

ORDINANCE # 457

AMENDED ORDINANCE
INOPERABLE MOTOR VEHICLES

ADOPTED BY THE
CITY COUNCIL
OF THE
CITY OF SUMNER, ILLINOIS

THIS 10th DAY OF MARCH, 1992

AMENDED ORDINANCE

WHEREAS, the City Council of the City of Sumner, in Lawrence County, Illinois, has studied the problems of the unregulated placement and storage of Inoperable Motor Vehicles on public and private property in the City of Sumner, Lawrence County, Illinois; and

WHEREAS, the City Council of the City of Sumner has determined that there exists a need to enact regulations for the purpose of protecting the health, safety, and welfare of the residents of the City of Sumner; and

WHEREAS, the City Council is authorized by law to determine conditions which shall be declared nuisances within the City of Sumner;

NOW, THEREFORE, be it ordained by the Mayor and City Council of the City of Sumner, County of Lawrence, Illinois, that Ordinance 410 of the Ordinances of said City be repealed and this Ordinance of the Ordinances of said City be enacted to read as follows:

Section 1:

DEFINITIONS:

Historic Vehicle: Any motor vehicle or other vehicle twenty-five (25) years of age or older.

Inoperable Motor Vehicle: Any motor vehicle or other vehicle, including parts thereof, which for a period of 14 days is incapable of or prohibited from being driven under its own motor power due to the removal of the engine, wheels or other parts or the damage, disrepair or disuse of such vehicle; also, any motor vehicle which for a period of 14 days does not display

valid registration plates assigned to that vehicle or proper evidence of application therefore shall be an Inoperable Motor Vehicle under this Ordinance.

Vehicle: Every device, in, upon or by which any person or property is or may be transported or drawn upon a street or highway, whether subject to or exempt from registration, excepting however bicycles, snowmobiles and devices used exclusively upon stationary rails or tracks.

Owner: A person who holds legal title of a vehicle or in the event a vehicle is the subject of an agreement for conditional sale or lease thereof with the right of purchase upon the performance of the conditions stated in the agreement and with the immediate right of possession vested in the conditional vendee or lessee, or in the event a mortgagor of such vehicle is entitled to possession, then such conditional vendee, lessee or mortgagor shall be deemed the owner for the purposes of this Ordinance.

Person: Shall mean any natural person, firm, partnership, association, corporation or other legal entity.

Section 2:

INOPERABLE MOTOR VEHICLE DECLARED NUISANCE:

(A) The Mayor and City of Sumner of the City of Sumner finds and declares that Inoperable Motor Vehicles: 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; and produce scenic blights which degrade

the environment and adversely affect land values and the proper maintenance and continuing development of the City.

(B) This Section shall not apply to the following motor vehicles:

1. A motor vehicle which is kept within a building when not in use; or,

2. An operable historical vehicle; or,

3. A motor vehicle on the premises of a place of business engaged in the wrecking or junking of motor vehicles, or on the premises of a place of business engaged in the sale of new or used automobiles; or,

4. 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 for a period of not more than 14 days from the date said vehicle became inoperable.

Section 3:

DUTY TO DISPOSE OF INOPERABLE MOTOR VEHICLE:

Any person not exempted under Section 2(B) shall dispose of any Inoperable Motor Vehicle owned by him or under his control or located upon property owned or occupied by him upon written notice received from the City of Sumner Chief of Police commanding the disposition of the Inoperable Motor Vehicle.

Section 4:

NOTICE:

(A) If the Inoperable Motor Vehicle displays current license or registration plates or decals from which the last

known owner may be determined in a reasonably expeditious manner, notice as set forth above shall be sent to the last registered owner of such Inoperable Motor Vehicle and to the owner or occupant of the property upon which such Inoperable Motor Vehicle is located.

(B) All notices provided by this Ordinance shall be sent by registered mail-return receipt requested, postage prepaid. Notice to one owner of said vehicle or one owner or occupancy of said property shall be considered notice to all owners or occupants. Refusal to accept delivery of said notice shall be deemed acceptance for purposes of this Ordinance. The date of notice for purposes of this Section, shall be the day after the date said notice was deposited with the United States Postal Service. Instead of notice by mail, notice provided herein may be personally served by the City of Sumner Police Department upon said person or an occupant of the same household above the age of 14 years old, in which case the date of notice shall be the date of said service.

(C) Such notice by the Chief of Police to remove said Inoperable Motor Vehicle shall be substantially in the form set forth below:

NOTICE TO REMOVE INOPERABLE MOTOR VEHICLE

TO: NAME: _____ DATE: _____
ADDRESS: _____

An Inoperable Motor Vehicle described as:

MAKE: _____
YEAR: _____
COLOR: _____

with registration plates number _____ is registered in the name(s) of _____ with the State of _____. This vehicle is located at _____ outside of an enclosed building and is deemed to be an Inoperable Motor Vehicle under an Ordinance of the City of Sumner. You are hereby notified that such Inoperable Motor Vehicle must be removed, disposed of, or placed in an enclosed building within seven (7) days after the date of this notice as indicated above. Such Inoperable Motor Vehicle is subject to being towed and impounded and you may be charged with a violation of the Ordinance and subject to a fine of not more than Five Hundred Dollars (\$500.00) for such violation. In addition, the costs of towing and storage will be assessed against you.

Section 5:

TOWING:

(A) In the event the notice provided for in Section 4(A) above is not complied with, and except as provided in Section 6(B) below, the City of Sumner Police Department shall cause the towing or removal of the Inoperable Motor Vehicle: (1) from private property -- seven days or thereafter following said notice to the owner of the vehicle and the owner or occupant of the premises where the vehicle is located, or (2) from public property -- seven days or thereafter following notice to the owner of said vehicle.

(B) In the event a request for hearing before the City Council was properly made and the City Council determined by

majority vote that the said vehicle is an Inoperable Motor Vehicle for the purposes of this Ordinance, then the City Council shall set a reasonable date by which said vehicle shall be disposed of or enclosed within a building. Said date shall be no less than seven days after the date of hearing. In the event said vehicle is not disposed of or enclosed within a building by the said date set by the City Council, then the City of Sumner Police Department shall cause the towing or removal of the Inoperable Motor Vehicle without further, prior notice thereof.

(C) Whenever an Inoperable Motor Vehicle is towed or removed by a towing service pursuant to the provision of this Ordinance, the owner of the Inoperable Motor Vehicle and the owner or occupant of the property upon which such Inoperable Motor Vehicle is located shall be jointly and severally responsible for all towing and storage charges.

(D) Within forty-eighty (48) hours of the removal of such vehicle, the Chief of Police shall send notice to the registered owner of the vehicle and lien holder, if known, and also to the owner or occupant of the private property from which the vehicle was removed that said vehicle(s), has been impounded and stored for violation of this Ordinance. The notice shall give the location of where the vehicle(s) is stored and the costs incurred by the City for removal.

(E) Any Inoperable Motor 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, as amended, entitled "Abandoned, Lost, Stolen or Un-claimed Vehicles," (Ill.Rev.Stat. Ch. 95 1/2, par. 4-201 et. seq.).

Upon passage and approval, this Ordinance shall take effect and be effective ten days after publication as provided by law. Should any section or provision of this Ordinance be declared invalid by a court of law, such decision shall not affect the validity of the remaining portions of this Ordinance, which shall remain in full force and effect.

Adopted by the City Council of the City of Sumner, Illinois, at a regular meeting on the 10th day of March, 1992.

CLERK

Sanford K. Walley

Approved by the undersigned and signed by the same this 10th day of MARCH, 1992.

AYES 4
NAYS 0

Marvin L. Lewis
Mayor

(SEAL)

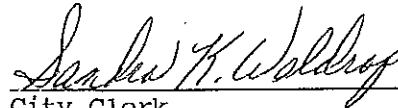
STATE OF ILLINOIS)
COUNTY OF LAWRENCE) S.S.
CITY OF SUMNER)

CERTIFICATE

I, SANDRA K. WALDROP, DO HEREBY CERTIFY THAT I am the City Clerk in and for the City of Sumner; that the foregoing is a true and correct copy of an Ordinance duly passed by the Mayor and the City Council of the City of Sumner being entitled: " AMENDED ORDINANCE INOPERABLE MOTOR VEHICLES" at a regular meeting held on the 10th day of MARCH 1992. The Ordinance being a part of the official records of said City of Sumner.

DATED: This 10 th day of March 1992.

(SEAL)



City Clerk