municipal Clerk no later than seven days after the date of service of this notice, if served personally; or eleven days after the date of mailing of this notice, if it was mailed. If no hearing is requested, or if the Chief determines after the hearing that the vehicle is indeed inoperable, the vehicle may be towed without further notice.*

*Definitions: As used in this notice, "inoperable motor vehicle" means 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 operable 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.*

*“Repair” means to take such action as is required to make an inoperable motor vehicle capable of being driven under its own power.*

*This Notice is dated this \_\_\_\_ day of \_\_\_\_\_, 200 \_\_\_\_.*

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*Signature*

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 Chapter 99.002 or 99.003 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.

**99.004 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.

#### **99.005 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 99.007 of this Chapter.

#### **99.006 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.

#### **99.007 PENALTIES AND REMEDIES**

A. Any person who violates or aids and abets in the violation of Section 99.002, 99.003 or 99.004 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.

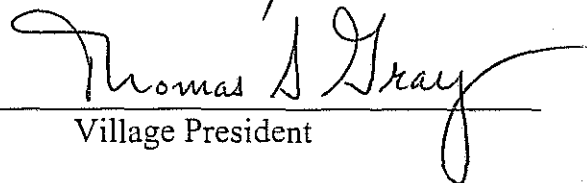
B. In addition to the remedies set forth in this Chapter and in Article II of Chapter 4 of the Illinois Motor Vehicle Code, the Village may bring a common law nuisance action against a person who is responsible for a nuisance as defined in this Chapter, and in connection therewith, may seek all remedies 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 99.006 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 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 28 day of JANUARY, 2002.

  
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Village President

ATTEST:



Pat Schaefer  
Village Clerk

AYES: 6 HERR McADAMS BOYLE McCARTHY McGRATH DIERKING

NAYS: 0

PASSED: 1-28-03

APPROVED: 1-28-03

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. 03-08 adopted by the President and Board of Trustees of said Village on the 28 day of JANUARY, 2002, 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 28 day of JANUARY, 2002.

  
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Village Clerk

