

VILLAGE OF HOMER
An Ordinance Regulating Inoperable Vehicles
Ordinance No.6-6-94

Published in Pamphlet Form:

Attested: JoAnn Wallace, Village Clerk, Village of Homer, II.

Seal:



ORDINANCE NO.6-6-94
AN ORDINANCE REGULATING INOPERABLE VEHICLES

WHEREAS, Section 11-40-3 of the Illinois Municipal Code(65 ILCS 5/11-40-3), provides that the corporate authorities of each municipality may by ordinance declare all inoperable motor vehicles, whether on public or private property, and in view of the general public, to be a nuisance and authorize fines to be levied for the failure of any person to obey a notice received from the municipality which states that such person is to dispose of any inoperable motor vehicles under his control, and may authorize a law enforcement agency, with applicable jurisdiction, to remove, after 7 days from the issuance of the municipal notice, any inoperable motor vehicle or parts thereof.

WHEREAS, the President and the board of trustees of the Village of Homer, Champaign County, Illinois, find and declare that inoperable motor vehicles are a nuisance in that they are detrimental to the health, safety, and welfare of the public by harboring vermin, inviting plundering, creating fire hazards, presenting physical changes to children and others and producing blights to the scenery.

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF HOMER, CHAMPAIGN COUNTY, ILLINOIS, AS FOLLOWS:

Section 1. Definitions.

The following definitions shall apply to the interpretation and enforcement of this ordinance.

"Inoperable vehicle" shall mean any motor vehicle including parts thereof from which, for a period of at least 7 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. Any motor vehicle not displaying valid registration plates or proper evidence of application therefor shall be an inoperable vehicle under this ordinance. Motor vehicles kept within a building when not in use and operable historic vehicles over 25 years of age are not inoperable vehicles under this ordinance.

Section 2. Prohibitions. Public Places

(a) It shall be unlawful for any person to allow any inoperable vehicle under their control to remain on any public property in the Village of Homer for more than 7 days after being provided with notice from the Village of Homer to remove or otherwise dispose of such inoperable vehicle.

(b) Notice from the Village of Homer to remove or otherwise dispose of any inoperable vehicle on public property in the Village of Homer shall be in substantially the form set forth below:

NOTICE

Dated: _____

An inoperable vehicle described as (describe vehicle) with registration plates (describe registration plates, if applicable) has been located at (describe location) and is deemed to be an inoperable vehicle under an ordinance of the Village of Homer.

You are hereby notified that such inoperable vehicle must be removed from coporate village limits, or otherwise disposed of within 7 days of the date of this notice.

If you want a hearing on whether the above described vehicle is an inoperable vehicle in violation of the ordinance, you must submit within 7 days of the date of this notice a written request for a hearing by the President and Board of Trustees of the Village of Homer. The request for hearing should be addressed as follows: Village Clerk, Village of Homer, 101 N. Main, Homer, Il. 61849.

In the event you submit such a written request for a hearing within 7 days of the date of this notice, a hearing date will be set and you will be advised of the date, time and place of the hearing at least 3 days in advance of the date of the hearing.

If you do not request a hearing within 7 days of this notice, or, should the President and Board of Trustees of the Village of Homer determine after a hearing that the above described vehicle is an inoperable vehicle in violation of the ordinance, then the inoperable vehicle may be towed and impounded immediately and the cost of towing and storage will be assessed against you and you may be charged with a violation of the ordinance and be subject to a fine of not less than \$50.00 nor more

than \$500.00 for each day the violation continues.

(c) If the inoperable motor vehicle does not display any registration so that the owner may be determined such notice shall be conspicuously posted on the windshield of such inoperable vehicle. If the inoperable vehicle displays registration, such notice shall be conspicuously posted on the windshield of such inoperable vehicle, and in addition, shall also be sent U.S. Mail, first class postage prepaid, to the registered owner of such inoperable vehicle.

Section 3. Prohibitions. Private Property.

(a) It shall be unlawful for any person in control of any property in the Village of Homer, whether as owner, lessee, occupant or otherwise, to allow or to suffer to remain on such property any inoperable vehicle for more than 7 days, or any extension thereof granted as herein provided by Section 4(b) of this ordinance, after being provided with notice from the Village of Homer to remove or otherwise dispose of such inoperable vehicle.

(b) Notice from the Village of Homer to remove or otherwise dispose of an inoperable vehicle on private property in the Village of Homer shall be in substantially the form set out below:

NOTICE

Date: _____

An inoperable vehicle described as (describe vehicle) with registration plates (describe registration plates, if applicable) has been left on your property located at (describe location) and is deemed to be an inoperable vehicle under an ordinance of the Village of Homer.

You are hereby notified that such inoperable vehicle must be removed from corporate Village limits or otherwise be disposed of within 7 days of the date of this notice.

If you want to have a hearing on whether the above described vehicle is an inoperable vehicle in violation of the ordinance, you must within 7 days of the date of this Notice submit a written request for a hearing by the President and Board of Trustees of the Village of Homer. The request for hearing should be addressed as

follows: Village Clerk, 101 N. Main, Homer, Il. 61849.

In that event you must submit such a written request for a hearing within 7 days of the date of this notice, a hearing date will be set and you will be advised of the date, time and place of the hearing at least 3 days in advance of the date of the hearing.

Pursuant to the ordinance, you may also at any such hearing request an extension period. The President and Board of Trustees of the Village of Homer shall grant an extension of not more than 30 days to remove or otherwise dispose of the inoperable vehicle if a person in control of the property upon which such inoperable vehicle is located submits an affidavit that the inoperable vehicle is being held for sale or expeditious repair as defined by Section 4 (b) of the ordinance.

If you do not request a hearing within 7 days of this notice, or, should the President and Board of Trustees of the Village of Homer determine after a hearing that the above described vehicle is an inoperable vehicle in violation of the ordinance, then the inoperable vehicle may be towed or impounded immediately or upon the expiration of any extension period granted, and the costs of towing and storage will be assessed against you. If you do not request a hearing within 7 days of this notice, or should the President and Board of Trustees of the Village of Homer determine after a hearing that the above described vehicle is an inoperable vehicle in violation of the ordinance, or if the inoperable vehicle continues to remain as an inoperable vehicle on the property after the expiration of any extension period granted, you may be charged with a violation of the ordinance and be subject to a fine of not less than \$50.00 nor more than \$500.00 for each day the violation continues.

(c) If the inoperable motor vehicle does not display any registration so that the owner may be determined such notice shall be conspicuously posted on the windshield of such inoperable vehicle. If the inoperable vehicle displays registration, such notice shall be conspicuously posted on the windshield of such inoperable vehicle, and, in addition, shall also be sent U.S. Mail, first class postage prepaid, to the registered owner of such inoperable vehicle. In instances where the inoperable vehicle is located on private property, notice shall be sent by U.S. Mail, first class postage prepaid, to the person or persons in control of the property on which such

inoperable vehicle is located.

Section 4. Hearing, Extensions.

(a) Any person, or the designated agent thereof, to whom a notice is specified by Sections 2(c) and 3(c) of this ordinance is directed, shall have the right to a hearing before the President and the Board of Trustees of the Village of Homer on whether the vehicle cited in such notice is an inoperable vehicle in violation of this ordinance. To obtain such a hearing, any such person must first submit within 7 days of the date of any such notice a written request for such a hearing, addressed to the Village Clerk, 101 N. Main, Homer, Il. 61849. In the event a written request for a hearing is submitted within 7 days of the date of any such notice, a hearing date will be set and the person so requesting the hearing will be provided with written notice of the time, date and place for the hearing at least three (3) days in advance of the date thereof.

(b) Any person in control of property on which an inoperable vehicle is located may apply for an extension of time to remove or otherwise dispose of an inoperable vehicle by making a written request for a hearing as provided in Section 4(a) above by submitting an affidavit at the hearing that the inoperable vehicle is being held for sale or expeditious repair. As used in this Section 4(b), "expeditious repair" shall mean: (i) that the necessary parts for repair have been ordered but are not available for installation in the inoperable vehicle for reasons not within the control of the owner of said inoperable vehicle; or (ii) that the inoperable vehicle is scheduled to be repaired by a person whose regular course of business includes the repair of vehicles and the scheduled repair date is within thirty (30) days; or (iii) that the inoperable vehicle is in such condition of being inoperable as a result of a vehicular accident, and the owner of such inoperable vehicle or any third party to whom or from whom a claim for damages sustained in such accident is anticipated is investigating or preparing a claim for such damages. Upon receipt of any such application for extension of time, the President and Board of Trustees of the Village of Homer shall grant an extension of not more than 30 days to remove or otherwise dispose of the inoperable vehicle.

Section 5. Penalty

Any person convicted of violating the provisions of this ordinance shall be punished by a fine of not less than \$50.00 nor more than \$500.00. Each day that a violation is allowed to continue under this ordinance shall be considered as a separate offense.

Section 6. Towing of Inoperable Vehicles.

If a hearing is not requested within 7 days of a notice from the Village of Homer to remove or otherwise dispose of an inoperable vehicle, or should the President and Board of Trustees of the Village of Homer determine after a hearing that the vehicle is an inoperable vehicle in violation of this ordinance, or if the inoperable vehicle continues to remain as an inoperable vehicle on private property after the expiration of any extension period granted pursuant to Section 4(b) of this ordinance, then the inoperable vehicle may be towed or removed by a towing service upon the order of the Police Chief or the designee thereof.

Section 7. Towing and Storage Charges.

Whenever an inoperable vehicle is towed or removed by a towing service upon the order of the Police Chief, or the designee thereof, as provided in Section 6 of this ordinance, the owner of the inoperable vehicle or the person or persons in control of the property upon which such inoperable vehicle is located, as appropriate, shall be responsible for all towing and storage charges.

Section 8. Procedures Following Towing.

Whenever an inoperable vehicle is authorized to be towed or removed by the Police Chief, or the designee thereof, as provided in Section 6 of this ordinance, the office of the Police Chief shall within 48 hours of the towing or removal of such inoperable vehicle, provide notification to the last registered owner, lienholder or other person legally entitled to ownership of the inoperable vehicle, if known, and also to the person or persons in control of any property from which such inoperable vehicle may have been towed or removed, that the inoperable vehicle has been towed or removed, that the inoperable vehicle has been towed or removed pursuant to this ordinance and providing the name and current telephone number of the towing service towing or removing the inoperable vehicle. If the office of the Police Chief is

unable to determine the identity of the registered owner, lienholder or other person legally entitled to ownership of the inoperable vehicle within forty-eight (48) hours of the towing or removal, then notification shall be provided within forty-eight (48) hours after the identity of the registered owner, lienholder or other person legally entitled to ownership of the inoperable vehicle is determined by the office of the Police Chief.

Section 9. Disposition of Towed or Removed Inoperable Vehicles.

Any inoperable vehicle towed or removed pursuant to the provisions of this ordinance shall be stored and claimed or disposed of in accordance with the applicable provisions of Chapter 4, Article II of the Illinois Vehicle Code, (625 ILCS 5/4-201 et seq.), and as amended.

Section 10. Effective Date.

This ordinance shall be in full force and effect from and after its passage, approval and publication in accordance with the terms of Section 1-2-4 of the Illinois .

This ordinance shall be effective upon its passage, approval and publication as provided by law.

Presented, passed and approved this 6th day of June 1994.

A handwritten signature in cursive script, appearing to read "Ernest W. ...", written over a horizontal line.

President of the Homer Board of Trustees

Attested:

A handwritten signature in cursive script, appearing to read "JoAnn Wallace", written over a horizontal line.

JoAnn Wallace, Village Clerk